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General Comment

Remove from the CCL all XX999 ECCNs where the items controlled are controlled only for Anti-Terrorism reasons. If this cannot be done, clarify whether or not 304 and 316 stainless steel pipe fittings, which do not fall under ECCN 2A292.a, are classified under ECCN 2B999.g. There is inconsistency among manufacturers of these fittings on the proper classification. Some manufacturers report that these fittings are classified under ECCN 2B999 and other manufacturers report that they are classified under EAR99. In fact, some in the latter group are surprised to learn that ECCN 2B999 exists.

It is the opinion of some manufacturers that the 304/316 stainless steel piping controlled under ECCN 2B999.g includes fittings because "fittings are simply shorter pieces of pipe." However, it is the opinion of other manufacturers that ECCN 2B999.g does not include fittings because the description in that subparagraph does not include the word "fittings," as is the case with the description of items controlled in ECCN 2A292.a. It is their view that if BIS intended to include fittings under ECCN 2B999.g, fittings would have been specifically listed in that subparagraph as they are in ECCN 2A292.a.

Even though these fittings are subject to the same export licensing requirements regardless of whether they are classified under ECCN 2B999.g or EAR99, with the possible exception of exports to parties included in the Entity List, this confusion in the proper classification could technically result in an exporter providing false information on shipping documents, depending on how BIS actually classifies these fittings. Because licensing treatment is basically the same for either classification, I recommend that BIS clarify the proper classification of these fittings by indicating within the text of ECCN 2B999.g whether or not this classification includes fittings, as you have done in ECCN 2B292.a.