From: Kim DePew <wepedmik@gmail.com>
To: PublicComments@bis.doc.gov
Date: Mon, Feb 7, 2011 11:15 PM
Subject: Export Control Modernization: Strategic Trade Authorization LicenseException [RIN 0694-AF03]

CC: kim.depew@ge.com

GE Aviation

Kimberly A DePew
Export Control, Compliance, Integrity, and Business Practices Mgr

1 Neumann Way, MDJ162
Cincinnati, OH 45215

T 513 786 2026
F 513 786 2026
kim.depew@ge.com

February 7, 2011

Mr. William Arvin
Regulatory Policy Division, Bureau of Industry and Security
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 2705
Washington, DC 20230

Re: Export Control Modernization: Strategic Trade Authorization License Exception [RIN 0694-AF03]

Via email: publiccomments@bis.doc.gov

Dear Mr. Arvin,

This paper is in response to the Bureau of Industry and Security's (BIS) December 9, 2010 Advance Notice of Proposed Rulemaking, 75 Fed. Reg. 76,653. This paper will comment on the eligibility of items under the proposed Strategic Trade Authorization License Exception (STA), and whether certain technology controls meet, in whole or in part, the Tier 1 criteria. It briefly supplements the comments filed by the General Electric Company also on today's date.

ADDITIONAL CONSIDERATION FOR ECCNS

ECCNs 9E003.a.3.c and 9E003.c should be eligible for the STA exception and not be treated as Tier 1 items. Because countries other than the US have these capabilities, they do not meet the Tier 1 criteria as "critical to maintaining a military or intelligence advantage for the United States and almost exclusively available from the United States."

a. ECCN 9E003.c

The hole-drilling process technology for the holes specified is widely available. The following countries make machines that can produce these parts: Brazil, Italy, Korea, Taiwan and others. No US manufacturers make laser machines for these parts. We agree with the proposed rule that ECCN 9E003.c should be eligible for license exception STA as it clearly does not meet the criteria to be controlled in Tier 1.

b. ECCN 9E003.a.3.c.

"Development" or "production" "technology" for gas turbine engine components made from these composite materials is the same as that technology required for many non-engine parts made from these same materials. The control of this technology as applied to gas turbine engine components should be at the same level as that controlled under Category 1 and should not be subject to a Tier 1 control. Accordingly, such technology should be placed in a tier that makes it eligible for license exception STA.

Sincerely,

Kimberly A. DePew