

U.S. Customs and Border Protection

NOTICE OF REVOCATION OF TWO RULING LETTERS AND REVOCATION OF TREATMENT CONCERNING THE TARIFF CLASSIFICATION OF AUXILIARY VEHICLE HEATER UNITS

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

ACTION: Notice of revocation of two ruling letters relating to the tariff classification of certain auxiliary vehicle heater units and revocation of treatment.

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 U.S. Customs and Border Protection (CBP) is revoking two ruling letters relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain auxiliary vehicle heater units. CBP is also revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed revocations was published on December 10, 2009, in the Customs Bulletin, Vol. 43, No. 50. No comments were received in response to this notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after April 19, 2010.

FOR FURTHER INFORMATION CONTACT: Dwayne S. Rawlings, Tariff Classification and Marking Branch, at (202) 325–0092.

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 to 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 is revoking two ruling letters relating to the tariff classification of certain auxiliary vehicle heater units. Although in this notice CBP is specifically referring to the revocations of New York Ruling Letter (NY) 859202, dated January 18, 1991, and NY J88055, dated September 3, 2003, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ones identified. 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 should have advised CBP during the notice period.

In NY 859202 and NY J88055, CBP classified auxiliary vehicle heater units in heading 7322, HTSUS, specifically subheading 7322.90.00, HTSUS, as “air heaters not electrically heated, incorporating a motor-driven fan or blower.” It is now CBP’s position that both auxiliary vehicle heater units are properly classified in heading 8419, HTSUS, specifically under subheading 8419.50.50, HTSUS, which provides for “machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating: Heat exchange units: Other.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking NY 859202 and NY J88055, and any other ruling not specifically identified, to reflect the proper tariff classification of the auxiliary vehicle heater units, pursuant to the analysis set forth in Headquarters Ruling Letters

(HQ) 065718 (Attachment A) and HQ 065720 (Attachment B). CBP is also revoking any treatment previously accorded by it to substantially identical transactions.

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

Dated: February 1, 2010

GAIL A. HAMILL

FOR

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

HQ H065718

February 1, 2010

CLA-2 OT:RR:CTF:TCM H065718 DSR

CATEGORY: Classification

TARIFF NO.: 8419.50.50

MR. ROBERT J. RESETAR
PORSCHE CARS NORTH AMERICA, INC.
980 HAMMOND DRIVE
SUITE 1000
ATLANTA, GA 30328

RE: Revocation of NY J88055 (issued on September 3, 2003) regarding the tariff classification of an auxiliary vehicle heater unit

DEAR MR. RESETAR:

The National Commodity Specialist Division of Customs and Border Protection (CBP) issued ruling NY J88055 on September 3, 2003, to Porsche Cars North America, Inc., regarding the classification of an auxiliary vehicle heater unit under the Harmonized Tariff Schedule of the United States (HTSUS). We have reconsidered this ruling and now believe that the classification of the auxiliary vehicle heater unit specified in NY J99055 is incorrect. This ruling sets forth the correct classification of the auxiliary vehicle heater unit.

Pursuant to section 625c, Tariff Act of 1930 (19 U.S.C. § 1625c), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification was published on December 10, 2009, in the Customs Bulletin, Vol. 43, No. 50. No comments were received in response to the notice.

FACTS:

In NY J88095, the subject merchandise was described as a steel, self-contained, heating device mounted on the wheel well inside the engine compartment of an automobile. The unit circulates and heats engine coolant to preheat the engine and passenger compartment prior to driving in cold weather. The unit includes control electronics, a pump, and a combustion and heat exchange chamber. It operates by drawing fuel from the vehicle's tank into the combustion chamber. Simultaneously, the pump circulates cold engine coolant into the combustion chamber, where a heat exchanger heats it. The hot coolant is circulated back through the vehicle's engine and HVAC heat exchanger. A blower circulates air over the HVAC heat exchanger, where it is then warmed, and the heated air is blown into the passenger compartment. CBP determined that the subject auxiliary vehicle heater unit was classified under subheading 7322.90.00, HTSUS, as an "air heater."

ISSUE:

Whether the auxiliary vehicle heater is classified as an "air heater" of heading 7322, HTSUS, or as a "heat exchange unit" of heading 8419, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). 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 GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration in this case are as follows:

7322	Radiators for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including distributors which can also distribute fresh or conditioned air), not electrically heated, incorporating a motor-driven fan or blower, and parts thereof, of iron or steel: * * *
7322.90.00	Other, including parts. * * *
7322.90.0015	Air heaters, not electrically heated, incorporating a motor-driven fan or blower * * * *
8419	Machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating ... * * *
8419.50	Heat exchange units: * * *
8419.50.50	Other. * * * *

In interpreting the HTSUS, the Explanatory Notes (Ens) of the Harmonized Commodity Description and Coding System may be utilized. The Ens, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89 80, 54 Fed. Reg. 35127 (August 23, 1989).

The Explanatory Note to heading 7322, HTSUS, provides that an “air heater” transfers the heat given off by combustion gases passing through it to *air* traveling along its outer surface. The vehicle’s HVAC system then distributes the heated air through the vehicle. By comparison, the Explanatory Note to heading 8419, HTSUS, explains that heading 8419 excludes air heaters and hot air distributors covered by heading 7322, HTSUS, and covers machinery and plant designed to submit materials (solid, liquid and gaseous) to a heating or cooling process in order to cause a simple change in temperature.

