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BY E-MAIL TO: publiccomments@bis.doc.gov

Regulatory Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B, 14th & Pennsylvania Ave, NW
Washington, DC 20230

ATTN: RIN 0694-AF37

RE: E.I. du Pont de Nemours & Co. – Comment on Revisions to the Export Administration Regulations to Make the Commerce Control List Clearer

Dear Messers. Mooney and Monjay:

E.I. du Pont de Nemours & Co. ("DuPont") welcomes the opportunity to respond to the November 29, 2012 proposed rule revising the Export Administration Regulations ("EAR") to make the Commerce Control List ("CCL") clearer.[1] DuPont supports the Administration's Export Control Reform Initiative and the Bureau of Industry and Security's ("BIS") effort to conform the CCL with multilateral export control regime controls lists. DuPont submits this comment to call BIS's attention to the need for the proposed rule to better align with the Wassenaar Munitions List ("IML") in at least one significant instance. DuPont suggests that BIS revise the proposed rule, as set out below, to incorporate language at ECCN 1A613.d.1. directly from ML13.d.1 of the IML.

[1] "Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer." 77 Fed. Reg. 71214 (November 29, 2012)

On July 23, 2012, DuPont submitted a comment in response to BIS' proposed revisions to the EAR's control of personal protective equipment. (*See Embedded Attachment below*.) In its comment, DuPont detailed how BIS's proposed changes to the EAR introduced vagueness to the regulations' controls by failing to use a technical standard to distinguish soft body armor controlled by ECCNs 1A005 and 1A613 from body armor captured under the United States' Military List within the Department of State's International Traffic in Arms Regulations. DuPont's letter stated in part:

> "[t]he proposed language would only identify soft body armor controlled by 1A005 or 1A613 by whether or not the armor was "manufactured to military standards or specification." In effect, this introduces differentiated controls based on the classes of end users (for example police vs. military) rather than on specific countries or individuals…"

At the time, DuPont suggested BIS include at ECCN 1A613 a note to mirror the language of the IML and resolve any vagueness in distinguishing between types of soft body armor. To date the language has not been changed and DuPont is not aware that BIS is planning to make the change or is actively considering it. Accordingly, DuPont supplies this comment to reinforce its position that use of the IML note would create a more precise technical distinction between the types of armor controlled under both ECCNs which would enhance the administration and enforcement efforts of the regulators and compliance efforts of the regulated.

DuPont views BIS's effort to "conform the CCL to the multilateral export control regime control lists"[2] as yet another opportunity for BIS to revise ECCN 1A613.d.1 to include language that more closely mirrors the IML language. By including the IML language, BIS would better distinguish between soft body armor controls and more fully conform the evolving CCL to the multilateral export control regime control lists. The revised portion of ECCN 1A613.d.1., drafted to mirror the language in the IML, would read:

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[2] *Id*. at 71278.

d.1. Soft body armor and protective garments manufactured to military standards or specifications that provide ballistic protection equal to or less than NIJ level III (NIJ 0101.06, July 2008).

Note *For the purposes of ECCN 1A613.d.1., military standards or specifications include, at a minimum, specifications for fragmentation protection.*

* * *

Should you have any questions or require further information, please do not hesitate to contact the undersigned at (302) 774-4356 or at mark.sagrans@dupont.com. Thank you for your time and attention to this continuing effort.

Respectfully submitted,

Mark E. Sagrans
Corporate Counsel

Embedded Attachment:

"Comment on Revisions to the Export Administration Regulations," July 23, 2012