From: Dave Bailey [mailto:dbailey@tru-flex.com]
Sent: Wednesday, December 21, 2011 2:54 PM
To: DDTC Response Team
Subject: ITAR Amendments - Category VII

To Whom It May Concern;

As we may, in the near future, be involved with ITAR in this category, I agree with the amendment. I would also like to see it possibly broken down to specific parts or systems. My company makes exhaust bellows and flex. This product is primarily used in the civilian sector, i.e. –Trucks, Buses, Off Road Vehicles, etc.. I am sure what ever specifications there will be, will be no different than the product we already produce. We are currently making this product for at least 4 of the largest Semi-Truck Manufacturers in the country. It would be beneficial to know in black & white whether or not registration would be necessary for our product.

Thank You

M. David Bailey
QS/EMS Coordinator
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January 3, 2012

To: DDTCResponseTeam@state.gov
Publiccomments@bis.doc.gov

From: Bill Root, waroot23@gmailcom, tel. 301 987 6418

Subject: ITAR Amendments - Category VII RIN 1400 AC77
EAR Revisions - Control of Military Vehicles and Related Items RIN 0694-AF17

General Comments:

The following observations apply not only to ITAR Category VII and related EAR 600 series ECCNs but also to other Categories, including recent proposed rules for Categories VIII, XIX, VI, and XX and related EAR 600 series.

"Military Use": Commendable progress has been made in substituting technical descriptions for "military use" and other similar words, such as "military application", "military mission", or for "defense articles." Such expressions are inherently ambiguous, whether or not modified by "specially designed." or other non-technical terms, such as "specifically designed or modified" or "directly related." See below for specific recommendations to complete this process for Category VII and ECCNs 0x606.

"Specially Designed": The December 2010 and July 2011 proposed definitions of "specially designed" omit designer intent. The original intent of the designer is usually unknown and his/her intent could change over time. However, designer intent is the usual meaning of "specially designed" and of other similar words, such as "specifically designed", "specially designed or modified", "designed or modified", "designed", "special", "specialized", or "specific." Moreover, no definition of "specially designed" (or of these other words) could cover all their diverse uses throughout the USML and CCL (*e.g.*, to identify the controlled portion of something or the uncontrolled portion of something; to limit controls to a stated end-use or end-user; or to identify which components of an end-item are controlled or which components of a component are controlled). It is, therefore, recommended that "specially designed" (and other similar words) be completely deleted from the USML, the CCL, and corresponding multilateral lists and, where applicable, be replaced with other more precise expressions.

Some USML end-items now proposed to be modified by "specially designed" are already otherwise sufficiently described that simple deletion of "specially designed" would be desirable. This would avoid unintended implications that there were non-specially designed versions which should not be controlled. If such an implication were intended, a few more technical words to exclude what should not be controlled would clarify that intention.

Specific recommendations below to replace "specially designed" with "required" assume that the EAR definition of "required" would be revised to cover commodities as well as

technology and software and that the Wassenaar definition would be revised to cover commodities and software in addition to technology. "Required" is more restrictive than the unique interpretation of "specially designed," which appears in many U.S. and multilateral historical documents and in current missile technology controls. "Required" is a better term to describe the original purpose of "specially designed" components, namely, to avoid defeating the purpose of the embargo.

To control situations in which no components of a munitions production installation would be "required," it is recommended that EAR part 744 end use controls be revised to include the following from Wassenaar Munitions List (WML) 22.b.1:

> Technology "required" for the design of, the assembly of components into, and the operation, maintenance and repair of, complete production installations for items specified by the Munitions List, even if the components of such production installations are not specified.

Inclusion of trivial items in the list of "specially designed components" of USML end items in ECCN 0A606.y.1-13 indicates an intent that virtually all components of USML end items be controlled. Controlling individual components of little if any military significance would not be necessary to avoid defeating the purpose of the embargo. However, if there were no components "required" for a USML end-item, the purpose of the embargo could be defeated by exporting all the components and assembling them into the end-item. It is, therefore, recommended that only "required" components of USML end-items be controlled individually but that another end-use control along the following lines be added to part 744:

> Technology "required" for the assembly of components into USML end-items even if the components of such end-items are not specified.