Here, the subject heater does not transfer heat via its heat exchanger to any air traveling along its surface, as required by heading 7322, HTSUS. Instead, the heater directly submits the vehicle’s engine coolant to a heating

process by circulating the coolant through the heater's combustion chamber, where the coolant is heated by a heat exchanger. The hot coolant is then re-circulated through the vehicle's engine and HVAC heat exchanger to pre-heat the engine and distribute heated air to the vehicle's passenger compartment. Thus, it is now the position of CBP that the heater in NY J88055 is classified in heading 8419, HTSUS, which provides for "machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating: Heat exchange units: Other."

HOLDING:

By application of GRI 1, the subject auxiliary vehicle heater unit is classifiable under heading 8419, HTSUS. Specifically, it is classifiable under subheading 8419.50.50, HTSUS, which provides for "machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating: Heat exchange units: Other." The column one, general rate of duty is "free." Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY J88055, dated September 3, 2003, is revoked with respect to the classification of the auxiliary vehicle heater unit.

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

Sincerely,

GAIL A. HAMILL

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

HQ H065720

February 1, 2010
CLA-2 OT:RR:CTF:TCM H065720 DSR
CATEGORY: Classification
TARIFF NO.: 8419.50.50

MR. GREG J. GRASHER
BORDER BROKERAGE CO.
P.O. BOX B
BLAINE, WA 98230

RE: Revocation of NY 859202 (issued on January 18, 1991) regarding the tariff classification of the “Thermo Star” auxiliary vehicle heater unit

DEAR MR. GRASHER:

The National Commodity Specialist Division of Customs and Border Protection (CBP) issued ruling NY 859202 on January 18, 1991, to Border Brokerage Co., regarding the classification of the “Thermo Star” auxiliary vehicle heater unit under the Harmonized Tariff Schedule of the United States (HTSUS). We have reconsidered this ruling and now believe that the classification of the Thermo Star auxiliary vehicle heater unit specified in NY 859202 is incorrect. This ruling sets forth the correct classification of the Thermo Star auxiliary vehicle heater unit.

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 Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation was published on December 10, 2009, in the *Customs Bulletin*, Vol. 43, No. 50. No comments were received in response to the notice.

FACTS:

In NY 859202, the Thermo Star auxiliary vehicle heater unit was described as an auxiliary heating system used to heat and regulate heated coolant flow to a truck’s cab, engine and fuel tank. The system does not rely upon the vehicle’s engine for its source of heat. The complete system consists of the boxed unit with heater control module, cab mounted thermostat and function control panel, fuel metering pump with fuel filter, pickup pipe and fuel lines, solenoid control valve with check valve, exhaust pipe, wiring harness and installation kit and mounting hardware. It operates by drawing fuel from the vehicle’s tank into the combustion chamber. Simultaneously, the pump circulates cold engine coolant into the combustion chamber, where a heat exchanger heats it. The hot coolant is circulated back through the vehicle’s engine and HVAC heat exchanger. A blower circulates air over the HVAC heat exchanger, where it is then warmed, and the heated air is blown into the passenger compartment. In NY 859202, CBP determined that the merchandise was classified under subheading 7322.90.00, HTSUS, as an “air heater.”

ISSUE:

Whether the Thermo Star auxiliary vehicle heater unit is classified as an “air heater” of heading 7322, HTSUS, or as a “heat exchange unit” of heading 8419, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). 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 GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration in this case are as follows:

7322	Radiators for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including distributors which can also distribute fresh or conditioned air), not electrically heated, incorporating a motor-driven fan or blower, and parts thereof, of iron or steel: * * *
7322.90.00	Other, including parts. * * *
7322.90.0015	Air heaters, not electrically heated, incorporating a motor-driven fan or blower * * * *
8419	Machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating ... * * *
8419.50	Heat exchange units: * * *
8419.50.50	Other. * * * *

In interpreting the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89 80, 54 Fed. Reg. 35127 (August 23, 1989).

The Explanatory Note to heading 7322, HTSUS, provides that an “air heater” transfers the heat given off by combustion gases passing through it to *air* traveling along its outer surface. The vehicle’s HVAC system then distributes the heated air through the vehicle. By comparison, the Explanatory Note to heading 8419, HTSUS, explains that heading 8419 excludes air heaters and hot air distributors covered by heading 7322, HTSUS, and covers machinery and plant designed to submit materials (solid, liquid and gaseous) to a heating or cooling process in order to cause a simple change in temperature.

Here, the subject heater does not transfer heat via its heat exchanger to any air traveling along its surface, as required by heading 7322, HTSUS.

Instead, the heater directly submits the vehicle's engine coolant to a heating process by circulating the coolant through the heater's combustion chamber, where the coolant is heated by a heat exchanger. The hot coolant is then re-circulated through the vehicle's engine and HVAC heat exchanger to pre-heat the engine and distribute heated air to the vehicle's passenger compartment. Thus, it is now the position of CBP that the heater in NY 859202 is classified as a heat exchanger in heading 8419, HTSUS, which provides for "machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating: Heat exchange units: Other."

HOLDING:

By application of GRI 1, the subject merchandise identified as the Thermo Star auxiliary vehicle heater unit is classifiable under heading 8419, HTSUS. Specifically, it is classifiable under subheading 8419.50.50, HTSUS, which provides for "machinery, plant or laboratory equipment, whether or not electrically heated ... for the treatment of materials by a process involving a change in temperature such as heating: Heat exchange units: Other." The column one, general rate of duty is "free." Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY 859202, dated January 18, 1991, is revoked with respect to the classification of the Thermo Star auxiliary vehicle heater system.

