

Bureau of Customs and Border Protection

General Notices

Notice of Revocation of Customs Broker Licenses

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: Customs Broker License Revocations for Failure to File the Triennial Status Report and Applicable Fee

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and Title 19 of the Code of Federal Regulations at section 111.30, the following Customs broker licenses are revoked by operation of law without prejudice. Note that some of these entities may continue to provide broker services under another valid brokerage license.

DATED: March 18, 2004

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
Anchorage, AK— 3126	GRONEWALD, LAVERNE	9907
Atlanta, GA— 1704	DUTY R.A.D. SOLUTIONS, INC.	16057
	FINNEGAN- PRICE, SHARON	14590
	LEE, LISA	15642
	PIZZINI, KARI	16858
	SEGO, LISA	13411
	MCNEIL, ERIC	14857
	MUNIE, KIM	17036
	WATKINS, LESLIE MILLIGAN	14306

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
Baltimore, MD— 1303	ANDRANIAN, JOSEPH	14849
	BELLACK, PAUL	5425
	BOLLHORST, DONALD	4256
	BRAVERMAN, JULIUS	4157
	CAPLAN, RONALD	4105
	CONNOR, PAUL	2856
	DAVIS, MICHAEL	4530
	EINSIDLER, NEAL	13784
	FILLMORE, JOAN	9747
	FLYNN, MYLES	10957
	HENDRIX, MARSHALL	6694
	HORWITZ, MORRIS	3434
	KEENEY, STEPHEN	4904
	KRAUS, DUNCAN	3587
	KUHL, DONALD	4111
	MAHON, PATRICK	7210
	MCDONAGH, MEREDITH	13730
	NEFF, MONICA	12527
	NOWAKOWSKI, JOAN	9699
	PRICE, MARY	10297
	SCHEVITZ, HOWARD	4159
	STERN, GEORGE	3123
	WILMOT, JAMES	6079
	YOUNG, ROBERT	7709
	Boston, MA—0401	ADVANCE BROKERS, LTD.
BROWN, JEFFERY E.		9703
BUTLER, PATRICK M.		11547
CHO, CHUNGO		17503
DIGIULIO, LISA		16421
GANGAI, SARA YUKI		12804
HORROX, JAMES CARL		15280
KEARNEY, MARLA H. BERNSTEIN		14836
LIVOLI, BARBARA ANN		12102
MAGUIRE, KAREN ELIZABETH		12650
MARSHALL, CAROL ANN		6404
MARSHALL, WILLIAM		3676
MARTIN, MARIE LOUISE		14210
MUI, CHRISTINA C.		14503
SHAW, RANSOM BONNET		13253
STEVENSON, BARBARA J.		9704
TAKLES, CONSTANTINOS P.		16943
VITORINO, NANCY	16113	

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>	
Buffalo, NY—0901	BARBER, JONATHAN	17233	
	FAZILY, FAWZIA	15297	
	GANDY, MICHAEL	12162	
	HERLEHY, KENDRA	12153	
	MORGANTI, JOHN	20292	
	NICHOLS, GREGORY	20293	
	THILL, JOSEPH	15528	
	WALL, HELEN	12586	
	WILKINSON, CHRISTOPHER	20237	
	ZIMMERMAN, TERRY	5056	
Champlain- Rouses Point— 0712	FENNER, TANYA L.	16463	
	GEHRIG, PAUL M.	14287	
	GIBBONS, JOHN E.	13821	
	KELLEY, JUDY	20722	
	PARISIAN, GEORGE	10423	
	REED, JR., HARRY H.	15422	
	SNOW, RICHARD N	12672	
	TURCOTTE, GASTON E.	5271	
	VALACH, VICTOR	3166	
	WOOD, GREGORY H	4824	
	WRIGHT, RODNEY L	4172	
	Charleston, SC 1601	BEIER, WILLIAM J.	15892
		RICHARDS, ROBERT ALFRED	03310
HOSTETTER, HARLAN H.		04147	
DIAZ, JR., ANTONIO MANUEL		06175	
FENWICK, JUDITH PROCTOR		09959	
WINTERS, DEBORAH J.		10215	
LASKEY, KATHLEEN H.		10242	
HUFF, NICOLE M.		10684	
DEAL, SUSAN A.		10742	
GAILLARD, SARAH S.		11521	
ALLENSWORTH, ANDREA (LYLES)		11833	
NELSON, ANGELA ACKERMAN		12342	
WUNDERLER, DAYLE A.		12343	
LESEMANN, III, ARVID R.		14008	
COURNOYER, SHANNON M.		15158	
FOSTER, TYLER KENNETH	16554		
BLANKS, CAROLINE RUTH	20797		

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
Charlotte, NC— 1512	DRAWBACK CENTRAL INC	12596
	MORTON, CHRISTOPHER DEAN	20585
	WAGONER, ELIZABETH A.	20208
Chicago, IL—3901	GRIFFITHS, WILLIAM	4800
	JONES, ALLEN E.	5384
	KEITH, NELDA	10802
	MUELLER, GENE L.	4903
	VAN STEE, MARK	15009
	AMBER MARINE INTERNA- TIONAL LTD.	13312
	ANDRO-SIERRA INTERNATIONAL	21686
	EAGLE INTERNATIONAL LTD.	6629
	BRISKEY, BRADFORD	13521
	CHEN, GRACE	21672
	CULLOTON, JULIE	17016
	DONNELL, JOSEPH	5264
	FARNSWORTH, MARJORIE	14300
	HEIMENDINGER, GARY	5311
	KORTES, ROBERT	6894
	LAMBERT, CATHRYNE	20662
	SZYMANSKI, RICHARD	10923
	WOLSKI, CONRAD	12556
	WRIGHT, PAMELA	13027
ZLATANOVSKI, ZAKLINA	16864	
Cleveland, OH— 4101	BALL, NANCY	16459
	DIXON, DAVID	15179
	KINDLE, DAVID E.	15183
	LONGLEY, KEITH	11888
	MURRAY, ROBERT J.	14219
	NEWMAN, ROBERT	7554
	NOSS, JR., DONALD	15229
	PHILLIPS, FRANKLIN J.	2598
	PORTER, SUSAN	12236
	QUINN, HEIDI M. (LONGLEY)	10576
	RITTER, JENNIFER	15277
	ROBINSON, FAITH D.	14420
	SEYBOLD, SUZANE M.	12712
	SMITH, YANG XU	14938
	STAMM, MICHAEL .	16377
STEWART, JEFFERY	12227	

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
	VENDETTI, MARILOU	12508
	VINSON, JAMES P.	16383
	WHITE, TROY	14770
	WOLFF, THOMAS	14422
	MC GILL, LARRY	9988
	MEUTER, WALTER	2158
	SHAVER, JOSEPH	21571
	SHAW, ROBERT M.	10207
	BAIN, ALBERT E.	9301
	BALL, LONNIE	14717
	KIRSCH, ELIZABETH	20223
	STARR, DAVID B.	10208
Dallas/Ft. Worth, TX—5501		
	CROWDER, JOHN	15135
	PIKE, JAMES	17116
	ROBINSON, JOHN	16418
	ROGERS, JOEL	20727
Detroit, MI—3801		
	BLANCHARD, RACHELLE	11025
	FILBIN, WILLIAM	2672
	GERBER, WILLIAM	4119
	IRVIN, MICHAEL	17135
	LEAKEAS, STEFANNIE	16311
	LOWRIE, RICHARD	4773
	MICHEL, DANIEL	13861
	MOGA, JEFFREY	11031
	MOLINA-HARRIS, JEANETTE	16784
	MOORE, GERALD	15203
	MORTON, ANTHONY	14952
	NAHRGANG, DAVID	3576
	PASCHKE, RANDOLPH	13299
	PONGRACZ, WANDA	11032
	RHOADS, SUSAN	14263
	RITTER, MICHAEL	14882
	SALO, ANN	5518
	SCHMIDT, JACK	7483
	STRAITH, LISA	16585
El Paso, TX (Service)—2402		
	AREVALO, JOSE	12776
	FLYNN, JACK	13206
	FONSECA, ELVIA R	16094
	G.L. GUMBERT COMPANY, INC.	5424
	GONZALEZ, KATHLEEN ROSE	13731

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
	INTERAMERICAS CUSTOMS BROKERAGE, INC.	13868
	KOTKOWSKI, DORON	13584
	LIZARRAGA, MARCOS A	12362
	LOCKWOOD, BETTY C	4806
	MARTINEZ, EDGAR	7104
	MARTINEZ, JR, ROBERT	13533
	PENA, JR, ALBERTO	15953
	RUPE, ROGER P	12775
Great Falls, MT (Servi—3304	LEE, MARK	21507
	MUELLER, DENNIS R.	13534
	PARKER, JODI	16981
	SCOGGINS, LEWIE T.	12739
	TRAPANI, MICHAEL C.	13745
	WORTH, SHERRY KAY	10893
Houston, TX— 5301	FOX, WHITNEY	16796
	FRANCIS, JAMES	16636
	FUENTES, PETE	5866
	HART, ELIZABETH	14349
	HOOD, CHRISTINE	14687
	KUPERMAN, ALEX	20809
	LEE, RUSSELL	16888
	MCCLUNG, MELINDA	16792
	MOORE, MARLENE	12090
	MOORE, ROBERT	14148
	SCHURIG, CHRISTINA	12821
	SITTON, SCOTT	15738
Laredo, TX—2304	BENITEZ, DELIA	16473
	CIENFUEGOS, INC.	15211
	H. C. INT'L U.S. CUSTOMHOUSE BROKER, INC.	13137
	HAKES, LYNN	7556
	INTERAMERICA BROKERAGE	13991
	MAINGOT, CATHERINE	16173
	MTZ INTERNATIONAL, INC	16524
	RAMOS, SYLVIA	12384
	RANGEL, MARIO NEGRETE	5703
	SOMA CUSTOMBROKER CORP.	17230
	SYLVIA A. RAMOS, INC.	15655

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
Los Angeles, CA— 2704	BARTH, KEITH ROBERT	14431
	BLOOM, MICHAEL ARTHUR	17353
	BUDNICK, THEODORA HELENE	11095
	CADENHEAD, III, FRANK C.	9449
	CHUNG, EUNHEE	12290
	CLARKE, RONALD MILTON	3549
	DENNY, CHRISTINE MARIA	16818
	FINLEY, MICHELLE MARIE	14656
	FONG, LINDA CHAN	20278
	GRACE, JOHN MATTHEW	15248
	GURSTEL, DANA ALLISON	14072
	HARDIN, MARY KATHLEEN	16889
	HARRISON, GREGORY GLENN	9735
	HARTMAN, ROBERT	9434
	HASHISH, FAHRI ILIAS	12709
	HINOJOSA, JULIO	15501
	JORDAN, ALEXIS KIMBERLY	16543
	LA RIVA, MICHAEL	20038
	LAM, BENNY	14684
	LEAFA, LORRAINE	13184
	MEYER, MIR	14524
	PANLILIO, JOSETTE	16933
	RETAMAL, SERGIO UMPIERREZ	14961
	ROLDAN, KRISTINE	21245
	RUSSELL, JAY	4550
	SCIOLA, DARLENE	9111
	SUZUKI, BLAKE	11125
	YOUNG, DAVID MICHAEL	14099
	YOUNG, HAROLD	13969
	Miami, FL—5201	AFTIMOS, FADI
BOYER, MICHAEL A.		14927
CHIRAS, FAITH M.		12222
CONTINENTAL EXPRESS INTL. CUSTOMS CLEARANCE DIS- PATCH INC		13166
F I F NORTH AMERICA CUSTOMS BROKERS		6204
FAKLA, ISTVAN		11343
FERGUSON, ROBIN K.		15414
FOLLMER, ROBERT C.		13680
GARCIA, JAMES		6917
INNES, JOHN		15409
		10593