"Defense services," as defined in 22 CFR 120.9(a)(1), include assembly of defense articles. If all components of defense article end-items are construed also to be defense articles, this definition of defense services would cover assembly of components into USML end-items. In that case, and assuming applicability of defense service controls to the EAR administration of 600 series components, there would be no need for the above recommended addition to part 744. However, there would be a major needless cost in terms of controls on countless individual components of little if any significance.

Parts: The July 2011 proposed definition of "specially designed" would exclude what ITAR 121.8(d) defines as a "part." Given this intent, the specific recommendations below delete all mention of parts.

"Accessories and Attachments": The ITAR 121.8(c) definition of these words notes that they are "not necessary" for the operation of an end-item, component, or system. The examples given are separately controlled (riflescopes in I.f and special paints in XIII.g). Therefore, specific recommendations below delete all mention of accessories and attachments.

Components of components: Controlling components of components is generally questionable.

Materials: There are currently no materials listed in USML Category VII (or Categories VIII, VI, or XX). Armor, currently enumerated in Category XIII.e, is reasonably treated as a component in proposed VII.g. Structural materials in XIII.f and ablative materials in IV.f are ambiguously controlled because of their relationship to defense articles, with no technical specifications. Existing ECCNs on the CCL control materials with technical detail based on potential military applications. It is, therefore, recommended that materials be controlled on the USML or in 600 series ECCNs only if manufactured to the point of being recognized as USML components (as described in proposed Note 1 to 0A606.x).

Technical data: Existing and proposed Category VII (and Categories VIII, VI, and XX) ambiguously control technical data directly related to defense articles. Production software and technology should be controlled by the same agency which controls production equipment, *i.e.*, Commerce. The definitions of "development" and "production" overlap. "Development" includes all stages prior to serial production; but "production" includes all production stages. Both terms include assembly and testing. Therefore, it is recommended that:

VII.h be revised to control:

software "required" for installation, operation, maintenance, repair, overhaul, or refurbishing of VII.a,b,c,e,g, and software portion of .h; and

technology "required" for installation, operation, maintenance, repair, overhaul, or refurbishing of VII.a,b,c,e,g, and software portion of .h.

0D606 be revised to control:

software "required" for development or production of VII.a,b,c,e,g, and software portion of .h; and software "required" for development, production, installation, operation, maintenance, repair, overhaul, or refurbishing of 0A606, 0B606, or 0D606.

0E606 be revised to control:

technology "required" for development or production of VII.a,b,c,e,g, and software portion of .h;

technology "required" for development, production, installation, operation, maintenance, repair, overhaul, or refurbishing of 0A606, 0B606, or 0D606;

technology "required" for the design of, the assembly of components into, and the operation, maintenance and repair of, complete production installations for VII.a,b,c,e,g, and software portion of .h, 0A606, 0B606, or 0D606, even if the components of such production installations are not specified; and

technology "required" for the assembly of components into VII.a,b,c,e,g, and software portion of .h, 0A606, 0B606, or 0D606 end-items, even if the components of such end-items are not specified.

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USML and CCL descriptions in other sections of ITAR: Category VII (and Category VI) proposals would revive sections 121.4 (and 121.15) to include definitions and other descriptions needed to understand the scope USML or CCL controls. It is recommended that these sections be deleted and the substance moved to the respective control lists.

Wassenaar, MTCR, and NSG: These proposed rules should not become final, or even

interim final, until reviewed by multilateral regimes to which the United States is committed. Historically, the United States has benefitted from considering differing allied technical views. The United States has also been reasonably criticized on those infrequent occasions when it has acted unilaterally in ways which others perceived to be benefitting U.S. exporters. Such might be the case by substituting technical descriptions for specially designed.