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

Sincerely,

GAIL A. HAMILL

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 1 2010)

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of January 2010. The last notice was published in the CUSTOMS BULLETIN on January 27, 2010.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mail Stop 1179, Washington, D.C. 20229-1179

SUPPLEMENTARY INFORMATION: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 325-0088.

Dated: February 2, 2010

CHARLES R. STEUART
*Chief, Intellectual Property Rights &
Restricted Merchandise Branch*

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 97-00165	1/5/2010	10/24/2019	COBRA	FORD MOTOR COMPANY	No
TMK 05-01038	1/19/2010	2/1/2020	FOCUS	FORD MOTOR COMPANY	No
TMK 10-00074	1/27/2010	1/12/2020	EUROVOX	MORRIS M. CHANG	No
TMK 05-01057	1/12/2010	1/11/2020	EXCURSION	FORD MOTOR COMPANY	No
TMK 05-00760	1/27/2010	11/11/2020	CATERPILLAR	CATERPILLAR INC.	No
COP 90-00068	1/5/2010	1/5/2030	SUPER MARIO BROS. FCS	NINTENDO OF AMERICA	No
COP 90-00088	1/5/2010	1/5/2030	SUPER MARIO BROS. 3 NES	NINTENDO OF AMERICA	No
COP 90-00253	1/5/2010	1/5/2030	SUPER MARIO BROS. (2) FCS	NINTENDO OF AMERICA	No
TMK 06-00487	1/19/2010	10/12/2019	CYBER-SHOT	SONY CORPORATION	No
TMK 00-00247	1/5/2010	11/30/2019	DVD AND DESIGN	DVD FORMAT/ LOGO LICENSING CORP	No
TMK 00-00278	1/12/2010	12/21/2019	CRISTALL (STYLIZED)	CRISTALL U.S.A. INC.	No
TMK 00-00385	1/8/2010	12/21/2016	PULSAR	SEIKO WATCH KABUSHIKI KAISHA T/A SEIKO WATCH CORPORATION	No
TMK 06-00569	1/8/2010	11/16/2011	PULSAR	SEIKO WATCH KABUSHIKI KAISHA T/A SEIKO WATCH CORPORATION	No
TMK 04-00824	1/19/2010	12/12/2019	SPEED	"SWANSON TOOL COMPANY, INC."	No
TMK 10-00020	1/12/2010	1/8/2017	HANKY PANKY	"HANKY PANKY, LTD."	No
TMK 90-00387	1/12/2010	12/23/2019	JAZZ BASS	FENDER MUSICAL INSTRUMENT CORP.	No
TMK 90-00062	1/26/2010	8/5/2019	FERRARI	FERRARI SOCIETA PER AZIONI ESERC	No
TMK 06-01340	1/27/2010	12/20/2019	LUFKIN (STYLIZED)	"COOPER BRANDS, INC."	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 07-00040	1/5/2010	8/24/2019	DESIGN ONLY	HARTFORD FIRE INSURANCE COMPANY	No
TMK 07-00363	1/22/2010	12/28/2019	AMBICOM	AMBICOM INC.	No
TMK 10-00059	1/27/2010	12/22/2019	FASHION FOR REAL LIFE	"BDSRCO, INC."	No
TMK 10-00068	1/27/2010	12/22/2019	REAL FASHION REAL VALUE	"BDSRCO, INC."	No
TMK 10-00065	1/27/2010	12/22/2019	KT	"OUTRACO, INC."	No
TMK 08-00997	1/19/2010	1/18/2020	HEALTH CONCERNS	"GOODE, INC."	No
TMK 00-00151	1/12/2010	12/26/2019	FIRE-SAFE	"JOHN D. BRUSH & CO., INC."	No
COP 10-00016	1/27/2010	1/27/2030	FUNKY MONKEY PACKAGING ILLUSTRATIONS.	"GLOBAL BRANDS LTDA,"	No
TMK 97-00413	1/12/2010	11/7/2019	DIESEL	DIESEL S.P.A.	No
TMK 10-00033	1/19/2010	1/2/2017	LIA SOPHIA	ACT II JEWELRY LLC.	No
TMK 10-00036	1/22/2010	9/11/2017	SHARE THE LOVE OF JEWELRY	ACT II JEWELRY LLC.	No
TMK 09-00934	1/5/2010	1/13/2020	PRECISION BASS	FENDER MUSICAL INSTRUMENTS CORPORATION	No
TMK 10-00009	1/5/2010	12/1/2019	JETS	NEW YORK JETS LLC	No
TMK 10-00069	1/27/2010	10/5/2014	GAO ONG DIA	"SUN LEE, INC."	No
TMK 10-00073	1/27/2010	9/8/2019	M (STYLIZED)	"MSTATION AUDIO, INC."	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00019	1/8/2010	10/21/2018	EPSON	SEIKO EPSON KABUSHIKI KAISHA ATA SEIKO EPSON CORPORATION (JAPAN CORPORATION)	No
TMK 10-00070	1/27/2010	12/21/2019	MLD	"MILLENNIUM DESIGN CO. USA, LTD."	No
TMK 10-00060	1/27/2010	2/3/2019	CONFIGURATION OF PACKAGING BOTTLE	"OPI PRODUCTS, INC."	No
TMK 10-00061	1/27/2010	2/3/2019	CONFIGURATION OF SPHERICAL BOTTLE	"OPI PRODUCTS, INC."	No
TMK 10-00066	1/27/2010	3/4/2018	SATECHI	SARIANA LLC	No
TMK 10-00062	1/27/2010	1/5/2020	KENY	KSG TRADE CO.	No
TMK 10-00067	1/27/2010	8/5/2013	CONFIGURATION OF A STAMP PAD	"CLEARSNAP HOLDING, INC."	No
TMK 10-00064	1/27/2010	6/24/2013	CONFIGURATION OF A OBLONG SHAPED STAMP	"CLEARSNAP HOLDING, INC."	No
TMK 10-00026	1/12/2010	2/7/2016	SB SMARTBEAM AND DESIGN	GENTEX CORPORATION	No
COP 10-00015	1/22/2010	1/22/2030	OPEN HEARTS INSPIRATIONS DIA- MOND NECKLACE.	"CATFISH PRODUCTIONS, INC."	No
COP 10-00013	1/22/2010	1/22/2030	OPEN HEARTS INSPIRATIONS DIA- MOND EARRINGS	"CATFISH PRODUCTIONS, INC."	No
TMK 10-00071	1/27/2010	8/11/2019	STEMNION	"STEMNION, INC."	No
COP 10-00009	1/12/2010	1/12/2030	AB ROCKET -RETAIL BOX	"E. MISHAN & SONS, INC."	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 10-00047	1/26/2010	8/26/2018	SENSUOUS	ESTEE LAUDER INC.	No
TMK 10-00049	1/26/2010	4/8/2013	DESIGN OF STAMP PAD	"CLEARSNAP HOLDING, INC."	No
TMK 10-00048	1/26/2010	8/12/2017	DESIGN OF A FLOWER SHAPED STAMP	"CLEARSNAP HOLDING, INC."	No
TMK 10-00057	1/26/2010	1/27/2019	NXP	NXP B.V.	No
TMK 10-00031	1/19/2010	1/13/2019	SPEEDMASTER	OMEGA SA (OMEGA A.G.)(OMEGA LTD.)	No
TMK 10-00024	1/12/2010	12/22/2019	ROWE FURNITURE	"ROWE FINE FURNITURE, INC."	No
TMK 10-00025	1/12/2010	12/25/2014	ARC	"BREWER SCIENCE, INC."	No
TMK 10-00063	1/27/2010	10/8/2012	EXEL BIOCOSMETICA EXEL ARGENTINA	BIOCOSMETICA EXEL ARGENTINA S.R.L.	No
TMK 10-00027	1/19/2010	12/5/2015	OU	THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA	No
TMK 02-00984	1/22/2010	1/11/2020	CHROME HEARTS (STYLIZED IN HORSESHOE DESIGN)	"CHROME HEARTS, LLC"	No
TMK 10-00001	1/4/2010	12/15/2019	RAIDERS	OAKLAND RAIDERS	No