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
	LION CUSTOMS BROKERS	20030
	MARTEL, VICTOR B.	14926
	MATUSEK, JOHN CARL	7503
	MAX INTERNATIONAL	10637
	MC KENNA, MICHAEL T.	13573
	NATIONAL BONDED WAREHOUSE, INC.	20250
	PANTALEON, HUGO	6833
	PASQUAL, CYNTHIA	11656
	PIONEER GENERAL, INC.	15503
	SPENCER, SHARON B.	15637
	TEKA INTERNATIONAL, INC.	20501
	UNIT INT'L OF MIAMI DBA ABA BROKERAGE CO.	13168
	WICKLMAN, GREGORY A.	15636
	STOCKSTAD, CHERY ANN	7723
	NATIONAL BONDED WAREHOUSE, INC.	20250
Milwaukee, WI— 3701	GLAUNERT, DIANA	9616
	LEMKE, ALLEN	4615
	VOISIN, ROBERT	17566
Minneapolis, MN—3501	ALL-WAYS CARGO	14780
	MALEK, CAROL BUCHANAN	6239
	FLORA, SCOTT	13927
	SUPINA, SUSAN	16848
Mobile, AL—1901	DOMNING, JUANITA	7108
	HARRIS M. STEWARD, CB, INC.	14893
	MARQUET, WALLACE	4764
New Orleans, LA—2002	CAIN, GREGORY	16972
	DILLON, TALMAGE	6956
	EDDINGS, BRADLEY	17248
	GALANTO, TRINA	14589
	JONES, PATRICIA	12338
	KRUMM, SHERYL	20344
	LAWRENCE M PARRY JR INC	7309
	LUSKCOM GROUP, INC.	9569
	MILLER, FREDERICK T.	2486
	OAKS, TERRY L.	7657

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
NEW YORK, NY—1001	PHILBIN CAZALAS & ST. JOHN	3759
	SCHAERER, MELISSA D.	11807
	THORNTON, KATHLEEN	6779
	VEGAS, IRVIN E.	4696
	ABBE, HERBERT JOHN	4428
	ABE M. KNIPPER, INC.	4981
	ALDAMUY JR., HUMBERT	7704
	CATALANOTTO, ORQUIDEA	9573
	CHANG, MATTHEW	8000
	COHEN, NATHANIEL	759
	CONWAY, FRANCIS	6596
	CULLEN, LAWRENCE	3961
	DE JESUS, ROWENA	15161
	DUTTA, KABITA	11222
	EMANUELE, JOHN	9114
	FONG, STANLEY	9199
	FRESCHL, JOEL	9951
	G.S.A. INC.	20469
	H. ABBE INTERNATIONAL, INC.	10428
	HEEGER, GUNTHER	6228
	HEEMSOTH-KERNER CORP.	1544
	HILLERUD., DENNIS	10257
	HOMA, MICHAEL	6908
	IMPORT-EXPORT SERVICE OF NJ, INC.	3068
	ISACOFF, NORMAN	4970
KAMINSKY, JANE	13880	
KLEIN, JACK	3658	
LANIGAN, ROBERT	6863	
LAWLER, JAMES	3842	
LESSER, STANFORD	3468	
LEUNG, SAMMY SHUI	15206	
LIND, PATRICIA	15050	
LOSCHKE, RICHARD	9306	
LYNCH, TRACEY ANN	16070	
MATTINA, WILLIAM	10060	
MATYAS, YEHUDA	17061	
MIRANDA, JULIETTE	17314	
NEGRON, JOSE	3178	
NG, SZE YAN	20612	
O'NEIL, ROBERT	3458	
PETERSEN, DOUGLAS	12279	
PRATT, IAN	17487	

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
	PUJOL, JEROME	3527
	RASHKOVER, DEBORAH	10373
	S. STERN CUSTOM BROKERS, INC.	4203
	SABELLA, JOSEPH	13214
	SANDVIK, GARY	6867
	SAPOT, IGNACIO	4320
	SCHNEIDER, RICHARD	13039
	SCHWARTZ, SAM	6216
	SCIFO, GAETANO	3558
	SHOPE, ILENE	3989
	SIX, EDWARD	6565
	SMITH, BARRY	5597
	STOTCHIK, MORRIS	3887
	TAC CUSTOMS BROKERS, INC.	9175
	TOBIA, LAWRENCE	12614
	TONG, HSIN-CHUNG	12430
	TUCCIARONE, LAURA	12525
	VAJDA, WILLIAM	11860
	VAN ORNUM, JEANNE	9721
	WEIDNER, JOHN	2623
	WEIN, NATHAN	2987
	WYATT, CHAD	13330
Nogales, AZ (Service)—2604	BURNS, STEVEN	10187
	GILL, RICHARD	4424
	IBARRA JR, LUIS	20291
	PICCIOLI, THOMAS	12545
	POLKINHORN, BILL	2261
	RAMIREZ, MARCO	9649
	SMALLWOOD, LORETTA	11789
	SMITH, DEANNE	13343
	TERRAZAS, MARCO	12591
	TRANS-MEX CUSTOMHOUSE BROKERAGE. INC	16791
	WEIMER, ALEX	13386
Norfolk, VA—1401	MAGENBAUER, JOHN	13502
	VANDEBERRY, EDWARD	3799
Otay Mesa—2506	ORTIZ, SHERI	20923
	PRICE, TODD	16470
	ROMERO, RENE	2576

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
Philadelphia, PA—1101	AMORIELLO, JOSEPH L.	11446
	BAIRD, KENNETH J.	7550
	CHRISMAN, JR., WILLIAM W.	6549
	GAUDIO, ALAN	10039
	GEHRY, BRUCE R.	7429
	PENNELL, JR, WILLIAM G.	6445
	SUN, CHARLENE CHEN	14867
	WALLACE, BARBARA ANN.	5190
	WALSMANN, MONIKA	16213
	YOST, JOHN ANDREW	13352
Portland, ME— 0101	CHASE LEAVITT CHB	6730
	FENDERSON, ROBERT T.	4496
Portland, OR— 2904	TAPLIN, SUZANNE L.	4701
Providence, RI— 0502	NELSON, JOHN	7716
San Francisco, CA—2809	ROQUE, CAESAR	4485
	SILVESTRI, ROBERT	6435
	RASCHE, STEPHEN	10310
	ADAMS, L.	3707
	AMBRIS, PAMELA	12195
	BEIJEN, BONNIE	3591
	BELENKY, DANIEL	7948
	BENGE, MARK	7490
	BILLINGSLEY, NATALIE	11055
	BON, MARIA-EDNA	6311
	BONFIGLIO, JAMES	6835
	BONHAM, VERLENE	12668
	BRESEE, DEBBIE	9920
	CARPENTER, DAVID	16355
	CARRIER, JAMES	4225
	CAUGHELL, RALPH	5169
	CHRIST, HARRY	11546
	CLAUSEN, CATHERINE	6804
	COADY, RICHARD	5820
DAVIS, SANDRA	6695	
EDWARDS, HUDSON	5945	

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
	ELAM, ALAN	12196
	ELLIS, PAUL	16357
	GALFI, EVA	20681
	GARRETT, ELLEN	6564
	GROH, THOMAS	12106
	HARRISON, ALASTAIR	10319
	HELM, PATRICIA	8074
	HOWLAND, FRANKLIN	1497
	IMD LOGISTICS SOLUTIONS, INC.	17345
	KOONS, DAVID	16364
	KUBO, CHRISTINE	13068
	LANDA, JEFFREY	7023
	LEE, JOHN	6828
	LIE, JAE	11862
	LOUKS, CHARLOTTE	4748
	LUM, HOMER	4266
	MARTIN, CAROLYN	13130
	MULLER, AUGUSTO	9953
	OLDMEN, MONICA	11715
	PERKINS, JOHN	7790
	PLIMPTON, HARLOW	4383
	ROBERTS, WILLIAM	4085
	ROBINSON, CARL	3463
	SALACH, JAMES	12850
	SANCHEZ, JAVIER	13831
	SKELTON, LESLIE	3427
	SMALLCOMBE, ROSEMARIE	12424
	STANTON, THOMAS	5846
	SUNDERFELT, JOHN	4332
	SWIFT, EDWARD	4745
	TOMAN, EDWARD	17373
	WANERMAN, BRIAN	11003
	WELLS, MARLENE	13563
	WHITTIER, LOUIS	2217
	WIEDERHOLD, THOMAS	4758
	WILLIAMS, CHARLES	13022
	YOUNG, SARAH	13344
San Juan, PR— 4909	CORTES, LUIS	21319
Savannah, GA— 1703	BLACK, JAMES	5802
	BRUNER, KELLIE	15474
	COLEMAN, JAMES	14601

<u>License Port</u>	<u>Licensee Name</u>	<u>License Number</u>
Seattle, WA—3001	D.J. POWERS INTERNATIONAL	16974
	DENNY, CHRISTOPHER	13432
	DEWBERRY, SUSAN	13107
	KONEMAN, MICHELLE	14998
	KUNIMOTO, REBECCA	14163
	MCNEIL, ERIC	14857
	TRADESOURCE , INC.	13007
	WATKINS, LESLEY	14306
	BELL, MARCENA	14264
	BROWN, TODD	13112
	BURNHAM, DANA	15112
St. Louis, MO— 4503	EGENES, CLAY	15577
	FREEMAN, DENNIS	5484
	HENDERSON, WILLIE	11980
	KELLER, MARY	11986
	LANE, DAVID	14959
	MARX, MARGARET	16821
	MCANALLY, TESSA	16510
	MCCLARY, DANIEL	4308
	PALMER, HOLLY	15004
	SWENSON, CARL	2621
	WELK, DOROTHEA	12549
Tampa, FL—1801	YAGER, RICHARD	5513
	COLOMBO, MARIO	6714
	GREEN, III, JAMES A.	4250
	GURSKI, JULIE	12515
	STEPHENS, ISOM IRWIN	8053
	TREGO, CONNIE J.	5647
Washington, DC— 5401	VOLKMAN, PATRICIA K.	11548
	BERGERMANN, VERA	13715
	DEES, FRANCES	5088
Washington, DC— 5401	MC GIFFIN, JR., JNO	1373
	CARLSON, AMY	15791
	LAYTON, JAMES	17588

[Published in the Federal Register, April 1, 2004 (69 FR 17214)]

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license are canceled without prejudice.

<u>Name</u>	<u>License #</u>	<u>Issuing Port</u>
GPS Customhouse Brokerage	7181	Norfolk
Robert O. Kechian	6918	New York
Martin Strauss Air Freight	3893	New York
Trans Air Marine	11218	New York

DATED: March 18, 2004

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, April 1, 2004 (69 FR 17213)]

Notice of Cancellation of Customs Broker National Permit

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker national permits are canceled without prejudice.

<u>Name</u>	<u>Permit #</u>	<u>Issuing Port</u>
GPS Customhouse Brokerage	99-00551	Headquarters
John Arthur Hanson dba Manhattan Beach Customs Brokerage	99-00532	Headquarters

DATED: March 18, 2004

JAYSON P. AHERN,
Assistant Commissioner,
Office of Field Operations.

[Published in the Federal Register, April 1, 2004 (69 FR 17213)]

Cancellation of Customs Broker License Due to Death of the License Holder

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security

ACTION: General Notice

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations at section 111.51(a), the following individual Customs broker license and any and all permits have been cancelled due to the death of the broker:

<u>Name</u>	<u>License #</u>	<u>Port Name</u>
Miguel Rodriguez	6047	New York
Francis M. Murphy	04116	Detroit
Vincent Montello	5751	New York
Enrcio L. Moscola	6918	New York

DATED: March 18, 2004

JAYSON P. AHERN,
Assistant Commissioner,
Office of Field Operations.