Specific Reommendations to Revise Proposed Category VII and ECCNs 0x606

Delete "specially designed" in VII.b firing or launch platform and in 121.4.a.1

Add "and trailers" to VII.e and delete "specially designed" in 121.4.a.2

In 121.4.a.3 definition of "Mission Systems," delete "specific military functions, such as by providing military communication" so definition would read: "defense articles that perform target designation, surveillance, target detection, or sensor capabilities."

Delete "specially designed" in:

VII.g.3 composite armor (perhaps with additional technical detail, such as appeared in the 12/10/10 proposal)
VII.g.4 spaced armor and slat armor
VII.g.10.i rotary shock absorbers
VII.g.10.ii torsion bars
VII.g.11 kits to convert to unmanned or driver-optional vehicle

Delete "and components specially designed therefor" in VII.g.6 and VII.g.8;

Revise 0A606.a to read:
Ground vehicles as follows:

1 Tanks and armored vehicles manufactured prior to 1956 that do not contain a functional weapon or a weapon capable of becoming functional through repair, unmodified since 1955 except modifications to incorporate safety features required by law, are cosmetic (e.g., different paint, repositioning of bolt holes), or to add parts or components otherwise available prior to 1956;.
2 Armored railway trains except those that are armed or that launch missiles; or
3 Unarmored, unarmed vehicles with mounts or hard points for firearms of .50 caliber or less.

Delete Note to 0A606.a

Delete "specially designed" in 0A606.b.1 Note 2 (none of the definitions under consideration for "specially designed" make sense when applied to a decontrol)
Delete "special" in 0A606.b.1 Note 3

Delete "specially designed" in:

0A606.e deep water fording kits

0A606.f self-launching bridge components

Change “specially designed” to “required” in:
0A606.x
0B606 heading, 0B606.a (twice). 0B606.b (twice)
0D606 heading, 0D606.a

Remove applicability of 0A606.x to 0A606.c,d,e,f

Delete 0A606.y, 0B606.y, 0C606, 0D606.y, 0E606.y

Delete “parts” in”
VII.g heading, VII.g.3,4,5,6,8, and VII.g Note
0A606 Unit, 0A606.b.2, 0A606.x, 0A606.x Note 2, (twice), and 0B606.a.

Delete accessories, attachments, and associated equipment in:
VII.g heading and VII.g Note
0A606 Unit, 0A606.x, 0A606.x Note 2 (twice), 0B606.a.

Recommended Wassenaar Proposal

Revise WML 6 to conform with proposed Category VII, 0A606.c,d,e,f, and x revised as recommended above plus railway trains that are armed, are armored, or launch missiles.

Revise WML 13.a,b to conform with proposed VII.g and 121.4.a Note
Revise WML 16 to conform with Note 1 to 0A606.x
In WML 18.a change “specially designed or modified” to “required” and change “specially designed” to “required”
In WML 18.b change “specially designed” to “required” (twice)
In WML 21.a change “specially designed or modified” to “required”

Add to WML 22.b:
Technology “required” for the assembly of components into WML end-items even if the components of such end-items are not specified.

Revise Wassenaar definition of “required” to include commodities and software as well as technology.

January 18, 2012

PM/DDTC, SA-1, 12th Floor
Directorate of Defense Trade Controls
Office of Defense Trade Controls Policy
Bureau of Political Military Affairs
U.S Department of State
Washington, DC 20522-0112
Submitted via http://www.regulations.gov/

Re: ITAR Amendments – Category VII (RIN 1400–AC77)

To Whom It May Concern,

I am writing on behalf of the Association of University Export Control Officers (AUECO), a group of senior export practitioners at twenty two accredited institutions of higher learning in the United States. AUECO members monitor proposed changes in laws and regulations affecting academic activities, and advocate policies and procedures that advance effective university compliance with applicable U.S. export/import and trade sanctions regulations.

