## Timothy Mooney

**From:** Cross, Sandra R. <Sandra.Cross@hii-co.com>
**Sent:** Friday, September 09, 2011 9:00 AM
**To:** PublicComments
**Subject:** Comments to RIN 0694-AF17

With regard to the Federal Register Notice Proposed Rule published on July 15, 2011, we respectfully submit the following comments to RIN 0694-AF17. The proposed revisions to the Export Administration Regulations include a new Export Control Classification Number (ECCN) 0A606.y. Within this ECCN, there are subparts 0A606y.16 and 0A606.y.17. Both of these include exceptions to their coverage. For instance, 0A606y.16 includes the exception of run flat tires. It is our observation that the proposed exception language in these ECCNS may cause confusion to an exporter conducting self classifications of their products. Once excepted out of subpart .y. where is the exporter to research next for applicable coverage/capture?

- revert back to a higher level subpart and use 0A606.x
- move to other possible ECCNs
- if not elsewhere specified, rely on EAR99
- or possibly revert back to the USML

The expectations of the proposed rule are unclear. With the proposed make-up of ECCN 0A606, an exporter would come to 0A606.x and possibly stop as they'd find their product covered in the 'catch-all' language and may not move on to .y. In other cases, if they did move to .y. and noted the exceptions, their inclination might not be to return back to .x. and ultimately classify the product as EAR99. It is our recommendation to include clarifying language in the Related Controls section of the ECCN to identify that any products excepted out of 0A606.y are to revert to 0A606.x. Or if the intent of the exception is to return the exporter to USML coverage, include clarifying language to that effect. As an alternative to language in the Related Controls section, consider the inclusion of the underlined clarifying language to ECCN 0A606.x.

x. "Parts," "components," "accessories and attachments" excluding "items" captured in 0A606.y that are "specially designed" for a commodity subject to control in this ECCN or a defense article in USML Category VII.

An additional recommendation for your consideration is to include in each "600 series" ECCN a reference in Related Controls to the USML's positive list. Possible language for ECCN 0A606:

Tanks, military vehicles, associated systems, and parts enumerated on the U.S. Munitions List (22 CFR part 121), are subject to the export licensing authority of the U.S. Department of State,

Directorate of Defense Trade Controls (See 22 CFR part 121).

Including this additional reference in the body of each "600 series" ECCN, we believe will eliminate errors in jurisdiction determinations as well as self-classifying of products and technologies.

Respectfully,

Sandra R. Cross

Corporate Director, International Trade Compliance

Huntington Ingalls Industries, Inc. (N315)

sandra.cross@hii-co.com

office: (228) 935-0518

mobile: (571) 641-0361