INDIUM CORPORATION®

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September 12, 2011

U.S. Department of Commerce
Bureau of Industry and Security
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Attn: Kevin Wolf, Assistant Secretary for Export Administration

**Re: RIN 0694-AF17,** Export Reform - Regulatory Change

Proposed Rule Export Administration Regulations: *Control of Items the President Determines No Longer Warrant Control under United States Munitions List, (76 Federal Register 41958, July 15, 2011).*

At the recent BIS Update, companies were invited to comment on ideas and actions that would help U.S. business export. Indium Corporation is a manufacturer and premier materials supplier to the global electronics, semiconductor, solar, thin film and thermal management markets. Our products include solders, preforms, and fluxes.

Indium Corporation was in support of the Amendment to the International Traffic in Arms Regulations: Dual Nationals and Third-Country Nationals Employed by End Users, 75 Federal Register 48625 (August 11, 2010). We believe that rule will help ease the regulatory burden on U.S. companies that export. Furthermore, we also recommend that this rule be extended to dual nationals and third country nationals employed by U.S. Companies in the U.S. that have a verifiable Technology Control Plan in place. With the current export reform and the proposal to move more items from the USML to the CCL, we believe that BIS should have an interest in discussing this proposed rule change with the State Department.

The Technology Control Plan stipulates how a company will control its technology. It establishes procedures to protect classified, proprietary, and export controlled information from access by employees who are non-U.S. Persons, along with all foreign visitors. It is a type of security countermeasure that is frequently overlooked by companies in their rush to secure business in the international marketplace; and as U.S. companies expand their contacts with foreign entities, they are increasing their vulnerability to the potential loss of classified, proprietary, and export-controlled information. The implementation of a technology control plan can significantly mitigate this increased vulnerability.

Furthermore, while we believe it is of grave importance to national security to protect classified information/articles as it relates to SME, we feel it is plethoric and adds tremendous operating costs to small manufacturers who produce primarily low tech commercial products.

Based on the above, we believe that an amendment to the ITAR and the EAR, to include a license exception for dual nationals and third country nationals employed by U.S. Companies in the U.S. that have a verifiable Technology Control Plan in place, would be beneficial.

Sincerely,

Mary Beth Coholan

Mary Beth Coholan
Trade Compliance Manager