TMK 10-00007	1/5/2010	9/1/2019	LOVE L V E L V E	DIOPHY INTERNATIONAL CORP.	No
TMK 10-00002	1/4/2010	7/30/2012	DKNY	"GABRIELLE STUDIO, INC."	No
TMK 10-00035	1/22/2010	7/5/2015	FURMINATOR	"FURMINATOR, INC."	No
COP 10-00010	1/19/2010	1/19/2030	OPEN HEARTS NECKLACE (SILVER)	"CATFISH PRODUCTIONS, INC."	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 10-00014	1/22/2010	1/22/2030	OPEN HEARTS INSPIRATIONS DIAMOND NECKLACE	"CATFISH PRODUCTIONS, INC."	No
TMK 10-00034	1/22/2010	5/1/2017	FURMINATOR AND DESIGN	"FURMINATOR, INC."	No
COP 10-00005	1/8/2010	1/8/2030	THE INCREDIBLE HULK.	"MVL FILM FINANCE LLC. ADDRESS: 9242 BEVERLY BLVD., SUITE 350, BEVERLY HILLS, CA, 90210, UNITED STATES"	No
TMK 10-00028	1/19/2010	4/16/2011	EL SEMBRADOR	L & J GENERAL INTERNATIONAL CORPORATION INC.	No
TMK 10-00046	1/26/2010	6/5/2019	ESTEE LAUDER (STYLIZED)	ESTEE LAUDER INC.	No
TMK 10-00006	1/4/2010	11/7/2016	DERMOTIC	"HILL DERMACEUTICALS, INC."	No
TMK 10-00051	1/26/2010	9/9/2018	SPEEDSTER	DR. ING. H.C.F. FORSCHE AKTIENGESSELLSCHAFT	No
TMK 10-00029	1/19/2010	10/27/2019	ENVIRO TEC AND DESIGN	AMERICAN PAD AND PAPER LLC.	No
TMK 10-00075	1/27/2010	11/28/2011	SOPHIA FIORI	"ELBA JEWELRY, INC."	No
TMK 10-00058	1/26/2010	11/17/2019	LA TAREA AND DESIGN	DESTILADORA DE AGAVE AZUL SA DE C.V.	No
TMK 10-00008	1/5/2010	11/19/2015	CAMBRIDGE	"BEAULIEU GROUP, LLC"	No
TMK 10-00072	1/27/2010	12/1/2019	MI BANDERA	MI BANDERA CORPORATION	No
TMK 10-00011	1/8/2010	10/27/2019	WAFERBOND	"BREWER SCIENCE, INC."	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	GM Restricted
TMK 10-00052	1/26/2010	4/8/2018	PD (STYLIZED)	DR. ING. H.C.F. PORSCHE AKTIENG-ESELLSCHAFT	No
TMK 10-00005	1/4/2010	10/5/2019	MOLIN ERA AND DESIGN	"MOLINERA FOOD, LLC"	No
TMK 10-00010	1/5/2010	12/1/2019	SMOOCH SPRITZ	"CLEARSNAP HOLDING, INC."	No
TMK 04-00360	1/27/2010	10/20/2018	CLOSE UP & DESIGN	"CHURCH & DWIGHT CO., INC."	No
COP 10-00001	1/4/2010	1/4/2030	BVLGARI BLV EAU DE PARFUM II.	"BULGARI, S.P.A."	No
COP 10-00012	1/19/2010	1/19/2030	HOLIDAY CATALOGUE 2009 -BVLGARI CELEBRATING 125 YEARS.	BULGARI S.P.A.	No
TMK 10-00077	1/27/2010	11/23/2019	MENTADENT	"CHURCH & DWIGHT CO., INC."	No
TMK 10-00030	1/19/2010	8/4/2019	"S"-CURVE DESIGN"	"MARIMBA ONE, INC."	No
TMK 00-00180	1/5/2010	1/24/2020	PATEK PHILIPPE	HENRI STERN WATCH AGENCY	No
TMK 10-00012	1/8/2010	2/14/2019	EASTPAK	JANSFORT APPAREL CORP.	No
TMK 10-00014	1/8/2010	11/25/2018	A	ATLANTA NATIONAL LEAGUE BASEBALL CLUB INC.	No
TMK 10-00013	1/8/2010	2/23/2019	EASTPAK AND DESIGN	JANSFORT APPAREL CORP.	No
TMK 05-00450	1/5/2010	12/12/2019	OAKLAND (STYLIZED)	"ATHLETICS INVESTMENT GROUP, LLC"	No
TMK 10-00018	1/8/2010	11/3/2019	DIONE AND DESIGN	DIONE KOZMETIK VE SAGLIK URUNLERI SANAYI VE TICARET ANONIM SIRKETI	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 10-00007	1/12/2010	1/12/2030	HULK STYLE GUIDE 2008	MVL RIGHTS LLC	No
TMK 10-00032	1/19/2010	1/10/2016	SOONERS	REGENTS OF THE UNIVERSITY OF OKLAHOMA	No
TMK 10-00004	1/4/2010	12/29/2018	DERMA-SMOOTHIE/FS	"HILL DERMACEUTICALS, INC."	No
TMK 90-00511	1/5/2010	1/17/2020	CINCINNATI REDS DESIGN	THE CINCINNATI REDS LLC.	No
COP 10-00006	1/12/2010	1/12/2030	MARVEL HEROES STYLE GUIDE 2009	MVL RIGHTS LLC	No
COP 10-00008	1/12/2010	1/12/2030	IRON MAN ARMORED ADVENTURES: THE ANIMATED SERIES STYLE GUIDE.	MVL RIGHTS LLC	No
TMK 05-00841	1/19/2010	10/24/2019	ATLANTA AND DESIGN	ATLANTA NATIONAL LEAGUE BASE-BALL	No
TMK 05-00824	1/5/2010	1/9/2020	.45S AND DESIGN	"HOUSTON MCLANE COMPANY, INC."	No
TMK 10-00015	1/8/2010	7/26/2015	"HILL DERMACEUTICALS, INC. AND DESIGN"	"HILL DERMACEUTICALS, INC."	No
COP 10-00004	1/8/2010	1/8/2030	THE INVINCIBLE IRON MAN STYLE GUIDE 2008.	"MVL RIGHTS LLC. ADDRESS: 9242 BEVERLY BLVD., SUITE 350, BEVERLY HILLS, CA, 90210, UNITED STATES"	No
COP 10-00002	1/8/2010	1/8/2030	THE AMAZING SPIDER-MAN STYLE GUIDE UPDATE 2008.	"MARVEL CHARACTERS, INC. ADDRESS: 9242 BEVERLY BLVD., SUITE 350, BEVERLY HILLS, CA, 90210, UNITED STATES."	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 10-00003	1/8/2010	1/8/2030	MARVEL SPIDER-MAN & FRIENDS STYLE GUIDE 2008.	"MARVEL CHARACTERS, INC.. AD-DRESS: 9242 BEVERLY BLVD., SUITE 350, BEVERLY HILLS, CA, 90210, UNITED STATES"	No
TMK 05-00453	1/19/2010	10/24/2019	DESIGN ONLY (CARDINAL WITH BAT)	"ST. LOUIS CARDINALS, LLC"	No
TMK 10-00056	1/26/2010	6/29/2016	SHRINKY DINKS	"K & B INNOVATIONS, INC"	No
TMK 05-00693	1/5/2010	1/6/2020	H AND DESIGN	"HOUSTON MCLANE COMPANY, INC."	No
TMK 99-00066	1/19/2010	10/24/2019	ATLANTA BRAVES	ATLANTA NATIONAL LEAGUE BASE-BALL	Yes
TMK 10-00021	1/12/2010	11/3/2019	FF FLEET FARM AND DESIGN	"FLEET WHOLESale SUPPLY CO., INC."	No
TMK 10-00003	1/4/2010	11/1/2015	DONNA KARAN	"GABRIELLE STUDIO, INC."	No
TMK 10-00016	1/8/2010	1/20/2019	NXF	NXF B.V.	No
TMK 10-00017	1/8/2010	1/20/2019	NXF	NXF B.V.	No
TMK 10-00022	1/12/2010	11/20/2017	THE BAGGLER	MARK EICHENBAUM	No
TMK 10-00023	1/12/2010	10/4/2015	SMARTBEAM (STYLIZED)	GENTEX CORPORATION	No
COP 10-00011	1/19/2010	1/19/2030	OPEN HEARTS INSPIRATIONS DIAMOND NECKLACE	"CATFISH PRODUCTIONS, INC."	No
TMK 10-00053	1/26/2010	11/17/2019	GARRETT PRO-POINTER	"GARRETT ELECTRONICS, INC."	No
TMK 10-00050	1/26/2010	7/2/2014	SOLINGEN	INDUSTRIE-UND HANDELSKAMMER ZU SOLINGEN CORPORATION	No

