

From: Collins, Larry W
Sent: Wednesday, January 30, 2013 11:27 AM
To: DDTC Response Team
Subject: ITAR Amendment--Category XVI

DDTC Response Team:

The proposed changes will facilitate unilateral U.S. nuclear disarmament via export control reform. Nuclear disarmament is an openly stated goal of the re-elected administration (<http://www.google.com/search?q=obama+nuclear+disarm+speech+video&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a>). Protections currently provided by ITAR Category XVI will be reduced or eliminated by the removal of the category. Anything that would reveal a critical operational function of a nuclear weapon or nuclear explosive device (“specific nuclear weapon function”) will be controlled by DOE/NNSA pursuant to the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, as amended. However, controls will be loosened for items whose release would not reveal a specific nuclear weapon function. That is the purpose of the reform (DRAFT Export Instruction, attached). Consequently, items such as the proverbial nuts, bolts, cables, etc., necessary for the weapon to be secured, made safe, survive to target, and detonate as planned (but do not reveal any “specific nuclear weapon function”) will now be vulnerable to counterfeiting, sabotage, and compromise as already demonstrated:

- Suspect/counterfeit items currently compromise
- 10% of all products worldwide and rising
- Nuclear power plants, resulting in deaths
- U.S. conventional forces [Counterfeit Electronic Parts, attached]
- National Security Enterprise (NSE) Laboratories
- U.S. Nuclear Lab Removes Chinese Tech over Security Fears
<http://www.reuters.com/article/2013/01/07/us-huawei-alamos-idUSBRE90608B20130107>

Proliferants and terrorists will benefit from the results of thousands of U.S. nuclear weapons tests regarding such parts, and the need, or lack thereof, for modification, radiation hardening, etc.

Larry W. Collins

From: Ron Rank [<mailto:Ron@sydor.com>]
Sent: Friday, February 01, 2013 10:03 AM
To: DDTC Response Team
Subject: "ITAR Amendment - Category XVI

Our company produces flat optics, we have exported licensed disposable debris shields for super lasers that are involved in nuclear weapon research. The disposable debris shield protects the extremely valuable lens of the super laser from carbon build up after actuating the laser. These super lasers are involved with atomic weapons research so the super laser could be looked at as a modeling or simulation tool. The disposable debris shield is an accessory of the super laser, under the proposed amendment as written it is not clear if accessories of a modeling or simulation tool would still be on the USML or CCL.

Thank you,

Ron

Ron Rank | Project Manager

SYDOR OPTICS, INC. | 31 Jet View Dr. | Rochester, NY 14624
Tel: 585-271-7300 x114 | Fax: 585-271-7309 | ron@sydor.com

Precision, flat-surfaced, parallel & wedged optics - www.sydor.com

February 28, 2013

To: DDTCResponseTeam@state.gov
cc: kwolf@bis.doc.gov

From: William A. Root, waroot23@gmail.com; 301 987 6418

Subject: Revision of U.S. Munitions List Category XVI - RIN (1400-AD18)

For consistency with proposed deletion of XVI(c), the following should be deleted from ECCN 2A291 Related Controls: “ ... (5) Nuclear radiation detection and measurement devices specially designed or modified for military purposes are subject to the export licensing authority of the Department of State (see 22 CFR parts 120 through 130).”

Section 309(c) of the Nuclear Non-Proliferation Act of 1978 provides for
“control by the Department of Commerce over all export items, other than those licensed by the Nuclear Regulatory Commission, which would be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes.”
Therefore, it is recommended that, in proposed revised USML Category XVI(b), “detonations” be changed to “weapons.”

March 13, 2013

Attn: DDTC Response Team
Directorate of Defense Trade Controls
U.S. Department of State

Subject: ITAR Amendments – Category XVI Nuclear Weapons, Design and Testing
Related Items

Sandia Corporation (Sandia), a wholly owned subsidiary of Lockheed Martin Corporation (LMC), is pleased to submit comments on the proposed rules issued by the U.S. Department of State, published in the Federal Register on Wednesday, January 30, 2013 (78 Fed Reg. 20).

I. RECOMMENDED CHANGES TO THE PROPOSED RULES

A. XVI (b)

The proposed regulations in §121.1 Category XVI(b) includes the following items - “Modeling or simulation tools that model or simulate the environments generated by nuclear detonations or the effects of these environments on systems, subsystems, components, structures, or humans.”

The U.S. Department of Energy also controls these items under the Atomic Energy Act. These items are specifically referenced in the U.S. Department of Energy, National Nuclear Security Administration, Tier Guidance for Export/Import Control.

Sandia proposes the addition of a note indicating that Category XVI(b) does not apply to items under the export control of the U.S. Department of Energy pursuant to the Atomic Energy Act of 1954, as amended.

II. CONCLUSION

Thank you again for the opportunity to provide comments on the proposed rules. Sandia Corporation remains committed to supporting the ongoing comprehensive export control reform effort.

If additional information regarding this disclosure is required, please contact me at (505) 844-4503 or by e-mail at agritte@sandia.gov.

Sincerely,

Handwritten signature of Alan G. Rittel in cursive script.

Alan G. Rittel
Empowered Official
Sandia Corporation

From: steve.macpherson@l-3com.com [<mailto:steve.macpherson@l-3com.com>]

Sent: Monday, March 18, 2013 1:16 PM

To: DDTC Response Team

Cc: Wade, Bill @ CORP - WASHOPS; Schwartz, Patrick @ CORP - WASHOPS

Subject: ITAR Amendment - Category XVI

Response Team,

L-3 Communications Corporation submits the following comment on the proposed amendment to Category XVI of the U.S. Munitions List:

“Category XVI—Nuclear Weapon Related Articles (b) Modeling or simulation tools” it is not clear whether these words are intended to cover only numerical tools (as we have been informed by DoE) or also cover physical items, in particular EMP or radiation-producing simulators. Recommend that the wording in the proposed rule be modified to clarify exactly what simulation tools are transitioning to DoE control.

Additionally, since DoE did not post a companion proposed rule, what will be the mechanism for applying to DoE for authorization to export equipment, technical data, or services transitioning from Category XVI?

Best regards,

Steve MacPherson

Senior Licensing Manager

L-3 Communications Corporation

1215 South Clark Street,

Suite 1002, Arlington, VA 22202

(703) 236-2602 Fax: (703) 416-1074

Steve.MacPherson@L-3com.com