AUECO is specifically interested in contributing to the export control reform effort in order to ensure that the resulting regulations do not have a disproportionate impact on academic pursuits. As a result, AUECO is providing the following comments in response to the Department of State (DoS) proposal to amend the International Traffic in Arms Regulations (ITAR) to revise Category VII (Ground Vehicles) of the U.S. Munitions List (USML) to describe more precisely the military vehicles and related defense articles warranting control on the USML.

AUECO appreciates the consideration given by the Directorate of Defense Trade Controls to the comments submitted in response to the initial proposed rule (Federal Register, 10 December 2010, Vol. 75, No. 237, pp. 76930-76935). In particular the removal of subpart (c) Materials from Category VII will allow US universities to continue important research programs in areas of material science and engineering. Fundamental research in these areas is crucial for the continued advancement of the field of protective technologies as it leads to the identification and creation of new materials and combinations of materials that warrant further study and development for use in armor systems.

The removal of the generic “unmanned ground vehicles” capable of off-road or amphibious operation (listed as (a)(1)(vii)(C) in the original proposed rule) from the list of items controlled is appreciated. Sections (a) through (e) in the new Category VII appropriately focus the controls on those capabilities and functions of the vehicles that are inherently military rather than whether they are manned or unmanned. Likewise, AUECO understands and supports the need to control kits “specially designed” to convert such vehicles to have unmanned or driver-optional capabilities as such modification would not change the inherently military capability or function or the vehicle.

Although AUECO finds the revised Category VII proposed rule to be a considerable improvement, both in terms of clarity and scope, on the initial version released for public comment in December 2010 further improvements can still be made. The following are our recommendations for changes that would improve the clarity of the final regulations.

Concerns with Lack of Relevant Definitions

AUECO is concerned that several relevant definitions that are necessary to establish a "positive list" with a "bright line" between what is controlled on the USML, and what is controlled on the CCL, are missing from the revised Category VII. As we have stated in previous comments, it is critical for each entry to contain precise and specific terms as well as all relevant definitions for those terms. Steps should be taken to avoid ambiguous entries and should instead provide qualifying and clear descriptive terms as much as possible. With these considerations in mind, AUECO carefully examined the proposed rule and is providing the following recommendation.

A clear definition is needed for the word "armed". This is particularly important since this term is relied upon to describe which ground vehicles are subject to control under Category VII((b). While the language contained in §121.4(a)(1) implies that "armed" means "used as a platform to deliver munitions or otherwise destroy *or incapacitate* targets (e.g. firing lasers, launching rockets, firing missiles, firing mortars, firing artillery rounds, or firing other ammunition greater than .50 caliber)", without a clear definition for that term, some ambiguity will remain. AUECO recommends that a note similar to that used to define "armored" for the purposes of §121.4(a) be added or alternatively that §121.4(a)(1) be re-written as follows:

> (1) Are armed with lasers, rockets, missiles, mortars, artillery rounds, or other ammunition greater than .50 caliber or are "specially designed" to be used as a platform to deliver munitions or otherwise destroy or incapacitate targets;

A definition is needed for the term "inventory ground vehicles" used in §121.4(a). This is not a term of art readily understood by all exporters.

Likewise additional clarification is needed to interpret the term "rated class 60 or above" which is used in paragraph (g)(9) of Category VII. AUECO recommends replacing this term with a descriptive narrative (e.g. a bridge component that is rated to carry more than 60 tons for one-way traffic). However, if the term is to be retained then it should clearly reference the classification scheme (i.e. Military Load Classification) and provide a reference where exporters can find the specific characteristics or equations necessary for determining the "class" of a bridge component.

The Need for Harmonized Definitions

The forthcoming harmonized definitions under the export control reform initiative are vital to the interpretation of the proposed regulation and will substantially impact AUECO's responses to this and other requests for comments. AUECO is concerned that without the final definitions of terms such as specially designed, public domain/publicly available, fundamental research, technology/technical data, and development we cannot appropriately analyze the scope and potential impact of the proposed rules under consideration.