CBP IPR RECORDATION — JANUARY 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00055	1/26/2010	11/17/2019	PRO-POINTER	"GARRETT ELECTRONICS, INC."	No
TMK 10-00054	1/26/2010	11/17/2019	RECON-PRO	"GARRETT ELECTRONICS, INC."	No
TMK 10-00045	1/26/2010	3/3/2018	GARRETT SUPER SCANNER	"GARRETT ELECTRONICS, INC."	No
TMK 10-00037	1/26/2010	2/4/2013	M	BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT	No
TMK 10-00038	1/26/2010	9/16/2018	MINI COOPER	BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT	No
TMK 10-00039	1/26/2010	9/9/2018	AXO	AXO SHREDDERS LTD	No
TMK 10-00044	1/26/2010	10/6/2019	CHUCKTOWN	DAVID BLAIR	No
TMK 10-00043	1/26/2010	10/27/2019	LINX	"TORAX MEDICAL, INC."	No
TMK 10-00041	1/26/2010	10/6/2019	EFFIENT	ELI LILLY AND COMPANY	No
TMK 10-00042	1/26/2010	9/29/2019	EFFIENT AND DESIGN	ELI LILLY AND COMPANY	No
TMK 10-00076	1/27/2010	4/29/2018	GUSSACI	"CHEN, QIU"	No
TMK 10-00040	1/26/2010	11/24/2019	DESIGN	UNITED STATES OLYMPIC COMMITTEE	No
TMK 02-00809	1/22/2010	10/19/2019	OLET	"CEDAR INVESTMENTS, INC."	No