[Published in the Federal Register, April 1, 2004 (69 FR 17222)]

Notice of Cancellation of Customs Broker Permit

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: General notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker local permits are canceled without prejudice.

<u>Name</u>	<u>Permit #</u>	<u>Issuing Port</u>
Ameri-Can Customshouse Brokers Inc.	88-20	Buffalo
T.H. Weiss	D-05-92	Dallas
Elizabeth Nimmo-Price	29-97-032	Portland
Miguel Rodriguez	496047	San Juan
Robin K. Flaherty	28-01-NV1	San Francisco
Trans Air Marine	797	New York
UPS Customhouse Brokerage	579	New York
Martin Strauss Air Freight	885	New York
Robert O. Kechian	974	New York
GPS Customhouse Brokerage	10-03-W22	New York

DATED: March 18, 2004

JAYSON P. AHERN,
*Assistant Commissioner,
 Office of Field Operations.*

[Published in the Federal Register, April 1, 2004 (69 FR 17213)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
 APPROVAL OF COMMERCIAL GAUGERS AND
 ACCREDITATION OF COMMERCIAL LABORATORIES**

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 70283) on December 17, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before April 30, 2004.

ADDRESSES: Written comments and/or suggestions regarding the

items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the Proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Accreditation of Commercial Testing Laboratories; Approval of Commercial Gaugers

OMB Number: 1651-0053

Form Number: None

Abstract: The Accreditation of Commercial Testing Laboratories; Approval of Commercial Gaugers are used by individuals or businesses desiring CBP approval to measure bulk products or analyze importations. This recognition is required of businesses wishing to perform such work on imported merchandise.

Current Actions: This submission is being submitted to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Businesses, Institutions

Estimated Number of Respondents: 250

Estimated Time Per Respondent: 1 hour and 48 minutes

Estimated Total Annual Burden Hours: 450

Estimated Total Annualized Cost on the Public: \$5,500

If additional information is required contact: Daryl Joyner, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-0529.

Dated: March 23, 2004

DARYL JOYNER,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, March 31, 2004 (69 FR 16941)]

Tuna—Tariff-Rate Quota

The tariff-rate quota for Calendar Year 2004, on tuna classifiable under subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS).

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security

ACTION: Announcement of the quota quantity of tuna in airtight containers for Calendar Year 2004.

SUMMARY: Each year the tariff-rate quota for tuna described in subheading 1604.14.22, HTSUS, is based on the apparent United States consumption of tuna in airtight containers during the preceding Calendar Year. This document sets forth the tariff-rate quota for Calendar Year 2004.

EFFECTIVE DATES: The 2004 tariff-rate quota is applicable to tuna entered or withdrawn from warehouse for consumption during the period January 1, through December 31, 2004.

FOR FURTHER INFORMATION CONTACT:

Connie Chancey, Chief, Quota Branch, Textile Enforcement and Operations Division, Trade Compliance and Facilitation, Office of Field Operations, U.S. Customs and Border Protection, Washington, DC 20229, (202) 927-5850.

BACKGROUND:

It has now been determined that 22,894,238 kilograms of tuna in air-tight containers may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 2004, at the rate of 6 percent ad valorem under subheading 1604.14.22, HTSUS. Any such tuna which is entered or withdrawn from warehouse for consumption during the current calendar year in excess of

this quota will be dutiable at the rate of 12.5 percent ad valorem under subheading 1604.14.30 HTSUS.

Dated: March 19, 2004

ROBERT C. BONNER,
Commissioner.

[Published in the Federal Register, April 2, 2004 (69 FR 17438)]



DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.

Washington, DC, March 31, 2004,

The following documents of the Bureau of Customs and Border Protection ("CBP"), Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and CBP field offices to merit publication in the CUSTOMS BULLETIN.

SANDRA L. BELL,
*Acting Assistant Commissioner,
Office of Regulations and Rulings.*

**MODIFICATION OF A RULING LETTER AND REVOCATION
OF TREATMENT RELATING TO TARIFF CLASSIFICATION
OF CERTAIN WOVEN PLACE MATS**

AGENCY: Bureau of Customs & Border Protection; Department of Homeland Security.

ACTION: Notice of modification of a tariff classification ruling letter and revocation of treatment relating to the classification of certain woven place mats.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), this notice advises interested parties that Customs & Border Protection (CBP) is modifying one ruling letter relating to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of certain woven place mats. Similarly, CBP is revoking any treatment previously accorded by it to substantially identical merchandise. Notice of the proposed modification was published in the Customs Bulletin of February 18, 2004, Vol. 38, No. 8. No comments were received.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after June 13, 2004.

FOR FURTHER INFORMATION CONTACT: Brian Barulich, Textiles Branch: (202) 572-8883.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L.

103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the Customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, a notice proposing to modify Headquarters Ruling Letter (HQ) 965233, dated May 21, 2002, was published on February 18, 2004, in Vol. 38, No. 8, of the Customs Bulletin.

As stated in the proposed notice, this modification covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should have advised CBP during this notice period. No comments were received.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625 (c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical merchandise. This treatment may, among other reasons, be the result of the importer’s reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer’s or CBP’s previous interpretation of the HTSUSA. Any person involved with substantially identical merchandise should have advised CBP during this notice period. An importer’s failure to advise CBP of substantially identical merchandise or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the

importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In HQ 965233, CBP classified a round woven place mat in subheading 4601.99.0500, HTSUSA, which provides for "Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other: Other: Plaits and similar products of plaiting materials, whether or not assembled into strips." Based on our analysis of the scope of subheadings 4601.99.0500 and 4601.99.9000, HTSUSA, the Legal Notes, and the Explanatory Notes, we find that the place mat of the type subject to this notice, is classifiable in subheading 4601.99.9000, HTSUSA, which provides for "Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other: Other: Other."

Pursuant to 19 U.S.C. 1625 (c)(1), CBP is modifying HQ 965233 and any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in HQ 966386 (Attachment). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical merchandise.

In accordance with 19 U.S.C. 1625(c), this ruling will become effective sixty (60) days after its publication in the Customs Bulletin.

DATED: March 24, 2004

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachment

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966386
March 24, 2004
CLA-2: RR:CR:TE: 966386 BTB
CATEGORY: Classification
TARIFF NO.: 4601.99.9000

MS. LISA RAGAN
LISA RAGAN CUSTOMS BROKERAGE
795 Terrell Mill Road
Suite 207
College Park, GA 30349

RE: Modification of HQ 965233; certain woven place mats

DEAR MS. RAGAN:

This is in reference to Headquarters Ruling Letter (HQ) 965233, dated May 21, 2002, issued to you by this office regarding the classification, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of a round woven place mat ("place mat").

HQ 965233 was issued in response to your June 1, 2001, letter requesting reconsideration, in part, of New York Ruling Letter (NY) E88353, dated November 16, 1999, that classified the place mat in subheading 6302.59.0020, HTSUSA. In HQ 965233, we modified NY E88353, in part, and ruled that the place mat was classifiable in subheading 4601.99.0500, HTSUSA. We have reconsidered HQ 965233 and determined that the classification of the place mat at the 8-digit subheading level is not correct. This ruling sets forth the correct classification.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification of HQ 965233, as described below, was published in the *Customs Bulletin*, Volume 38, Number 8, on February 18, 2004. CBP received no comments during the notice and comment period that closed on March 19, 2004.

FACTS:

The place mat at issue is circular in shape and measures approximately 15 inches in diameter. The place mat is made of paper strips which have been folded lengthwise prior to being woven. We note that the ruling in HQ 965233 was not based on the original white place mat sample submitted for NY E88353, but on a sample that was representative of the original in all respects besides color (the sample used in HQ 965233 was blue).

In HQ 965233, Customs classified the place mat in subheading 4601.99.0500, HTSUSA, which provides for "Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other: Other: Plaits and similar products of plaiting materials, whether or not assembled into strips."

ISSUE:

Whether the merchandise is properly classified in subheading 4601.99.0500, HTSUSA, as "Plaits and similar products of plaiting materi-

als, whether or not assembled into strips” or in subheading 4601.99.9000, HTSUSA, as “Other.”

LAW AND ANALYSIS:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides, in part, that classification decisions are to be “determined according to the terms of the headings and any relative section or chapter notes.” In the event that goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes (EN) constitute the official interpretation of the Harmonized System at the international level (for the 4 digit headings and the 6 digit subheadings) and facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI. While neither legally binding nor dispositive of classification issues, the EN provide commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings. See T.D. 89-80, 54 Fed. Reg. 35127-28 (Aug. 23, 1989).

Heading 4601, HTSUSA, provides for “Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens).”

At the 8-digit level, subheading 4601.99.05, HTSUSA, provides for “Plaits, and similar products of plaiting materials, whether or not assembled into strips” and subheading 4601.99.90, HTSUSA, provides for “Other.” Part A of the EN for heading 4601 covers the first part of the heading, i.e., before the semicolon. It reads, in pertinent part, as follows:

(A) Plaits and similar products of plaiting materials, whether or not assembled into strips.

This group covers:

- (1) **Plaits.** These consist of strands of plaiting material, without warp or weft, interlaced either by hand or machine in a general longitudinal direction. By varying the nature, colour, thickness and number of strands, and the manner of interlacing, different decorative effects may be obtained.

Plaits of this kind may be joined side by side and assembled into wider strips by sewing, etc.

- (2) **Products similar to plaits** in the sense that they have the same or similar uses, and that, though they are made by a process other than plaiting, they are also formed in longitudinal thong-like forms, strips, etc., from plaiting materials. They include:

- (a) Products made from two or more strands by twisting together, joining together or otherwise assembling. . . .

Part B of the EN for heading 4601, which corresponds to “Other” merchandise of subheading 4601.99.90, HTSUSA, covers the second part of the heading, i.e., after the semicolon. It reads, in relevant part:

(B) **Plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens).**

The goods of this group are obtained either directly from plaiting materials . . . or from the plaits or similar products of plaiting materials described in Part (A) above.

Those obtained directly from plaiting materials are either formed of strands woven together, generally in the manner of warp and weft fabrics, or made of parallel strands placed side by side and maintained in position in the form of sheets by transverse binding threads or strands holding the successive parallel strands.

The place mat under review does not answer to the above descriptions of "Plaits" or "Products similar to plaits" in Part A of the EN. Rather than being a narrow, thong-like object without a warp or weft, it is a round sheet composed of woven strips. It falls squarely within the description given in Part B of the EN for heading 4601, which corresponds to "Other" merchandise of subheading 4601.99.9000, HTSUSA.

HOLDING:

HQ 965233 is hereby modified. In accordance with 19 U.S.C. 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

Based on the foregoing, the subject merchandise is classified in subheading 4601.99.9000, HTSUSA, which provides for "Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other: Other: Other." The applicable duty rate is 3.3 percent ad valorem. Articles within this subheading, regardless of origin, are not subject to quota or visa requirements.

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR part 177

**PROPOSED REVOCATION OF RULING LETTERS AND
TREATMENT RELATING TO TARIFF CLASSIFICATION OF
WOOD BURNING STOVES COMPRISED OF SOAPSTONE**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed revocation of two ruling letters and treatment relating to the tariff classification of wood burning stoves comprised of soapstone under the Harmonized Tariff Schedule of the United States ("HTSUS").

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to revoke two rulings concerning the tariff classification of wood burning stoves comprised of soapstone and to revoke any treatment Customs has previously accorded to substantially identical transactions. Comments are invited on the correctness of the intended action.