AUECO recommends that the anticipated harmonized definitions be released for comment prior to releasing additional proposed rules containing USML Category revisions. We would further ask that the export community be afforded the opportunity to provide comments on previously closed proposed or final regulations when the proposed definition may affect the interpretation and/or implementation of the rule.

Closing

In closing, AUECO would like to express its appreciation for the opportunity to provide comments on these proposed changes. AUECO supports converting the USML into a "positive list", and hopes that this step will reduce jurisdictional disputes and uncertainty. However, AUECO remains concerned that without a lack of reciprocal licensing exemptions under the EAR, moving items and technologies from the USML to the CCL may create an increased licensing burden for universities.

Sincerely,

Gretta N. Rowold
Chair
Email: auecogroup@gmail.com
Website: http://aueco.org/

NORTHROP GRUMMAN

Northrop Grumman Corporation
Export / Import Shared Services
2980 Fairview Park Drive
Falls Church, VA

January 20, 2012

Department of State
Bureau of Political-Military Affairs
Department of Defense Trade Controls
2401 E Street, N.W.
12th Floor, SA-1
Washington, D.C. 20522

ATTN: Charles B. Shotwell
Director, Office of Defense Trade Controls Policy

RE: Notice of Proposed Rulemaking, RIN 1400-AC77,
(December 6, 2011) Revision of USML Category VII

Dear Mr. Shotwell:

Northrop Grumman Corporation ("Northrop") wishes to thank the Department for the opportunity to submit comments for the above proposed rule. Northrop supports the Department's plan to describe all items on the U.S. Munitions List (USML) in terms of their unique military capability and technical parameters, and to control only those items that meet or exceed the defined criteria.

Northrop has received Commodity Jurisdiction decisions on several ground vehicles, including unmanned or robotic vehicles, which determined that the products fall under Commerce Department jurisdiction. We are assuming that previously issued CJ requests, resulting in specific ECCNs assigned within the CJ determination, remain valid. We request that final regulatory language clearly state that all commodity jurisdiction determinations previously issued remain valid.

With regard to proposed subcategory VII (g)(11), we are concerned that the description might include kits that convert a variety of vehicles (both commercial and military alike) into driver-optional vehicles. Although a kit will always need some configuring to fit one vehicle or another, the basic underlying technology is EAR controlled. We recommend further granularity within the description to clarify which kits should remain subject to the ITAR based on the military capability that results. All others should be under Commerce jurisdiction.

The proposed definition of military "mission systems" in subsection 121.4 (a)(3) should clarify that the definition does not include systems that incorporate civil or commercial communication and surveillance technology currently under Commerce jurisdiction.

Should clarification or subsequent technical discussions be necessary, please contact me at beth.mersch@ngc.com, or 703-280-4056, and we will engage the appropriate individuals.

Sincerely,

Mary Elizabeth (Beth) Mersch

Mary Elizabeth (Beth) Mersch
Director, Export Operations

Association Connecting Electronics Industries

IPC®

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January 20, 2012

Directorate of Defense Trade Controls
Office of Defense Trade Controls Policy
Department of State
VIA EMAIL: DDTCResponseTeam@state.gov

Re: Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category VII (Federal Register Docket ID. 2011-30975, RIN 1400-AC77)

IPC — Association Connecting Electronics Industries welcomes the opportunity to comment on the proposed revision of United States Munitions List ("USML") Category VII as detailed by the Department of State's Federal Register notice. As an organization with a long history of cooperation with and support of the agencies that develop and implement national security policy, IPC shares the Department of State's concern that the proposed rule ensures appropriate USML coverage and fully protects U.S. national security.

