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**Agilent Technologies**

September 13, 2011

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

Re: Comments on BIS–2011–0015 / RIN 0694–AF17 (76FR41958)

Dear Sir or Madam,

Thank you for the opportunity to comment on this proposed regulatory change. Agilent understands and appreciates the challenges and complexity associated with the term "specially designed"; however, we have some concerns regarding the proposed definition.

**Differentiation between "specially designed" and "designed".** Agilent believes that the proposed definition of "specially designed" lacks any differentiation from "designed" or even "modified" and that the proposed definition is an unwarranted deviation from the historic intent and understanding that "specially designed" requires an element of uniqueness. We suggest that the proposed definition is inconsistent with the spirit of Export Control Reform, namely simplification and "higher walls around fewer items".

**Unintended Effects of 'Serial Production" as a criterion.** The proposed definition of "special designed" provides an exclusion for parts and components that are used in end-items in "serial production". Agilent finds this to be problematic because it may difficult for third parties (including BIS) to determine whether the pertinent end-item is or is not in "serial production"; this is information that only the manufacturer of the end item would know. The reliance on non-public information to define regulatory scope of control seems inconsistent with the Export Control Reform goal of simplification. We also question whether the proposed definition clearly handles the situation of obsolete or discontinued end items (i.e., no longer in serial production).

Agilent appreciates the opportunity to provide these comments.

Sincerely yours,

/s/ Jonathan Wise

Jonathan Wise