DATE: Comments must be received on or before May 14, 2004.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations & Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, N.W., Washington, D.C., during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Andrew M. Langreich, General Classification Branch: (202) 572-8776.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts that emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs to provide the public with improved information concerning the trade community's responsibilities and rights under the Customs and related laws. In addition, both the trade and Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that Customs intends to revoke Headquarters Ruling Letters (“HQ”) 960163 and 959493, both dated April 21, 1997. In both rulings, merchandise alternately described as wood burning stoves or fireplaces comprised of soapstone was classified under subheading 6802.99.00, HTSUS, which provides for other worked monumental building stone. In reaching this conclusion, we reasoned, notwithstanding the provision within heading 7116, HTSUS, for articles of precious or semiprecious stones (defined by the Annex to the Explanatory Notes to Chapter 71 to include soapstone/steatite), that “if a natural stone of steatite or soapstone qualifies as a worked monumental or building stone of that mineral, it is not excluded from Chapter 68.” HQs 960193 and 959493 are set forth as “Attachment A” and “Attachment B,” respectively, to this document.

Although in this notice Customs is specifically referring to two rulings, this notice covers any rulings on similar merchandise that may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing databases; no further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, other than the referenced rulings (see above), should advise Customs during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. § 1625(c)(2)), as amended by section 623 of Title VI, Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. This treatment may, among other reasons, be the result of the importer’s reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer’s or Customs previous interpretation of the HTSUS or other relevant statutes. Any person involved in substantially identical transactions should advise Customs during this notice period. An importer’s failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or his agents for importations of merchandise subsequent to this notice.

Pursuant to 19 U.S.C. § 1625(c)(1), Customs intends to revoke HQs 960193 and 959493 as they pertain to the classification of wood burning stoves comprised of soapstone, and any other ruling not specifically identified, to reflect the proper classification of the merchandise under subheading 7116.20.40, HTSUS, which provides for other articles of semiprecious stone pursuant to the analysis set forth in proposed HQs 967010 (revoking HQ 960193) and 967009 (revoking HQ 959493)(see “Attachment C” and “Attachment D”, respectively, to this document).

Additionally, pursuant to 19 U.S.C. § 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: March 24, 2004

John Elkins for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments



[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 960193
APRIL 21, 1997
CLA-2 RR:TC:MM 960193 JAS
CATEGORY: Classification
TARIFF NO.: 6802.99.00

MR. ROLF FREDNER
ROLF FREDNER, INC.
63 Melrose Drive
New Rochelle, NY 10804-4609

RE: NY 811779, HQ 958353 Revoked; Wood-Burning Stove for Heating and Cooking; Unassembled Articles Made of Cut Natural Stones; Soapstone, Worked Monumental or Building Stone, Fireplace Kit; Articles of Semiprecious Stones, Subheading 7116.20.40; Chapter 68, Note 1(d), Note 2; Chapter 71, Note 1

DEAR MR. FREDNER:

In NY 811779, dated July 5, 1995, the Area Director of Customs, New York Seaport, determined that a wood-burning stove of soapstone (steatite) was classifiable in subheading 7116.20.40, Harmonized Tariff Schedule of the United States (HTSUS), as an article of semiprecious stones. This ruling was affirmed by HQ 958353, dated November 2, 1995.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation of NY 811779 and HQ 958353 was published on March 19, 1997, in the Customs Bulletin, Volume 31, Number 12.

FACTS:

The articles under consideration are the OCTO model wood-burning fireplaces of the type used in the home, the exterior and interior of which are of soapstone (steatite). They are shipped unassembled, in kit form, and consist of cut-to-shape pieces of natural stone, wrought iron and glass fire chamber door, grate, ashpan, gauge, and metal clips. The stone blocks are of a talc-

based mineral known commercially as steatite or soapstone. The literature states that, in addition to providing a soft gray color and pleasing luster, soapstone is easily customized into a variety of designs and absorbs, retains and radiates heat as well or better than ordinary masonry brick.

The provisions under consideration are as follows:

6802 Worked monumental or building stone . . . and articles thereof . . . :

Other:

6802.99.00 Other stone . . . 6.5 percent ad valorem

* * * *

7116.20 Articles Of precious or semiprecious stones:

Other:

Of precious or semiprecious stones (except rock crystal):

7116.20.40 Other . . . 16.8 percent ad valorem

ISSUE:

Whether a fireplace or stove of soapstone, base metal and glass is a good of heading 7116.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). GRI 1 states in part that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to GRIs 2 through 6.

The Harmonized Commodity Description And Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System. While not legally binding on the contracting parties, and therefore not dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are thus useful in ascertaining the classification of merchandise under the System. Customs believes the ENs should always be consulted. See T.D. 89-80. 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989).

Subject to certain exceptions not relevant here, all articles consisting wholly or partly of semiprecious stones (natural, synthetic or reconstructed) are to be classified in Chapter 71. See Chapter 71, Note 1, HTSUS. Soapstone or steatite, which are commercial designations for the mineral talc, are listed in the Annex to the Explanatory Notes for Chapter 71 and, therefore, are considered semiprecious stones of that chapter. Chapter 68 does not cover articles of Chapter 71. See Chapter 68, Note 1(d), HTSUS. Therefore, Customs reasoned that if soapstone (steatite) wood-burning stoves are provided for in heading 7116, or in any other heading of chapter 71, they must be classified there, and cannot be classified in heading 6802. However, the expression "worked monumental or building stone" for purposes of heading 6802 includes steatite, among other types of natural stone. See Chapter 68, Note 2, HTSUS. Thus, heading 6802 provides, among other things, for worked monumental or building stone of steatite.

It is now our opinion that if a natural stone of steatite or soapstone qualifies as a worked monumental or building stone of that mineral, it is not excluded from Chapter 68. In this regard, relevant ENs for heading 6802 state, in part at p. 897, that the heading covers stone which has been further processed than mere shaping into blocks, sheets or slabs by splitting, roughly cutting or squaring, or squaring by sawing. The heading thus covers stone in the forms produced by the stone-mason, sculptor, etc.; for example, stone of any shape, whether or not in the form of finished articles, which has been bossed (i.e., given a "rock faced" finish by smoothing along the edges while leaving rough protuberant faces), dressed with the pick, bushing hammer, or chisel, etc., furrowed with the drag-comb, etc., planed, sand dressed, ground, polished, chamfered, moulded, turned, ornamented, carved, etc.

In this case, the wood-burning stoves in issue are imported unassembled, in kit form, and consist in the main of individual pieces of soapstone of different sizes designed to be assembled together to create the exterior and interior configuration, but in any event processed as described in the cited ENs. Accordingly, the merchandise is described by heading 6802.

HOLDING:

Under the authority of GRI 1, the OCTO model wood-burning fireplaces and stoves are provided for in heading 6802. They are classifiable in sub-heading 6802.99.00, HTSUS. NY 811779, dated July 5, 1995, and HQ 958353, dated November 2, 1995, are revoked.

In accordance with 19 U.S.C. 1625(c)(1), this ruling will become effective 60 days after its publication in the Customs Bulletin. Publication of rulings or decisions pursuant to 19 U.S.C. 1625(c)(1) does not constitute a change of practice or position in accordance with section 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)).

JOHN DURANT,
Director,
Tariff Classification Appeals Division.

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 959493
APRIL 21, 1997
CLA-2 RR:TC:MM 959493 JAS
CATEGORY: Classification
TARIFF NO.: 6802.99.00

KENNETH A. CUTSHAW, ESQ.
SMITH, GAMBRELL & RUSSELL
3343 Peachtree Road, N.E., Suite 1800
Atlanta, GA 30326-1010

RE: Wood-Burning Fireplace and Cookstove for Heating and Cooking;
Unassembled Articles Including Cut Soapstone, Cast Iron Firedoor and
Grate, Mortar, Metal Clips; Fireplace Kit; Articles of Building Stone,

Heading 6802, Articles of Soapstone, Chapter 68, Note 1(d); Articles of Precious or Semiprecious Stones, Heading 7116, Chapter 71, Note 1; HQ 960193

DEAR MR. CUTSHAW:

In your letter of July 17, 1996, on behalf of Tulikivi USA, you inquire as to the tariff classification of the Tulikivi, a natural-stone wood burning fireplace and cookstove from Finland. Descriptive literature and samples of the stone were submitted. You presented additional arguments at a meeting in our office on December 12, 1996, which were confirmed in submissions dated December 17 and 18, 1996.

FACTS:

The Tulikivi designates a series of wood-burning fireplaces and cookstoves of the type used in the home. They are shipped unassembled, in kit form, and weigh between 2450 and 7000 lbs. Each kit consist of individually cut blocks of natural stone, wrought iron and glass fire chamber door, grate, ashpan, gauge, metal clips, mortar and mineral wool insulation. The stone blocks are of a talc-based mineral known commercially as steatite or soapstone. The literature states that the soapstone provides a soft gray color and pleasing luster. It is luxurious to the touch and easily customized into a variety of designs. In addition, soapstone absorbs, retains and radiates heat as well or better than ordinary masonry brick.

You cite several administrative rulings in which Customs has classified articles of soapstone in a provision of Chapter 71, Harmonized Tariff Schedule of the United States (HTSUS), covering articles of semiprecious stones. You maintain that this is incorrect, as soapstone is a semiprecious stone only when used in jewelry, but not when used as a building material. You contend that the merchandise in issue is more appropriately provided for in HTS heading 6802, as worked building stone and articles thereof. You have also submitted rulings from other Customs administrations purporting to support this classification.

The provisions under consideration are as follows:

6802	Worked monumental or building stone . . . and articles thereof . . . :
	Other:
6802.99.00	Other stone . . . 6.5 percent ad valorem
* * * *	
7116.20	Articles Of precious or semiprecious stones:
	Other:
	Of precious or semiprecious stones (except rock crystal):
7116.20.40	Other . . . 16.8 percent ad valorem

ISSUE:

Whether fireplaces and cookstoves, of soapstone, base metal and glass are goods of heading 6802.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the

United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). GRI 1 states in part that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to GRIs 2 through 6.

The Harmonized Commodity Description And Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System. While not legally binding on the contracting parties, and therefore not dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are thus useful in ascertaining the classification of merchandise under the System. Customs believes the ENs should always be consulted. See T.D. 89-80. 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989).

Subject to certain exceptions not relevant here, all articles consisting wholly or partly of semiprecious stones (natural, synthetic or reconstructed) are to be classified in Chapter 71. See Chapter 71, Note 1, HTSUS. Soapstone or steatite, which are commercial designations for the mineral talc, are listed in the Annex to the Explanatory Notes for Chapter 71 and, therefore, are considered semiprecious stones of that chapter. Chapter 68 does not cover articles of Chapter 71. See Chapter 68, Note 1(d), HTSUS. Therefore, Customs has been of the opinion that if soapstone (steatite) wood-burning fireplaces and cookstoves are provided for in heading 7116, or in any other heading of chapter 71, they must be classified there, and cannot be classified in heading 6802. However, we now note that the expression "worked monumental or building stone" for purposes of heading 6802 includes steatite, among other types of natural stone. See Chapter 68, Note 2, HTSUS. Thus, heading 6802 provides, among other things, for worked monumental or building stone of steatite.

In this regard, relevant ENs for heading 6802 state, in part at p. 897, that the heading covers stone which has been further processed than mere shaping into blocks, sheets or slabs by splitting, roughly cutting or squaring, or squaring by sawing. The heading thus covers stone in the forms produced by the stone-mason, sculptor, etc.; for example, stone of any shape, whether or not in the form of finished articles, which has been bossed (i.e., given a "rock faced" finish by smoothing along the edges while leaving rough protuberant faces), dressed with the pick, bushing hammer, or chisel, etc., furrowed with the drag-comb, etc., planed, sand dressed, ground, polished, chamfered, moulded, turned, ornamented, carved, etc.

It is now our opinion that if a natural stone of steatite or soapstone qualifies as a worked monumental or building stone of that mineral, it is not excluded from Chapter 68. This position is expressed in HQ 960193, dated April 21, 1997, which expressly revoked NY 811779, dated July 5, 1995, and HQ 958353, dated November 2, 1995, which you cite. These decisions had classified substantially similar merchandise in provisions of 7116.

