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Regulatory Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B
14th Street and Pennsylvania Avenue, NW.
Washington, DC 20230

Subject: RIN 0694-AF58

Reference: Federal Register/Vol. 77, No. 110/Thursday, June 7, 2012
Proposed Rule - Revisions to the Export Administration Regulations (EAR): Control of Personal Protective Equipment, Shelters and Related Items the President Determines No Longer Warrant Control under the United States Munitions List (USML)

The Boeing Company ("Boeing") appreciates the opportunity to respond to the above-referenced Proposed Rule. We reiterate our continued support for the Export Control Reform Initiative and its efforts to rationalize the U.S. export control system in a manner that allows both government and industry to focus its licensing and compliance resources on those products and technologies that truly impact U.S. national security.

We welcome the simplified, narrowly-scoped, positive-list ECCN series that this proposed rule represents. We appreciate the overall clarity of the proposal's qualifying language, and support the significant transitioning of items currently controlled by the USML to the export control jurisdiction of the Export Administration Regulations. Boeing believes that the proposed rule's focused controls represent an appropriate balance between national security protection and international business opportunity.

While we do not have comments related to specific items captured under proposed new ECCNs 1A613, 1B613, 1D613 and 1E613, we do have a comment regarding paragraph ".y.99" in the Proposed Rule. This paragraph would control any item that 1) was transferred from State to Commerce via a commodity jurisdiction determination but which 2) is not currently listed on the CCL and 3) would otherwise be controlled under one of these ECCNs because, "for example, the item was 'specially designed' for a military use."

We believe design intent should not be relevant for purposes of assessing controls on items currently classified as EAR99. If an item was determined by the Department of State to be of no real significance from a national security and foreign policy perspective that it did not warrant listing on the Commerce Control List, with the tacit consent of the Congress pursuant to a certification made in compliance with the requirement in Section 38(f) of the Arms Export Control Act, that determination should stand. In our opinion, recapturing these items represents an unnecessary roll-back in control that is contrary to the objectives and intent of the current export reform effort.

Thank you, again, for the opportunity to provide comments. Please do not hesitate to contact me if you have any questions or need additional information. I can be reached at 703-465-3505 or via e-mail at stephanie.a.reuer@boeing.com.

Sincerely,

Stephanie A. Reuer
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