28 January 2013

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

Submitted by e-mail to: publiccomments@bis.doc.gov

Subject: RIN 0694-AF37
Proposed Rule: Revisions to the EAR to make the CCL clearer

Ladies and gentlemen:

We would like to take the opportunity to comment on the above-referenced proposed rule published in the ***Federal Register*** on November 29 with regards to the Bureau's efforts to clarify the Commerce Control List.

The CCL contains a number of ambiguities and inconsistencies that require attention. We endorse the recommendations specified in the proposed rule, as we believe the modifications, if implemented, will improve the overall clarity of the CCL.

However, we wish to offer the following additional recommendation.

With regards to the "Related Controls" recommendations discussed on page 71218 of the ***Federal Register*** notice, we believe that further changes are warranted to ensure greater consistency and compliance.

Here are specific examples (valve ECCNs) which are representative of CCL-wide inconsistencies:

i. The "Related Controls" for 2A226 refers the reader to the technology ECCNs (2E001, 2E002 & 2E201) and to two other valve ECCNs (2A292 & 2B350). But it does not refer to 2B999.

ii. ECCN 2A292 refers to the software and technology ECCNs (2D290, 2E001, 2E002 & 2E290) and to 2A226. But it does not refer to 2B350 or 2B999.

iii. ECCN 2B350 does not contain <u>any</u> information at all regarding related controls. In fact, the "N/A" may lead one to mistakenly conclude that there are no applicable technology ECCNs nor any other potential valve ECCNs.

iv. ECCN 2B999 refers to a number of other ECCNs, including 2B350, but it does not refer to the other valve ECCNs (2A226 & 2A292).

Although we used the valve ECCNs to illustrate our point, similar inconsistencies can be found throughout the CCL. We recommend a review of the "Related Controls" section of each ECCN in Groups A, B or C to identify all related ECCNs. The "Related Controls" then should be updated accordingly to include similar ECCNs of Groups A, B or C as well as the applicable software and technology ECCNs of Groups D & E.

The "Related Controls" section, when used effectively, provides valuable guidance to exporters, especially to individuals who may be new to the CCL. We believe that adoption of our recommendation would serve to further clarify the CCL, thereby improving compliance.

We appreciate the opportunity to comment on the proposed changes to the CCL.

Respectfully,

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