In this case, the Tulikivi fireplaces and cookstoves are imported unassembled, in kit form, and consist in the main of individual pieces of soapstone of different sizes designed to be assembled together to create the exterior and interior configuration, but in any event processed as described in the cited ENs. Accordingly, the merchandise is provided for in heading 6802.

HOLDING:

Under the authority of GRI 1, the Tulikivi fireplaces and cookstoves, imported unassembled as described, are provided for in heading 6802. They

are classifiable in subheading 6802.99.00, HTSUS. The rate of duty is 6.5 percent ad valorem.

JOHN DURANT,
Director,
Tariff Classification Appeals Division.

[ATTACHMENT C]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967010
CLA-2 RR:CR:GC 967010 AML
CATEGORY: Classification
TARIFF NO.: 7116.20.40

MR. ROLF FREDNER
ROLF FREDNER, INC.
63 Melrose Drive
New Rochelle, NY 10804-4609

RE: HQ 960193 Revoked; unassembled fireplace made of soapstone

DEAR MR. FREDNER:

This is in reference to Headquarters Ruling Letter ("HQ") 960193, dated and issued to you on April 21, 1997, concerning the tariff classification of a wood burning stove comprised of soapstone (steatite). In HQ 960193, we classified the unassembled stove under subheading 6802.99.00, Harmonized Tariff Schedule of the United States ("HTSUS"), which provides for, *inter alia*, other worked monumental building stone. We have reconsidered the classification of the soapstone fireplace and determined that it is incorrect. This ruling sets forth the correct classification.

FACTS:

We described the articles at issue in HQ 960193 as follows:

The articles under consideration are the OCTO model wood-burning fireplaces of the type used in the home, the exterior and interior of which are of soapstone (steatite). They are shipped unassembled, in kit form, and consist of cut-to-shape pieces of natural stone, wrought iron and glass fire chamber door, grate, ashpan, gauge, and metal clips. The stone blocks are of a talc-based mineral known commercially as steatite or soapstone. The literature states that, in addition to providing a soft gray color and pleasing luster, soapstone is easily customized into a variety of designs and absorbs, retains and radiates heat as well or better than ordinary masonry brick.

ISSUE:

Whether fireplaces and cookstoves, of soapstone, base metal and glass are classified as goods of heading 6802 or as articles of heading 7116, HTSUS.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") in accordance with the General Rules of Interpretation ("GRIs"). GRI 1 states in part that for legal purposes, classification

shall be determined according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to GRIs 2 through 6.

The HTSUS provisions under consideration are as follows:

6802 Worked monumental or building stone (except slate) and articles thereof, other than goods of heading 6801; mosaic cubes and the like, of natural stone (including slate), whether or not on a backing; artificially colored granules, chippings and powder, of natural stone (including slate):

Other:

6802.99.00 Other stone.

* * *

7116 Articles of natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed):

7116.20 Of precious or semiprecious stones (natural, synthetic or reconstructed):

Other:

Of semiprecious stones (except rock crystal):

7116.20.40 Other.

The Harmonized Commodity Description And Coding System Explanatory Notes ("ENs") constitute the official interpretation of the Harmonized System. While not legally binding on the contracting parties, and therefore not dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are thus useful in ascertaining the classification of merchandise under the System. Customs believes the ENs should always be consulted. See T.D. 89-80. 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989).

GRI 2(a) provides that goods imported in an unassembled condition are to be classified as the assembled article. GRI 2(a) states that:

Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this rule), entered unassembled or disassembled.

As indicated in the "Facts" section above, the stoves at issue are imported unassembled in a single shipment containing all of the parts necessary to assemble a complete stove. Given the bulk, role and emphasis of the soapstone/steatite in the marketing literature, we find that the stone imparts the essential character to the article.

Note 1(d) to Chapter 68 provides that the Chapter does not cover articles of Chapter 71. Note 2 to Chapter 68 provides that:

In heading 6802 the expression "worked monumental or building stone" applies not only to the varieties of stone referred to in heading 2515 or 2516 but also to all other natural stone (for example, quartzite,

flint, dolomite and steatite) similarly worked; it does not, however, apply to slate.

The ENs to Chapter 68 provide:

This Chapter covers:

(A) Various products of Chapter 25 worked to a degree beyond that permitted by Note 1 to that Chapter.

For reference, Note 1 to Chapter 25 provides that:

1. Except where their context or note 4 to this chapter otherwise requires, the headings of this chapter cover only products which are in the crude state or which have been washed (even with chemical substances eliminating the impurities without changing the structure of the product), crushed, ground, powdered, levigated, sifted, screened, concentrated by flotation, magnetic separation or other mechanical or physical processes (except crystallization), but not products which have been roasted, calcined, obtained by mixing or subjected to processing beyond that mentioned in each heading.

The articles at issue, because of the degree of working, do not fall to be classified in Chapter 25.

Note 1 to Chapter 71 provides, in pertinent part, that:

Subject to note 1(a) to section VI and except as provided below, all articles consisting wholly or partly:

(a) Of natural or cultured pearls or of precious or semi-precious stones (natural, synthetic or reconstructed) . . .

* * *

are to be classified in this Chapter [emphasis added].

The Annex to the ENs for Chapter 71 lists soapstone (or steatite) as a precious or semiprecious stone. The ENs to heading 7116, provide, in pertinent part, that:

This heading covers all articles (other than those excluded by Notes 2 (b) and 3 to this Chapter), wholly of natural or cultured pearls, precious or semi-precious stones, or consisting partly of natural or cultured pearls or precious or semi-precious stones, but not containing precious metals or metals clad with precious metal (except as minor constituents) (see Note 2 (b) to this Chapter).

It thus includes:

* * *

(B) Other articles consisting wholly or partly of precious or semi-precious stones; these may also contain other materials including precious metal or metal clad with precious metal, provided that the precious metal or metal clad with precious metal is present as minor constituents only. Subject to these conditions, the heading therefore covers . . . goblets and cups (often in garnet); statuettes and ornamental articles (*e.g.*, of jade); mortars and pestles (*e.g.*, in agate); knife edges or bearings of agate or other precious or semi-precious stones for weighing apparatus; agate thread spinning guides; decorative corks with heads of agate, etc.; agate burnishing tools used for gilding, for polishing leather,

paper, etc.; agate rings for fishing rods, paper-knives, ink-stands, paper-weights, ashtrays (*e.g.*, of agate or onyx).

In HQ 955999, dated June 2, 1994, Customs stated that "heading 7116, HTSUS, covers all articles of precious or semiprecious stone. This heading does not distinguish between the grade of stone but includes all types of precious or semi-precious stones not more specifically described by other parts of the tariff." The subject wood-burning stove is made of soapstone/steatite which is included in the list of precious or semiprecious stones. Because soapstone/steatite is specifically mentioned, articles made of soapstone/steatite cannot be classified under chapter 68, HTSUS. Therefore, we conclude that the soapstone/steatite wood burning stove is provided for in subheading 7116.20.40, HTSUS.

HOLDING:

Under the authority of GRI 2, the soapstone fireplaces, imported unassembled as described, are provided for in heading 7116. They are classified under subheading 7116.20.40, HTSUS.

EFFECT ON OTHER RULINGS:

HQ 960193 is revoked.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

cc: National Commodity Specialist Division
NIS Bunin

[ATTACHMENT D]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967009
CLA-2 RR:CR:GC 967009 AML
CATEGORY: Classification
TARIFF NO.: 7116.20.40

KENNETH A. CUTSHAW, ESQ.
SMITH, GAMBRELL & RUSSELL
3343 Peachtree Road, N.E., Suite 1800
Atlanta, GA 30326-1010

RE: HQ 959493 Revoked; unassembled fireplace made of soapstone

DEAR MR. CUTSHAW:

This is in reference to Headquarters Ruling Letter ("HQ") 959493, dated April 21, 1997, issued to you on behalf of Tulikivi USA, concerning the tariff classification of the Tulikivi, a natural-stone wood burning fireplace and cookstove from Finland. In HQ 959493, we classified the unassembled fireplace and cookstove under subheading 6802.99.00, Harmonized Tariff Schedule of the United States ("HTSUS"), which provides for, *inter alia*, other worked monumental building stone. We have reconsidered the classification of the Tulikivi and determined that it is incorrect. This ruling sets forth the correct classification.

FACTS:

We described the articles at issue in HQ 959493 as follows:

The Tulikivi designates a series of wood-burning fireplaces and cookstoves of the type used in the home. They are shipped unassembled, in kit form, and weigh between 2450 and 7000 lbs. Each kit consists of individually cut blocks of natural stone, wrought iron and glass fire chamber door, grate, ashpan, gauge, metal clips, mortar and mineral wool insulation. The stone blocks are of a talc-based mineral known commercially as steatite or soapstone. The literature states that the soapstone provides a soft gray color and pleasing luster. It is luxurious to the touch and easily customized into a variety of designs. In addition, soapstone absorbs, retains and radiates heat as well or better than ordinary masonry brick.

ISSUE:

Whether fireplaces and cookstoves, of soapstone, base metal and glass are classified as goods of heading 6802 or as articles of heading 7116, HTSUS.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") in accordance with the General Rules of Interpretation ("GRIs"). GRI 1 states in part that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to GRIs 2 through 6.

The HTSUS provisions under consideration are as follows:

6802 Worked monumental or building stone (except slate) and articles thereof, other than goods of heading 6801; mosaic cubes and the like, of natural stone (including slate), whether or not on a backing; artificially colored granules, chippings and powder, of natural stone (including slate):

Other:

6802.99.00 Other stone.

* * *

7116 Articles of natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed):

7116.20 Of precious or semiprecious stones (natural, synthetic or reconstructed):

Other:

Of semiprecious stones (except rock crystal):

7116.20.40 Other.

The Harmonized Commodity Description And Coding System Explanatory Notes ("ENS") constitute the official interpretation of the Harmonized System. While not legally binding on the contracting parties, and therefore not dispositive, the ENS provide a commentary on the scope of each heading of the Harmonized System and are thus useful in ascertaining the classification of merchandise under the System. Customs believes the ENS should al-

ways be consulted. See T.D. 89-80. 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989).

GRI 2(a) provides that goods imported in an unassembled condition are to be classified as the assembled article. GRI 2(a) states that:

Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this rule), entered unassembled or disassembled.

As indicated in the "Facts" section above, the stoves at issue are imported unassembled in a single shipment containing all of the parts necessary to assemble a complete stove. Given the bulk, role and emphasis of the soapstone/steatite in the marketing literature, we find that the stone imparts the essential character to the article.

Note 1(d) to Chapter 68 provides that the Chapter does not cover articles of Chapter 71. Note 2 to Chapter 68 provides that:

In heading 6802 the expression "worked monumental or building stone" applies not only to the varieties of stone referred to in heading 2515 or 2516 but also to all other natural stone (for example, quartzite, flint, dolomite and steatite) similarly worked; it does not, however, apply to slate.

The ENs to Chapter 68 provide:

This Chapter covers:

(A) Various products of Chapter 25 worked to a degree beyond that permitted by Note 1 to that Chapter.

For reference, Note 1 to Chapter 25 provides that:

1. Except where their context or note 4 to this chapter otherwise requires, the headings of this chapter cover only products which are in the crude state or which have been washed (even with chemical substances eliminating the impurities without changing the structure of the product), crushed, ground, powdered, levigated, sifted, screened, concentrated by flotation, magnetic separation or other mechanical or physical processes (except crystallization), but not products which have been roasted, calcined, obtained by mixing or subjected to processing beyond that mentioned in each heading.

The articles at issue, because of the degree of working, do not fall to be classified in Chapter 25.

Note 1 to Chapter 71 provides, in pertinent part, that:

1. Subject to note 1(a) to Section VI and except as provided below, all articles consisting wholly or partly:

(a) Of natural or cultured pearls or of precious or semi-precious stones (natural, synthetic or reconstructed) . . .