In December 2011, IPC submitted extensive comments to the State Department in response to proposed revisions of USML Category VIII. In this submission, IPC recommended that the Directorate of Defense Trade Controls ("DDTC") clarify in a final Category VIII rule the treatment of printed boards, ensuring that a printed board's designs and digital instructions be subject to the USML when the end item for which the printed circuit board is designed is identified on the USML. In making its case, IPC provided a diverse selection of examples to illustrate the highly sensitive and important role of printed boards in military electronics.

The concerns and recommendations that IPC detailed in its December 2011 comments parallel those IPC has with regard to the Department of State's Category VII revisions. IPC believes it is important that the Category VII rule – and similar USML/CCL rules developed in the future – ensure clear treatment of printed boards and their designs as the DDTC transitions certain parts, components, accessories, and attachments from the USML to the Commerce Control List ("CCL"). Specifically, the rules should make clear that the design instructions (known as "digital data" in the industry) for printed circuit boards will remain under International Traffic in Arms Regulation ("ITAR") control when the end item for which the board was designed is included on the USML. This clarification would ensure appropriate USML coverage and protect national security by controlling important technical data about ITAR controlled items.

These comments provide a concise response to the State Department's Category VII revisions. IPC has attached its comments to Category VIII as well, and it urges DDTC to reference this lengthier explanation of IPC's position concerning export control reform. IPC also intends to comment on any proposed rule that DDTC publishes regarding Category XI.

I. About IPC

IPC is a U.S.-headquartered global trade association, representing all facets of the electronic interconnect industry, including design, printed board manufacturing and printed board assembly. IPC has more than 3,000 member companies of which 1,900 members are located in the United States. IPC is the definitive authority on standards used by the global electronics industry and is the leading source for training, market research and public policy advocacy and other programs to meet the needs of an estimated $1.7 trillion global electronics industry.

II. National security importance of printed circuit boards and designs

Specialized printed board and printed board assemblies are custom-made and uniquely designed for the specific function of the electronic items in which they are incorporated. Drawing upon very precise specifications for the design and placement of parts, a printed board contains a roadmap for the operation of that item. Manufacture of the printed board, then, requires access to and use of all of the board's design information. This access exposes a significant portion of the intellectual property for both the printed board and the item for which it is uniquely designed. Companies with access to the designs of printed boards for defense articles thereby also have access to sensitive information about controlled technologies.

Printed circuit boards and their designs, in fact, hold valuable and specific information about the workings of the underlying defense articles that make up USML Category VII. Following are two examples of printed board designs that convey technical data regarding Category VII items for which the printed board was designed:

- **Command and control/vehicle collaboration systems:** Advanced command, control and communications systems provide reliable, secure, time sensitive, and simple to use information to the war fighter. With such capabilities, troops are able to instantly network and coordinate with crews in other armored vehicles on the battlefield. Printed boards are fundamental to these systems. Printed board designs reveal specific frequency information about the systems themselves. Further, access to the printed board design imparts knowledge about the general system design, such as which components must be separately packaged and how the system may be countered or disrupted by external means.

- **Unmanned Ground Vehicles (UGV) –** An increasingly important part of U.S. arsenal, UGVs save lives and improve national defense capabilities by relying on control system architectures, advanced sensor systems, and research services to achieve autonomous mobility. Electronics is vital to advance system sensors and telemetry of the vehicles, and electronics depend on printed boards. The design features of the printed circuit boards for these items can reveal means of electronic disruption of the operation of unmanned ground vehicles.

Failure to properly secure the information embedded in printed boards that are custom-designed for defense articles could result in a breach of national security, theft of critical defense-related intellectual property and allow for reverse engineering of our critical defense systems.

III. Current Rule

Under the current ITAR, printed circuit boards designed for military ground vehicles covered by ITAR are generally within the scope of the USML's controls on "components" that are specifically designed or modified for defense articles. Their printed board designs are also controlled by Category VII(h) and/or Category XI (Military Electronics), because they reveal technical data regarding both the printed boards and the ultimate defense articles into which the printed boards are installed. IPC understands the treatment of printed boards under ITAR to be unequivocal, but the Association has longstanding concerns that current law is frequently misunderstood, leading to preventable ITAR violations. IPC maintains that greater clarity about the controls on printed boards is necessary to protect national security.