Total Records: 126

Date as of: 2/1/2010

NOTICE OF CANCELLATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. 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 U.S. Customs and Border Protection regulations (19 CFR 111.51(b)), the following Customs broker license and all associated permits are cancelled with prejudice.

<i>Name</i>	<i>License #</i>	<i>Issuing Port</i>
John T. Sciara	10286	New York

Dated: January 26, 2010

DANIEL BALDWIN
Assistant Commissioner
Office of International Trade

[Published in the Federal Register, February 3, 2010 (75 FR 5618)]



NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING A CERTAIN ALTERNATOR

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of a certain alternator. Based upon the facts presented, CBP has concluded in the final determination that the U.S. is the country of origin of the alternator for purposes of U.S. government procurement.

DATES: The final determination was issued on January 21, 2010. A copy of the final determination is attached. Any party-at-interest, as defined in 19 C.F.R. § 177.22(d), may seek judicial review of this final determination within March 5, 2010.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch: (202) 325-0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 21, 2010, pursuant to subpart B of part 177,

Customs Regulations (19 C.F.R. part 177, subpart B), CBP issued a final determination concerning the country of origin of the alternator which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, in HQ H075667, was issued at the request of Ecoair Corp. under procedures set forth at 19 C.F.R. part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the alternator, assembled in the U.S. from parts made in China and the U.S., is substantially transformed in the U.S., such that the U.S. is the country of origin of the finished article for purposes of U.S. government procurement.

Section 177.29, Customs Regulations (19 C.F.R. § 177.29), provides that notice of final determinations shall be published in the *Federal Register* within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 C.F.R. § 177.30), provides that any party-at-interest, as defined in 19 C.F.R. § 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the *Federal Register*.

Dated: January 21, 2010

SANDRA L. BELL

*Executive Director Regulations and Rulings
Office of International Trade*

Attachment

H075667

January 21, 2010

OT:RR:CTF:VS H075667 EE

CATEGORY: Marking

MR. PETER S. KNUDSEN, JR.

ECOAIR CORP.

*FOUR INDUSTRIAL CIRCLE**HAMDEN, CT 06517-3152*

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B of part 177, CBP Regulations; Country of Origin; Eco-Tech Heavy Duty Alternator

DEAR MR. KNUDSEN:

This is in response to your correspondence of October 31, 2009, in which you requested a final determination on behalf of Ecoair Corp. (“Ecoair”), pursuant to subpart B of part 177, Customs and Border Protection (“CBP”) Regulations (19 C.F.R. § 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the Eco-Tech Heavy Duty Alternator. We note that Ecoair is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

You describe the pertinent facts as follows. Eco-Tech Alternators operate in diesel powered military boats, fire trucks, ambulances, utility trucks, school shuttles, party buses, and commercial fishing boats; all applications where significant operating time is spent at idle and where electric power needs are independent of the engine speed. Eco-Tech alternators provide 80% of maximum electrical output at idle versus 30% for typical conventional alternators. Therefore, all of the on-board electronics of emergency vehicles can be supported while vehicles are operating at idle, instead of keeping their engines racing in high idle operation.