* * *

are to be classified in this Chapter [emphasis added].

The Annex to the ENs for Chapter 71, lists soapstone (or steatite) as a pre-

cious or semiprecious stone. The ENs to heading 7116, provide, in pertinent part, that:

This heading covers all articles (other than those excluded by Notes 2 (b) and 3 to this Chapter), wholly of natural or cultured pearls, precious or semi-precious stones, or consisting partly of natural or cultured pearls or precious or semi-precious stones, but not containing precious metals or metals clad with precious metal (except as minor constituents) (see Note 2 (b) to this Chapter).

It thus includes:

* * *

(B) Other articles consisting wholly or partly of precious or semi-precious stones; these may also contain other materials including precious metal or metal clad with precious metal, provided that the precious metal or metal clad with precious metal is present as minor constituents only. Subject to these conditions, the heading therefore covers . . . goblets and cups (often in garnet); statuettes and ornamental articles (e.g., of jade); mortars and pestles (e.g., in agate); knife edges or bearings of agate or other precious or semi-precious stones for weighing apparatus; agate thread spinning guides; decorative corks with heads of agate, etc.; agate burnishing tools used for gilding, for polishing leather, paper, etc.; agate rings for fishing rods, paper-knives, ink-stands, paper-weights, ashtrays (e.g., of agate or onyx).

In HQ 955999, dated June 2, 1994, Customs stated that "heading 7116, HTSUS, covers all articles of precious or semiprecious stone. This heading does not distinguish between the grade of stone but includes all types of precious or semi-precious stones not more specifically described by other parts of the tariff." The subject wood-burning stove is made of soapstone/steatite which is included in the list of precious or semiprecious stones. Because soapstone/steatite is specifically mentioned, articles made of soapstone/steatite cannot be classified under chapter 68, HTSUS. Therefore, we conclude that the soapstone wood burning stove is provided for in subheading 7116.20.40, HTSUS.

HOLDING:

Under the authority of GRI 2, the Tulikivi fireplaces and cookstoves, imported unassembled as described, are provided for in heading 7116. They are classified under subheading 7116.20.40, HTSUS.

EFFECT ON OTHER RULINGS:

HQ 953493 is revoked.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

cc: National Commodity Specialist Division
NIS Bunin

**PROPOSED REVOCATION AND MODIFICATION OF
RULING LETTERS AND REVOCATION OF TREATMENT
RELATING TO TARIFF CLASSIFICATION OF UPPER BODY
GARMENTS SIMILAR TO SLEEVELESS TANK STYLES**

AGENCY: Bureau of Customs and Border Protection; Department of Homeland Security.

ACTION: Notice of proposed revocation and modification of tariff classification ruling letters and revocation of treatment relating to the classification of certain upper body garments similar to sleeveless tank styles.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), this notice advises interested parties that Customs and Border Protection (CBP) is proposing to revoke one ruling letter and modify two ruling letters relating to the tariff classification of upper body garments similar to sleeveless tank styles under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). CBP also proposes to revoke any treatment previously accorded by it to substantially identical merchandise. Comments are invited on the correctness of the intended actions.

DATE: Comments must be received on or before May 14, 2004.

ADDRESS: Written comments are to be addressed to Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be reviewed at Customs and Border Protection, 799 9th Street N.W., Washington, D.C. during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Kelly Herman, Textiles Branch: (202) 572-8713.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize

voluntary compliance with CBP laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the CBP and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625 (c)(1), Tariff Act of 1930 (19 U.S.C. 1625 (c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP intends to revoke one ruling letter and modify two ruling letters, each pertaining to the tariff classification of upper body garments similar to sleeveless tank styles. Although in this notice, CBP is specifically referring to the revocation of Headquarters Ruling Letter (HQ), HQ 964221, dated July 10, 2002, (Attachment A) and to the modification of New York Ruling Letter (NY) NY B89011 dated September 26, 1997 (Attachment B) and Port Decision Letter (PD) PD A88686, dated November 18, 1996 (Attachment C), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise CBP during this notice period.

Similarly, pursuant to section 625 (c)(2), Tariff Act of 1930 (19 U.S.C. 1625 (c)(2)), as amended by section 623 of Title VI, Customs intends to revoke any treatment previously accorded by CBP to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise or the importer's or CBP's previous interpretation of the HTSUSA. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical merchandise or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In HQ 964221, CBP ruled that an upper body garment similar to a sleeveless tank style measuring 2 1/4 inches at the shoulder seams was classified in subheading 6206.30.3010, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cot-

ton: Other: Other: With two or more colors in the warp and/or the filling: Women's." Since the issuance of that ruling, CBP has reviewed the classification of this item and has determined that the cited ruling is in error. We have determined that the article is properly classified in subheading 6211.42.0054, HTSUSA, which provides for "Track suits, ski-suits and swimwear; other garments: Other garments, women's or girls': Of cotton, Blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: With two or more colors in the warp and/or the filling."

In NY B89011, an upper body garment similar to a sleeveless tank style, identified as item number 4254, measuring 2 1/2 inches in width at the shoulders was classified in subheading 6206.30.3040, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cotton: Other: Other: Other: Women's." CBP has reviewed NY B89011, and with respect to this garment, has determined that the ruling is in error. Item number 4254 is properly classified in subheading 6211.42.0056, HTSUSA, which provides for "Track suits, ski-suits and swimwear; other garments: Other garments, women's or girls': Of cotton, Blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: Other."

In PD A88686, CBP classified an upper body garment similar to a sleeveless tank style, identified as style number 71075506/71075506P, measuring 2½ inches at the shoulder seams was classified in subheading 6206.30.3040, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cotton: Other: Other: Other: Women's." CBP has reviewed NY B89011, and with respect to this garment, has determined that the ruling is in error. Style number 71075506/71075506P is properly classified in subheading 6211.42.0056, HTSUSA, which provides for "Track suits, ski-suits and swimwear; other garments: Other garments, women's or girls': Of cotton, Blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: Other."

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to revoke HQ 964221, modify NY B89011 and PD A88686, and revoke or modify any other ruling not specifically identified, to reflect the proper classification of certain sleeveless upper body garments according to the analysis contained in proposed Headquarters Ruling Letters (HQ) 966056 and HQ 967033 and HQ 967034, set forth as Attachments D, E and F, respectively, to this document. In each ruling acted upon, we now believe there was insufficient shoulder coverage for the garment to be considered a blouse. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical merchandise. Before taking this

action, consideration will be given to any written comments timely received.

DATED: March 24, 2004

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 964221
July 10, 2002
CLA-2 RR:CR:TE 964221 BAS
CATEGORY: Classification
TARIFF NOS.: 6206.30.3010

VERA ADAMS
PORT DIRECTOR
PORT OF LOS ANGELES—LONG BEACH SEAPORT
301 East Ocean Blvd., Suite 1400
Long Beach, California 90802

RE: Decision on application for Further Review of Protest No. 2704-99-150052

DEAR MS. ADAMS:

This is in reply to an application for further review (AFR) of Protest No. 2704-99-150052, dated July 15, 1999, on behalf of Wal Mart. The protest concerned the classification of a ladies blouse (Style FG15-111). A sample of the blouse was not submitted initially, but was hand delivered with measurement specifications to this office on February 22, 2002.

The merchandise was entered on February 17, 1999 and liquidated on April 16, 1999. The merchandise was classified by Port of Los Angeles under subheading 6206.30.3010, HTSUSA. The protest against liquidation in heading 6206, HTSUSA, was timely filed. The AFR was properly granted pursuant to 19 C.F.R. Section 174.24.

FACTS:

The subject of this protest is a 100% cotton yarn dyed seersucker blouse, identified as Style FG 15-111. The garment is a woven, sleeveless, scoop neck shirt, part of the "Faded Glory" collection. The silhouette of the garment is shaped throughout the torso with front and back vertical darts. The garment has a full front opening with buttons running up the front. The bottom hem of the garment is slightly curved with side vents measuring approximately 1.75 inches. The armholes and the neckline have a 1" turned facing. There is a single needle edge stitch along the front opening, and a one-inch single needle top stitch along the neckline, armhole and bottom

hem. The sample submitted is a royal blue, yellow, white and teal plaid. The garment is sold in small, medium, large and extra large sizes.

ISSUE:

Whether the ladies' woven sleeveless shirt is classifiable as a blouse in heading 6206, HTSUSA, or an other garment of heading 6211, HTSUSA?

LAW AND ANALYSIS:

Classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.

The ladies' sleeveless shirt is potentially classifiable in two HTSUSA headings. One possible heading is heading 6206, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses." The other possible heading for the merchandise is heading 6211, HTSUSA, which provides for "Track suits, ski-suits and swimwear; other garments."

HEADING 6206, HTSUSA

Heading 6206, HTSUSA, provides for among other things, women's blouses. The Explanatory Notes ("ENs") constitute the official interpretation of The Harmonized Commodity Description and Coding System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of these headings.

The ENs to heading 6206, HTSUSA, state in relevant part:

This heading covers the group of women's or girls' clothing not knitted or crocheted, which comprises blouses, shirts and shirt-blouses.

The General Explanatory Notes to Chapter 62 describe shirts and shirt-blouses as:

. . . garments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. Blouses are also designed to cover the upper part of the body but may be sleeveless and without an opening at the neckline.

The instant merchandise clearly covers the upper part of the body and therefore meets the Chapter's definition of a blouse.

The Guidelines for the Reporting of Imported Products in Various Textile and Apparel Categories, CIE 13/88 (1988) ("Guidelines"), are sometimes used as an aid in deciding the classification of some articles. They offer guidance in determining the commercial designation of articles. In regard to women's nonknit blouses the Guidelines state, in relevant part:

Blouses are outer garments usually extending from the neck or shoulders to the vicinity of the waistline . . . Blouses may have a collar treatment of any type or no collar. The closure may be positioned on the front, back or side, or the garment may even be without closure as in a pullover . . .

* * *

Outerwear garments known as camisoles, bandeaus and similar garments which may be described as tops are excluded from this category.

Generally, the presence of straps and extremely limited shoulder coverage has precluded classification of garments as blouses. See HQ 962495, June 11, 1999; HQ 962284, January 20, 1999; HQ 958168, September 21, 1995; HQ 088959, June 26, 1991; HQ 088369, March 3, 1991; HQ 087530, November 9, 1990; See HQ 087034, July 31, 1990; NY E85735, September 14, 1999; PD C86691, May 6, 1998. The garment at issue provides much more coverage than the camisole-type garments that have generally been excluded from heading 6206, HTSUSA. See HQ 087530, November 9, 1990; HQ 087034, July 31, 1990. The instant merchandise does not have straps and provides significantly more coverage than a garment having straps. While the garment at issue is sleeveless, the fabric that covers the shoulder on a medium sized sample shirt measures approximately 2.25 inches and therefore provides coverage for a significant portion of the shoulder.

In addition to shoulder coverage, a clearly defined neckline is also a commonly recognized feature of a "blouse" of heading 6206, HTSUSA.

Garments without any defined neckline have generally been excluded from heading 6206, HTSUSA. See HQ 962495, June 11, 1999; HQ 961504, dated August 3, 1998; HQ 958168, dated September 21, 1995; HQ 089176, August 6, 1991; NY 865368, August 6, 1991. The merchandise at issue is significantly distinguishable from a bustier or bra style garment which by virtue of the lack of coverage and lack of a neckline are clearly excluded from classification in heading 6206, HTSUSA. See HQ 962284, dated January 20, 1999; HQ 961504, dated August 3, 1998 (women's woven upper body garment with .25 inch straps and cut straight across the top properly classified in heading 6211, HTSUSA); HQ 958168, dated September 21, 1995 (a sleeveless garment with one inch straps and half of the back bare is properly classified in heading 6211, HTSUSA). The merchandise at issue has a clearly defined U shaped neckline. Accordingly, the subject merchandise meets the established requirements of garments classified as blouses under heading 6206, HTSUSA.

