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Mr. Timothy Mooney
Regulatory Policy Division
Bureau of Industry and Security, Room 2705
U.S. Department of Commerce
14th and Pennsylvania Avenue
Washington, DC 20230

Subject: Response to Proposed Rule, Control of Military Electronics Equipment and Related Items the President Determines No Longer Warrant Control Under the USML – 77 FR 70945, RIN 0694-AF64

Dear Mr. Mooney,

DRS Technologies, Inc. is fully supportive of the U.S. Government efforts to reform the regulations and systems for controlling exports. As an 7,000+ employee company with products and customers in both the international commercial and defense markets, we are very familiar with the current export control systems. The reforms are much needed to help the U.S. export control apparatus stay in step with the ever evolving and changing global markets and national security climates.

Overall, the proposed rule is well drafted. With a few exceptions, it contains clear and rational positive criteria that will help to determine how items moved from the USML to the CCL will be controlled therein. To address the exceptions, we offer the below recommendations that we urge the department to consider to improve the clarity of the proposed rule.

1. Supplement No. 1 to §774, 3A101(a), Analog-to-Digital converters usable in "missiles" and having any of the following.

   This entry is extremely broad and vague. Almost any A-to-D converter would be a candidate for control here simply because it would be impossible to prove it is not "usable" in some capacity in anything considered to be a "missile." The word "usable" should be replaced with "specially designed for use."

2. Supplement No. 1 to §774, 3A101(a)(1), "Specially Designed" to meet military specifications for ruggedized equipment.

   We recommend this entry be deleted. Military specifications for ruggedized equipment are contained in such documents as Mil-Stnd 167, Mechanical Vibrations for Shipboard Equipment and Mil-Stnd 810, Environmental Engineering Considerations and Laboratory Tests. There is nothing uniquely military or even sensitive regarding these ruggedized

standards. Over the past few years we have received several Commodity Jurisdiction rulings from the Department of State for items designed to and/or tested to these standards that not only determined the items to not be subject to the ITAR, but in almost all cases to be EAR controlled as EAR99. As such, an article should not qualify for control under this ECCN solely because it meets these standards.

3. Supplement No. 1 to §774, 3A611(a), Electronic "equipment, "end items," and "systems" "specially designed" for military use that are not enumerated in either a USML category or another "600 series" ECCN.

   The phrase "military use" is undefined, vague, and open to a wide range of interpretation. In both the current ITAR and the various published proposed rule changes, such "use" is described in terms equal to many civil, commercial tracks. These include security, surveillance, and command and control. Additionally, many of the proposed changes to items on the USML use undefined and vague terms themselves making the act of accurately determining "military use" even more problematic. Unless the Department can specify positive criteria significantly less vague than "military use," we recommend this entry be deleted.

As we stated earlier, with the above exceptions the proposed rule conforms extremely well to the tenants of the export control reform effort. For the most part, it clarifies how items transferred from the USML to the CCL will be controlled.

Should you have any questions in this matter or require additional information, please contact Mr. Greg Hill at (703) 412-0288, ghill@drs.com.

Sincerely,

Heather C. Sears
Vice President, Trade Compliance
& Associate Corporate Counsel
DRS Technologies, Inc.