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January 23, 2013

Mr. Brian Baker
Director
Electronics and Materials Division
Office of National Security and Technology Transfer
Bureau of Industry and Security
U.S. Department of Commerce, Room 2099B
14th Street and Pennsylvania Avenue NW
Washington, DC 20230

Subject: **Revisions to the Export Administration Regulations (EAR): Control of Military Electronic Equipment and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)**

Reference: **RIN 0694-AF64**
Federal Register/Vo. 77, No 229/Wednesday, November 28, 2012

Dear Mr. Baker,

The Boeing Company ("Boeing") welcomes the opportunity to comment on the referenced Proposed Rule. Boeing fully supports the Export Control Reform Initiative. Moving to clearer and more positive control lists, together with the movement of less-significant items to the more flexible Commerce Control List, is an important and worthwhile effort that will both focus industry and government resources on areas of most significant risk and enhance industry compliance.

We note with appreciation the use of "specially designed" in many instances in the ECCN heading or in the subcategories. This should assure that items that are common to civil applications are not captured. The use of "required" in ECCN 3E611 is also important, as this serves to focus controls on the critical technology elements, and is well understood by exporters of dual-use items.

However, we would advise that some of the items listed in ECCN 3A611 are used in commercial applications. Because these items are not uniquely military, we believe that they should be considered with greater discrete differentiation; some may be more appropriately controlled in non-600 series ECCNs. Specifically, Boeing recommends that the control text for

microwave monolithic integrated circuits ("MMICs") be revised by deleting "**any of the following**" in respect to capabilities for the following two subparagraphs. Boeing recommends that this listing should capture only capabilities "specially designed" for military applications, and not those found in commercial applications.

- **3A611.c. Microwave ''monolithic integrated circuits'' (MMIC) power amplifiers.**
- **3A611.d. Discrete microwave transistors.**

In 3A611's ".y" subcategory, the following hermetic devices have commercial applications. As a result, we believe the following items are more appropriately controlled in a non-600 Series ECCN.

- **3A611.y.3. Electrical connectors.**
- **3A611y.17. Electric connector backshells.**
- **3A611. y.24. Waveguide.**

Finally, we suggest adding the following items to the ".y" category:

- Cross-field amplifiers, Inductive output tubes
- optical/electrical cables/harnesses
- capacitors, crystals oscillators, diodes
- electrical sockets, optical connectors
- inductors
- relays, resistors
- optical connector backshells
- optical switches
- laser and optical terminals
- digital signal processors
- bias power supply
- passive microwave components
- telecom receivers and transmitters

Thank you again for the opportunity to comment. We appreciate the Bureau of Industry and Security's continued engagement with industry during this reform process. 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
Director, Global Trade Controls