HEADING 6211, HTSUSA

The importer argues that the subject merchandise is similar to a tank top and therefore is properly classified in subheading 6211.42.0054, HTSUSA. Subheading 6211.42.0054, HTSUSA, provides for "Track suits, ski-suits and swimwear; other garments: Other garments, women's or girls': Of cotton: Blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments excluded from heading 6206: with two or more colors in the warp and/or filling." As the discussion above indicates, because it does not have narrow straps and it has a defined neckline, the instant merchandise would not be a garment that is excluded from classification as a blouse under heading 6206, HTSUSA.

We note that in NY D88780, dated March 18, 1999 and PD A88686, dated November 18, 1996, substantially similar merchandise was classified under heading 6211, HTSUSA. Appropriate steps are currently being taken to modify and revoke those rulings as necessary.

HOLDING:

The subject merchandise is classifiable under subheading 6206.30.3010, HTSUSA, textile category 341, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cotton: Other: Other: With two or more

colors in the warp and/or the filling: Women's." The applicable general column one rate of duty at the time of entry was 15.9 percent ad valorem.

The protest should be DENIED. In accordance with Section 3A(11) (b) of the Custom Directive 099 3550-065, dated August 4, 1993, Subject: Revised Protest Directive, you are to mail this decision, together with Customs Form 19, to the protestant no later than 60 days from the date of this letter. Any reliquidation of the entry or entries in accordance with this decision must be accomplished prior to mailing the decision.

Sixty days from the date of the decision, the Office of Regulations & Rulings will make the decision available to Customs personnel, and to the public on the Customs Home Page on the World Wide Web, at www.customs.gov by means of the Freedom of Information Act and by other methods of public distribution.

JOHN E. ELKINS,
Chief Textiles Classification Branch.

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY B89011
September 26, 1997
CLA-2-62:RR:NC:TA:360 B89011
CATEGORY: Classification
TARIFF NO.: 6206.30.3040; 6211.42.0056; 6211.42.0081

MR. THOMAS CALDECOT CHUBB, III
OXFORD INDUSTRIES, INC.
222 Piedmont Avenue, NE
Atlanta, GA 30308

RE: The tariff classification of women's upper body garments from India

DEAR MR. CHUBB:

In your letter dated August 25, 1997, you requested a classification ruling. The samples submitted with your request will be returned to you under separate cover.

Four garments were submitted with your ruling request, styles 4254, 4255, 4256 and 4257. The submitted samples are constructed from 100 percent cotton woven fabric.

Style 4254 is a sleeveless blouse that extends from the shoulders to the vicinity of the hips. The garment measures 2 1/2 inches in width at the shoulder seams and features a square neckline, front and rear, a full front opening secured by 10 buttons, seven tiny tucks on the front panels and has ruffle trim around the neck opening and along the bottom.

Style 4255 is a pullover garment that is suspended from shoulder straps approximately 1/4 inch wide. The garment features an embroidered design on the front panel and a straight hemmed bottom. It is cut straight across the top, front and rear, without a defined neckline.

Style 4256 extends from the neck and shoulders to the vicinity of the hips and has 1/4 inch wide shoulder straps. The garment features a full front

opening secured by five buttons, four tucks on each front panel, embroidery down the front opening, and a ruffle trim around the top edge. It is cut straight across the top, front and rear, without a defined neckline.

Style 4257 is a pullover garment that is suspended from shoulder straps approximately 1/4 inch wide. The garment extends from the neck and shoulders to approximately mid-thigh and features a scoop neckline, front and rear, a raised waistline and an embroidered design on the bodice.

The applicable subheading for style 4254 will be 6206.30.3040, Harmonized Tariff Schedule of the United States (HTS), which provides for women's or girls' blouses, shirts and shirt-blouses: of cotton: other: other women's. The duty rate will be 16.1 percent ad valorem.

The applicable subheading for style 4257 will be 6211.42.0056, Harmonized Tariff Schedule of the United States (HTS), which provides for track suits, ski-suits and swimwear; other garments: other garments, women's or girls': of cotton: blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: other. The duty rate will be 8.4 percent ad valorem.

The applicable subheading for styles 4255 and 4256 will be 6211.42.0081, Harmonized Tariff Schedule of the United States (HTS), which provides for track suits, ski-suits and swimwear; other garments: other garments, women's or girls': of cotton: other. The duty rate will be 8.4 percent ad valorem.

Styles 4254 and 4257 fall within textile category designation 341; styles 4255 and 4256 fall within category 359. Based upon international textile trade agreements products of India are subject to a visa requirement and quota restraints.

The designated textile and apparel categories may be subdivided into parts. If so, visa and quota requirements applicable to the subject merchandise may be affected. Part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes. To obtain the most current information available, we suggest that you check, close to the time of shipment, the Status Report on Current Import Quotas (Restraint Levels), an internal issuance of the U.S. Customs Service, which is available for inspection at your local Customs office.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Patricia Schiazzano at (212) 466-5866.

ROBERT B. SWIERUPSKI,
Director,
National Commodity Specialist Division.

[ATTACHMENT C]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
PD A88686
November 18, 1996
CLA-2-62-CL:FO:CB:I20
CATEGORY: Classification
TARIFF NO.: 6206.30.3040, 6211.42.0056

MR. PHILIP KWOK,
CHB BALTRANS USA, INC.
700 Rockaway Turnpike
Lawrence, NY 11559

RE: The tariff classification of three women's woven upper body garments manufactured in China and Hong Kong

DEAR MR. KWOK:

In your letter dated October 17, 1996, you requested a tariff classification ruling on behalf of Kazu Apparel Group, Inc., of New York, New York.

The submitted samples, designated style numbers 72075603, 71075506 and 71075605 in misses sizes, and 72075603P, 71075506P and 71075605P, respectively, in petite sizes, are women's sleeveless upper body garments manufactured from a 100% cotton woven fabric.

Style number 72075603/72075603P, which measures two and three-quarter inches at the tops of the shoulders, features a full rear opening secured by six shell buttons, capped armholes, a round neckline, one inch side vents, and a straight, hemmed bottom.

Style number 71075506/71075506P, which measures two and one-half inches at the tops of the shoulders, features a full rear opening secured by six plastic buttons and a single metal snap fastener at the top, faced armholes, a round neckline, two one and one-half inch side vents on each side, and a straight, hemmed bottom.

Style number 71075605/71075605P, which measures two and one-quarter inches at the tops of the shoulders, features a full rear opening secured by six plastic buttons, faced armholes, a bateau neckline, two one and one-half inch side vents on each side, and a straight, hemmed bottom.

The applicable subheading for style numbers 72075603/72075603P and 71075506/71075506P is 6206.30.3040, Harmonized Tariff Schedule of the United States (HTS), which provides for other women's blouses, shirts and shirt-blouses, of cotton. The applicable rate of duty is 16.2%, ad valorem.

The applicable HTS subheading for style number 71075605/71075605P is 6211.42.0056, which provides for other women's or girls' blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206. The applicable rate of duty is 8.5%, ad valorem.

All of the garments fall within textile category designation 341. Based on international textile trade agreements, products of China and Hong Kong are subject to quota and the requirement of a visa.

The designated textile and apparel category may be subdivided into parts. If so, visa and quota requirements applicable to the subject merchandise may be affected. Part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes. To obtain the most current information available, we suggest that you check,

close to the time of shipment, the Status Report on Current Import Quotas (Restraint Levels), an internal issuance of the U.S. Customs Service, which is available for inspection at your local Customs office.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported.

JOHN M. REGAN,
*Service Port Director,
Port of Cleveland.*

[ATTACHMENT D]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966056
CLA-2 RR:CR:TE 966056 KSH
TARIFF NO.: 6211.42.0054

WAL-MART STORES, INC.
*P.O. Box 116
Bentonville, AR 72712*

RE: Reconsideration of Headquarters Ruling Letter (HQ) 964221, dated July 10, 2002; Classification of sleeveless upper body garments; Heading 6211

DEAR SIR OR MADAM:

This is in reference to Headquarters Ruling Letter (HQ) 964221 issued to the Port Director, Los Angeles/ Long Beach, CA, on July 10, 2002, with regard to protest 2704-99-150052, concerning the classification, under the Harmonized Tariff Schedule of the United States (HTSUSA), of an upper body garment similar to a sleeveless tank style. The article was classified in subheading 6206.30.3010, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cotton: Other: Other: With two or more colors in the warp and/or the filling: Women's." Since the issuance of that ruling, CBP has reviewed the classification of this item and has determined that the cited ruling is in error.

HQ 964221 is a decision on a specific protest. A protest is designed to handle entries of merchandise which have entered the U.S. and been liquidated by CBP. A final determination of a protest, pursuant to Part 174, Customs Regulations (19 CFR 174), cannot be modified or revoked as it is applicable only to the merchandise which was the subject of the entry protested. Furthermore, CBP lost jurisdiction over the protested entries in HQ 964221 when notice of denial of the protest was received by the protestant. See, San Francisco Newspaper Printing Co. v. U.S., 9 CIT 517, 620 F.Supp. 738 (1935).

However, CBP can modify or revoke a protest review decision to change the legal principles set forth in the decision. Pursuant to section 625(c)(1), Tariff Act of 1930 [19 U.S.C. 1625(c)(1)], as amended by section 623 of Title

VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103-182, 107 Stat. 2057), 60 days after the date of issuance, CBP may propose a modification or revocation of a prior interpretive ruling or decision by publication and solicitation of comments in the CUSTOMS BULLETIN. This revocation will not affect the entries which were the subject of Protest 2704-99-150052, but will be applicable to any unliquidated entries or future importations of similar merchandise 60 days after publication of the final notice of revocation in the CUSTOMS BULLETIN.

FACTS:

The garment at issue is a 100% cotton yarn dyed seersucker blouse, identified as Style FG 15-111. The garment is a woven, sleeveless, scoop neck shirt, part of the "Faded Glory" collection. The silhouette of the garment is shaped throughout the torso with front and back vertical darts. The garment has a full front opening with buttons running up the front. The bottom hem of the garment is slightly curved with side vents measuring approximately 1.75 inches. The armholes and the neckline have a 1" turned facing. The garment measures two and one-quarter inches at the tops of the shoulders. There is a single needle edge stitch along the front opening, and a one-inch single needle top stitch along the neckline, armhole and bottom hem. The sample submitted is a royal blue, yellow, white and teal plaid. The garment is sold in small, medium, large and extra large sizes.

ISSUE:

Whether the subject garment is classifiable as a women's blouse of heading 6206, HTSUSA, or as an other garment of heading 6211, HTSUSA?

LAW AND ANALYSIS:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings.

Heading 6206, HTSUSA, provides for, among other things, women's blouses. The Explanatory Notes to heading 6206 provides, in relevant part:

This heading covers the group of women's or girls' clothing, not knitted or crocheted, which comprises blouses, shirts and shirt-blouses.

The General Explanatory Notes to Chapter 62, HTSUSA, describes shirts and shirt-blouses as:

[G]arments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. Blouses are also designed to cover the upper part of the body but may be sleeveless and without an opening at the neckline.

The CBP Informed Compliance Publication (ICP) "What Every Member of the Trade Community Should Know About: Apparel Terminology Under the HTSUS", (Jan., 2004) offers guidance in determining the commercial designation of articles. In regard to women's blouses, it states, in relevant part:

[Blouses] are garments designed to cover the upper part of the body and extend from the neck area to or below the waist. The amount of coverage afforded the wearer includes shoulder, armhole and neckline. These garments may have long sleeves, short sleeves or no sleeves. They may have a full or partial opening starting at the neckline, and a collar treatment of any type, including a hood, or no collar. They may have either no closure as in a pullover or a closure positioned on the front, back, or side . . .