You advise that there are two important parts of alternators: 1. the electro/mechanical parts including the rotor, stator, and end frames; and, 2. the electronic component, i.e. the regulator. The regulator controls the alternator by enabling it to supply the amount of electric power that matches the needs of the vehicle. Should the regulator not supply enough power, the battery will get depleted and the vehicle will stop operating. If the regulator supplies too much electrical power, the battery and the wiring will get hot and fail. You state that the electro/mechanical parts of the alternator are manufactured by Dehong Eco-Tech, a joint venture company in China. The electronic portion, the regulator, is manufactured in the U.S. by Carleton Industries. The electro/mechanical parts will be shipped to the Ecoair facility in

Hamden, Connecticut where they will be assembled with the U.S. manufactured regulator into the alternator. The alternator will be tested and packaged in the U.S.

You have submitted the bill of materials for the alternator. Some of the components from China include the following: stator assembly, rotor assembly, rectifier, regulator base assembly, insulators, rear cover, outer package, and inner package. Components sourced in the U.S. include overvoltage transient suppressor, retainer ring, bearings, regulator, and cable. Drive end housing and diode end housing are sourced both in China and the U.S. You submitted schematics, photographs, specifications, and the step-by-step assembly process of the regulator and the alternator in the U.S. The assembly of the alternator, from components including the regulator, is comprised of thirty-one discrete steps and fifty-two parts, takes approximately 169 minutes. You claim that each step is completed by skilled workers who undergo an extensive training process.

Alternator assembly process involves pressing the bearing to the drive end housing; installing the snap ring, the helicoil, and the stator; measuring the stator resistance and stator AUX winding resistance; using fluke meter to measure the rotor resistance; a hi-pot test to check insulation between each phase to ground; pressing the rotor into the stator/drive end housing assembly; installing the SRE housing, installing the air flow deflector; installing the rectifier sub-assembly; installing the heat shrink tubing; and, installing the regulator back plate and the ignition protect parts.

ISSUE:

What is the country of origin of the Eco-Tech Heavy Duty Alternator for the purpose of U.S. government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of part 177, 19 C.F.R. § 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 C.F.R. § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. government procurement, CBP applies the provisions of subpart B of part 177

consistent with the Federal Acquisition Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define "U.S.-made end product" as:

...an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 C.F.R. § 25.003.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. Factors which may be relevant in this evaluation may include the nature of the operation (including the number of components assembled), the number of different operations involved, and whether a significant period of time, skill, detail, and quality control are necessary for the assembly operation. *See* C.S.D. 80-111, C.S.D. 85-25, C.S.D. 89-110, C.S.D. 89-118, C.S.D. 90-51, and C.S.D. 90-97. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983).

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In a number of rulings (*e.g.*, HQ 735608, dated April 27, 1995 and HQ 559089 dated August 24, 1995), CBP has stated: "in our experience these inquiries are highly fact and product specific; generalizations are troublesome and potentially misleading. The determination is in this instance 'a mixed question of technology and Customs law, mostly the latter.'" *Texas Instruments, Inc. v. United States*, 681 F.2d 778, 783 (CCPA 1982).

This case involves fifty-three components which are proposed to be assembled in the U.S., largely by skilled workers. The regulator, manufactured in the U.S., is the electronic component of the alternator, which controls the electrical output of the alternator to match the electrical load of the vehicle. The regulator is a key component of the alternator. Should the alternator not

supply enough power, the battery will get depleted and the vehicle will stop operating. The regulator will be assembled with fifty-two other components, into the alternator in a thirty-one step process which will take approximately 169 minutes. Under the described assembly process, the foreign components lose their individual identities and become an integral part of a new article, the alternator, possessing a new name, character and use. Based upon the information before us, we find that the components that are used to manufacture the alternator, including the regulator manufactured in the U.S., are substantially transformed as a result of the assembly operations performed in the U.S., and that the country of origin of the alternator for government procurement purposes is the U.S.

HOLDING:

The components that are used to manufacture the alternator are substantially transformed as a result of the assembly operations performed in the U.S. Therefore, the country of origin of the alternator for government procurement purposes is the U.S.

Notice of this final determination will be given in the *Federal Register*, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days after publication of the *Federal Register* notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

SANDRA L. BELL

Executive Director

*Regulations and Rulings Office
of International Trade*

[Published in the Federal Register, February 3, 2010 (75 FR 5618)]

**NEW DATE FOR APRIL 2010 CUSTOMS BROKERS
LICENSE EXAMINATION**

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

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (“CBP”) has changed the date on which the semi-annual written examination for an individual broker’s license will be held in April 2010.

DATES: The customs broker’s license examination scheduled for April 2010 will be held on Wednesday, April 7.

FOR FURTHER INFORMATION CONTACT: Russell Morris, Broker Compliance Branch, Office of International Trade, (202) 863 – 6543.

SUPPLEMENTARY INFORMATION:

Background

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that a person (an individual, corporation, association, or partnership) must hold a valid customs broker's license and permit in order to transact customs business on behalf of others, sets forth standards for the issuance of broker's licenses and permits, and provides for the taking of disciplinary action against brokers that have engaged in specified types of infractions. In the case of an applicant for an individual broker's license, § 641 provides that an examination may be conducted to determine the applicant's qualifications for a license.