IV. Proposed Rule

Under the proposed rule, it is unclear whether printed boards would be transferred to the jurisdiction of the CCL. The proposed rule generally transfers to the CCL all components specifically designed for military ground vehicles, but as IPC noted in its Category VIII comments, printed boards may be considered as "technical data" related to the defense articles into which they are incorporated, such as military ground vehicles. IPC recommends that DDTC clarify the proper treatment of printed boards, to ensure that the industry understands the U.S. government's position regarding the proper export control jurisdiction of these important products.

If printed boards themselves are retained on the USML as "technical data" in physical form, then printed board designs necessarily must be retained on the USML as well. They convey the same information, just in a different format. Even if DDTC determines that printed boards for defense articles are <u>not</u> subject to USML jurisdiction, however, DDTC should determine that printed board designs are subject to the USML as "technical data" as they convey technical data regarding the defense items into which printed boards are incorporated. Control of printed circuit board digital data and related designs, in short, should follow the categorization of the end item itself, whether or not the physical printed circuit board remains an ITAR controlled item.

V. Recommendation

Given confusion over the treatment of printed boards under ITAR, IPC contends that DDTC clarify the status of printed board designs in its final rule regarding Category VII. For instance, DDTC could state the following in the Final Rule when it responds to public comments:

> One commenter requested that DDTC confirm that the design and digital instructions for printed circuit boards specifically designed for military aircraft and other Category VII items are "technical data" within the meaning of Category VII(h). DDTC confirms that these designs and digital data fall within the standard definition of "technical data," to the extent that they contain technical data directly relating to Category VII items. Accordingly, such printed board designs and digital instructions are subject to the USML when the end item for which the printed circuit board is designed is identified in Category VII.

IPC seeks similar clarification for printed boards in other USML categories, although IPC recognizes that there could be a number of additional ways to address this issue. DDTC may wish

to amend the definition of "technical data" in 22 C.F.R. §120.10, to clarify this point. Another approach would be to address the issue clearly in Category XI (Military Electronics), to explicitly cover all printed board designs related to defense articles.

VI. Conclusion

IPC supports the State Department's goal of reforming the USML to clearly describe what items it covers. However, in order to prevent the unintentional release of detailed design information about these items, the State Department should clarify that printed circuit board designs remain under the jurisdiction of ITAR when the end item for which the board is designed is a USML item.

The issue of printed circuit board designs is not unique to the Category VII military ground vehicles context. Every category of USML items includes the technical data directly related to those items.[1] These printed circuit board designs and digital data constitute technical data relating to the various end-items and USML components identified in each category because they contain information required for the design, development, manufacture, etc. of those defense articles.

Accordingly, IPC recommends that DDTC clarify the status of printed board designs in its final rule regarding Category VII and has suggested one approach in Section V. Further, IPC recommends that DDTC consider the issue of printed circuit board designs in the context of its ongoing revision of the USML, through steps such as (1) clarifying the scope of technical data in each USML Category, noting that printed board design coverage follows the coverage of the end item itself, (2) amending the definition of "technical data" in 22 C.F.R. §120.10, to clarify this point across all categories, and (3) clarifying Category XI to refer expressly to printed board designs for defense articles.

Thank you again for the opportunity to comment on the proposed amendments to USML Category VII. If IPC can offer additional information or assistance, please contact me at AnthonyHilvers@ipc.org or 847-597-2837.

Sincerely,

Anthony Hilvers
Vice President, Industry Programs

[1] See 22 C.F.R. § 121.1 Category I(i), II(k), III(e), IV(i), V(h), VI(g), VII(h), IX(e), X(e), XI(d), XII(f), XIII(l), XIV(m), XV(f), XVI(e), XVII(a), XVIII(f), XX(d), XXI(b).