* * *

Thus, in general, the amount of coverage afforded the wearer by the garment commonly recognized as a "blouse" of heading 6206, HTSUSA, includes shoulder coverage, armhole and neck coverage, as well as coverage to the vicinity of the waist. As the submitted garment has limited shoulder coverage, it is precluded from classification in heading 6206, HTSUSA.

Heading 6211, HTSUSA, provides for track suits, ski-suits and swimwear, and other garments. Subheading 6211.42.0056, HTSUSA, provides for blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206, HTSUSA. Garments at this subheading level consist of the following:

1. blouses, shirts and shirt-blouses with pockets below the waist, tightening or rib knit waistband;
2. sleeveless tank-styled garments—featuring a defined neckline ("U", "V", or scooped)—reaching the vicinity of the waist—providing the wearer with some (though limited) shoulder coverage;
3. similar upper body garments—garments known as "camisoles" sharing a similar silhouette as heading 6206, HTSUSA, blouses—having a defined neckline.

The submitted garment features a defined, scooped neckline, with limited shoulder coverage, and a body which reaches the vicinity of the waist. Accordingly, the subject garment is properly classified in subheading 6211.42.0056, HTSUSA.

HOLDING:

HQ 964221, dated July 10, 2002, is hereby revoked.

The subject garment, referenced style number FG 15-111, is classified in subheading 6211.42.0054, HTSUSA, which provides for, among other things, track suits, ski-suits and swimwear; other garments: other garments, women's or girls': of cotton: blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: with two or more colors in the warp and/or fillings. The applicable rate of duty is 8.1 percent ad valorem and the quota category is 341.

The designated textile and apparel category may be subdivided into parts. If so, the visa and quota requirements applicable to the subject merchandise may be affected. Since part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes, to obtain the most current information available we suggest protestant

check, close to the time of shipment, the Textile Status Report for Absolute Quotas, available on the CBP website at www.cbp.gov.

Due to the changeable nature of the statistical annotation (the ninth and tenth digits of the classification) and the restraint (quota/visa) categories, protestant should contact the local CBP office prior to importation of this merchandise to determine the current status of any import restraints or requirements.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

[ATTACHMENT E]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967033
CLA-2 RR:CR:TE 967033 KSH
TARIFF NO.: 6211.42.0056

MR. PHILLIP KWOK, CHB
BALTRANS USA, INC.
700 Rockaway Turnpike
Lawrence, NY 11559

RE: Modification of Port Decision Letter (PD) A88686, dated November 18, 1996; Classification of sleeveless upper body garments; Heading 6211

DEAR MR. KWOK:

Port Decision Letter (PD) A88686 was issued to you on behalf of your client, Kazu Apparel Group, Inc., on November 18, 1996, concerning the classification, under the Harmonized Tariff Schedule of the United States (HTSUSA), of an upper body garment similar to a sleeveless tank style among other women's sleeveless upper body garments not at issue. The article, identified as style number 71075506/71075506P, was classified in subheading 6206.30.3040, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cotton: Other: Other: Other: Women's." Since the issuance of that ruling, CBP has reviewed the classification of this item and has determined that the cited ruling is in error. Therefore, this ruling modifies PD A88686 with regard to style number 71075506/71075506P.

FACTS:

The garment at issue is a 100% cotton woven upper body garment, identified as style number 71075506/71075506P. The garment measures two and one-half inches at the tops of the shoulders, features a full rear opening secured by six plastic buttons and a single metal snap fastener at the top, faced armholes, a round neckline, two and one-half inch side vents on each side and a straight hemmed bottom.

ISSUE:

Whether the subject garment is classifiable as a women's blouse of heading 6206, HTSUSA, or as an other garment of heading 6211, HTSUSA?

LAW AND ANALYSIS:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings.

Heading 6206, HTSUSA, provides for, among other things, women's blouses. The Explanatory Notes to heading 6206 provides, in relevant part:

This heading covers the group of women's or girls' clothing, not knitted or crocheted, which comprises blouses, shirts and shirt-blouses.

The General Explanatory Notes to Chapter 62, HTSUSA, describes shirts and shirt-blouses as:

[G]arments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. Blouses are also designed to cover the upper part of the body but may be sleeveless and without an opening at the neckline.

The CBP Informed Compliance Publication (ICP) "What Every Member of the Trade Community Should Know About: Apparel Terminology Under the HTSUS", (Jan., 2004) offers guidance in determining the commercial designation of articles. In regard to women's blouses, it states, in relevant part:

[Blouses] are garments designed to cover the upper part of the body and extend from the neck area to or below the waist. The amount of coverage afforded the wearer includes shoulder, armhole and neckline. These garments may have long sleeves, short sleeves or no sleeves. They may have a full or partial opening starting at the neckline, and a collar treatment of any type, including a hood, or no collar. They may have either no closure as in a pullover or a closure positioned on the front, back, or side. . . .

* * *

Thus, in general, the amount of coverage afforded the wearer by the garment commonly recognized as a "blouse" of heading 6206, HTSUSA, includes shoulder coverage, armhole and neck coverage, as well as coverage to the vicinity of the waist. As the submitted garment has limited shoulder coverage, it is precluded from classification in heading 6206, HTSUSA.

Heading 6211, HTSUSA, provides for track suits, ski-suits and swimwear, and other garments. Subheading 6211.42.0056, HTSUSA, provides for those garments which are excluded from classification as blouses of heading 6206, HTSUSA. Garments at this subheading level consist of the following:

1. blouses, shirts and shirt-blouses with pockets below the waist, tightening or rib knit waistband;
2. sleeveless tank-styled garments—featuring a defined neckline (“U”, “V”, or scooped)—reaching the vicinity of the waist—providing the wearer with some (though limited) shoulder coverage;
3. similar upper body garments—garments known as “camisoles” sharing a similar silhouette as heading 6206, HTSUSA, blouses—having a defined neckline.

The submitted garment features a defined, scooped neckline, with limited shoulder coverage, and a body which reaches the vicinity of the waist. Accordingly, the subject garment is properly classified in subheading 6211.42.0056, HTSUSA.

HOLDING:

PD A88686, dated November 18, 1996, is hereby modified.

The subject garment, referenced style number 71075506/71075506P, is classified in subheading 6211.42.0056, HTSUSA, which provides for, among other things, track suits, ski-suits and swimwear; other garments: other garments, women’s or girls’: of cotton: blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: other. The applicable rate of duty is 8.1 percent ad valorem and the quota category is 341.

The designated textile and apparel category may be subdivided into parts. If so, the visa and quota requirements applicable to the subject merchandise may be affected. Since part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes, to obtain the most current information available we suggest your client check, close to the time of shipment, the Textile Status Report for Absolute Quotas, available on the CBP website at www.cbp.gov.

Due to the changeable nature of the statistical annotation (the ninth and tenth digits of the classification) and the restraint (quota/visa) categories, your client should contact the local CBP office prior to importation of this merchandise to determine the current status of any import restraints or requirements.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

[ATTACHMENT F]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967034
CLA-2 RR:CR:TE 967034 KSH
TARIFF NO.: 6211.42.0056

MR. THOMAS CALDECOT CHUBB, III
OXFORD INDUSTRIES, INC.
222 Piedmont Avenue, NE
Atlanta, GA 30308

RE: Modification of New York Ruling Letter (NY) B89011, dated September 26, 1997; Classification of sleeveless upper body garments; Heading 6211

DEAR MR. CHUBB:

New York Ruling Letter (NY) B89011 was issued to you on September 26, 1997, concerning the classification, under the Harmonized Tariff Schedule of the United States (HTSUSA), of an upper body garment similar to a sleeveless tank style among other women's upper body garments not at issue. The article, style 4254, was classified in subheading 6206.30.3040, HTSUSA, which provides for "Women's or girls' blouses, shirts and shirt-blouses: Of cotton: Other: Other: Other: Women's." Since the issuance of that ruling, CBP has reviewed the classification of this item and has determined that the cited ruling is in error. Therefore, this ruling modifies NY B89011 with regard to the classification of style 4254.

FACTS:

The garment at issue is a 100% cotton woven upper body garment, identified as style 4254. The sleeveless garment extends from the shoulders to the vicinity of the hips. It measures two and one-half inches in width at the shoulder seams and features a front and rear square neckline, a full front opening secured by ten buttons, seven tiny tucks on the front panels and has a ruffle trim around the neck opening and along the bottom.

ISSUE:

Whether the subject garment is classifiable as a women's blouse of heading 6206, HTSUSA, or as an other garment of heading 6211, HTSUSA?

LAW AND ANALYSIS:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings.

Heading 6206, HTSUSA, provides for, among other things, women's blouses. The Explanatory Notes to heading 6206 provides, in relevant part:

This heading covers the group of women's or girls' clothing, not knitted or crocheted, which comprises blouses, shirts and shirt-blouses.

The General Explanatory Notes to Chapter 62, HTSUSA, describes shirts and shirt-blouses as:

[G]arments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. Blouses are also designed to cover the upper part of the body but may be sleeveless and without an opening at the neckline.

The CBP Informed Compliance Publication (ICP) "What Every Member of the Trade Community Should Know About: Apparel Terminology Under the HTSUS", (Jan., 2004) offers guidance in determining the commercial designation of articles. In regard to women's blouses, it states, in relevant part:

[Blouses] are garments designed to cover the upper part of the body and extend from the neck area to or below the waist. The amount of coverage afforded the wearer includes shoulder, armhole and neckline. These garments may have long sleeves, short sleeves or no sleeves. They may have a full or partial opening starting at the neckline, and a collar treatment of any type, including a hood, or no collar. They may have either no closure as in a pullover or a closure positioned on the front, back, or side. . . .

* * *

Thus, in general, the amount of coverage afforded the wearer by the garment commonly recognized as a "blouse" of heading 6206, HTSUSA, includes shoulder coverage, armhole and neck coverage, as well as coverage to the vicinity of the waist. As the submitted garment has limited shoulder coverage, it is precluded from classification in heading 6206, HTSUSA.

Heading 6211, HTSUSA, provides for track suits, ski-suits and swimwear, and other garments. Subheading 6211.42.0056, HTSUSA, provides for blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206, HTSUSA. Garments at this subheading level consist of the following:

1. blouses, shirts and shirt-blouses with pockets below the waist, tightening or rib knit waistband;
2. sleeveless tank-styled garments—featuring a defined neckline ("U", "V", or scooped)—reaching the vicinity of the waist—providing the wearer with some (though limited) shoulder coverage;
3. similar upper body garments—garments known as "camisoles" sharing a similar silhouette as heading 6206, HTSUSA, blouses—having a defined neckline.

The submitted garment features a defined, scooped neckline, with limited shoulder coverage, and a body which reaches the vicinity of the waist. Accordingly, the subject garment is properly classified in subheading 6211.42.0056, HTSUSA.

HOLDING:

NY B89011, dated September 26, 1997, is hereby modified.

The subject garment, referenced style 4254, is classified in subheading 6211.42.0056, HTSUSA, which provides for, among other things, track suits, ski-suits and swimwear; other garments: other garments, women's or girls':

of cotton: blouses, shirts and shirt-blouses, sleeveless tank styles and similar upper body garments, excluded from heading 6206: other. The applicable rate of duty is 8.1 percent ad valorem and the quota category is 341.

The designated textile and apparel category may be subdivided into parts. If so, the visa and quota requirements applicable to the subject merchandise may be affected. Since part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes, to obtain the most current information available we suggest you check, close to the time of shipment, the Textile Status Report for Absolute Quotas, available on the CBP website at www.cbp.gov.

Due to the changeable nature of the statistical annotation (the ninth and tenth digits of the classification) and the restraint (quota/visa) categories, you should contact the local CBP office prior to importation of this merchandise to determine the current status of any import restraints or requirements.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

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