The regulations issued under the authority of § 641 are set forth in part 111 of title 19 of the Code of Federal Regulations (19 CFR part 111). Part 111 includes detailed rules regarding the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers. These rules include the qualifications required of applicants and the procedures for applying for licenses and permits. Section 111.11 (19 CFR 111.11) sets forth the basic requirements for a broker's license and, in paragraph (a)(4), provides that an applicant for an individual broker's license must attain a passing grade on a written examination taken within the 3-year period before submission of the license application prescribed under § 111.12 (19 CFR 111.12). Section 111.13 (19 CFR 111.13) sets forth the requirements and procedures for the written examination for an individual broker's license. Paragraph (b) of § 111.13 pertains to the date and place of the examination and states that written customs broker license examinations will be given on the first Monday in April and October unless the regularly scheduled examination date conflicts with a national holiday, religious observance, or other foreseeable event and U.S. Customs and Border Protection ("CBP") publishes in the Federal Register appropriate notice of a change in the examination date.

CBP recognizes that the first Monday in April 2010 (April 5) coincides with the observance of Passover. In consideration of this conflict with Passover, CBP has decided to change the date of the examination pursuant to § 111.13(b). Accordingly, this document announces that CBP has scheduled the April 2010 examination for Wednesday, April 7.

Dated: January 26, 2010

DANIEL BALDWIN,
*Assistant Commissioner,
Office of International Trade U.S. Customs
and Border Protection*

[Published in the Federal Register, February 3, 2010 (75 FR 5620)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
NAFTA Regulations and Certificate of Origin**

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

ACTION: 60-Day Notice and request for comments; Revision of an existing collection of information: 1651-0098.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, U.S. Customs and Border (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the NAFTA Regulations and Certificate of Origin. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before April 2, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn.: Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW, 7th Floor, Washington, DC. 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs and Border Protection, Attn.: Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW, 7th Floor, Washington, DC. 20229-1177, at 202-325-0265.

SUPPLEMENTARY INFORMATION:

CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the

use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: NAFTA Regulations and Certificate of Origin

OMB Number: 1651-0098

Form Number: CBP Forms 434, 446, and 447

Abstract: The objectives of NAFTA are to eliminate barriers to trade in goods and services between the United States, Mexico, and Canada and to facilitate conditions of fair competition within the free trade area. CBP uses these forms to verify eligibility for preferential tariff treatment under NAFTA. CBP is adding the Form 447, North American Free Trade Agreement Motor Vehicle Averaging Election, to this collection of information. The CBP Form 447 is used to gather the information required by 19 CFR Part 181, Section 11 (2), Information Required When Producer Chooses to Average for Motor Vehicles. The Form 447 shall be completed for each category set out in the Regulation that is chosen by the producer of a motor vehicle referred to in 19 CFR Part 181, Section 13 (Special Regional Value Content Requirements) in filing an election pursuant to subsection 13 (4).

Current Actions: This submission is being made to revise the burden hours as a result of adding Form 447.

Type of Review: Revision

Affected Public: Businesses

Form 434, NAFTA Certificate of Origin:

Estimated Number of Respondents: 40,000

Estimated Number of Responses per Respondent: 3

Estimated Time Per Respondent: 15 minutes

Estimated Total Annual Burden Hours: 30,000

Form 446, NAFTA Questionnaire:

Estimated Number of Respondents: 400

Estimated Number of Responses per Respondent: 1

Estimated Time Per Respondent: 45 minutes

Estimated Total Annual Burden Hours: 300

Form 447, NAFTA Motor Vehicle Averaging Election:

Estimated Number of Respondents: 11

Estimated Number of Responses per Respondent: 1.28

Estimated Time Per Respondent: 1 hour

Estimated Total Annual Burden Hours: 14

Dated: January 27, 2010

TRACEY DENNING
Agency Clearance Officer
U.S. Customs and Border Protection

[Published in the Federal Register, February 1, 2010 (75 FR 5100)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Visa Waiver Program Carrier Agreement (Form I-775)

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

ACTION: 30-Day notice and request for comments; Revision of an existing information collection: 1651-0110.

SUMMARY: U.S. 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: Visa Waiver Program Carrier Agreement (Form I-775). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a 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** (74 FR 60281) on November 20, 2009, 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 March 3, 2010.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-5806.

SUPPLEMENTARY INFORMATION:

U.S. 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 (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 techniques or other forms of information.

Title: Visa Waiver Program Carrier Agreement

OMB Number: 1651–0110

Form Number: I–775

Abstract: Form I–775 is the form used by carriers to request acceptance by CBP into the Visa Waiver Program (VWP) and whereby the carriers agree to the terms of the VWP as delineated in Section 217(e) of the INA. Once participation is granted, the Form I–775 serves to hold the carriers liable for transportation costs and to ensure the completion of required forms. CBP is proposing to adjust the burden hours for this collection of information as a result of decreasing the estimated response time from 2 hours to 30 minutes. CBP is also proposing to add new provisions to this Agreement including: Carriers must not transport to the United States any alien traveling under the Visa Waiver Program without authorization via the Electronic System for Travel Authorization; Carriers applying to become signatory to a visa waiver contract with CBP have must have paid all their User Fee obligations and any previous penalties under the INA, U.S. Customs or Agriculture laws; and Carriers applying to become signatory to the VWP with CBP must post a bond

sufficient to cover the total penalty amounts for violations that were imposed against the carrier during the previous fiscal year.

Current Actions: This submission is being made to extend the expiration date with a revision to the burden hours.

Type of Review: Extension (with change)

Affected Public: Businesses

Estimated Number of Respondents: 400

Estimated Time Per Respondent: 30 minutes If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW, 7th Floor, Washington, DC. 20229-1177, at 202-325-0265.

Dated: January 27, 2010

TRACEY DENNING
Agency Clearance Officer
U.S. Customs and Border Protection

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