

# U.S. Customs and Border Protection

[CBP Dec. No. 13-11]

## EXPANSION OF GLOBAL ENTRY TO ADDITIONAL AIRPORTS

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

**ACTION:** General notice.

**SUMMARY:** The Global Entry international trusted traveler program allows pre-approved, low-risk participants expedited entry into the United States using Global Entry kiosks located at designated airports. U.S. Customs and Border Protection (CBP) previously announced in the **Federal Register** twenty-four designated Global Entry airports. This document announces the expansion of the program to include eight additional designated airports.

**DATES:** Global Entry is already operational at all eight additional airport locations.

**FOR FURTHER INFORMATION CONTACT:** Larry Panetta, Office of Field Operations, (202) 344-1253, [Larry.Panetta@dhs.gov](mailto:Larry.Panetta@dhs.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

##### *Global Entry Program*

Global Entry is a voluntary program that allows for the expedited clearance of pre-approved, low-risk travelers arriving in the United States at Global Entry kiosks located at designated airports. The Global Entry final rule, published in the **Federal Register** on February 6, 2012 (77 FR 5681), promulgated the regulation to establish Global Entry as an ongoing regulatory program and contains a detailed description of the program, the eligibility criteria, the application and selection process, and the initial twenty airports. *See* 8 CFR 235.12. Global Entry was expanded to four additional airports in a **Federal Register** notice published on March 26, 2012. (77 FR 17492.) Travelers who wish to participate in Global Entry must apply

via the CBP Global Entry Web site, <http://www.globalentry.gov> or through the Global On-Line Enrollment System (GOES) Web site, <https://goes-app.cbp.dhs.gov>. Applications must be completed and submitted electronically.

The twenty-four airports previously designated for Global Entry include:

- John F. Kennedy International Airport, Jamaica, New York (JFK);
- George Bush Intercontinental Airport, Houston, Texas (IAH);
- Washington Dulles International Airport, Sterling, Virginia (IAD);
- Los Angeles International Airport, Los Angeles, California (LAX);
- Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia (ATL);
- Chicago O'Hare International Airport, Chicago, Illinois (ORD);
- Miami International Airport, Miami, Florida (MIA);
- Newark Liberty International Airport, Newark, New Jersey (EWR);
- San Francisco International Airport, San Francisco, California (SFO);
- Orlando International Airport, Orlando, Florida (MCO);
- Detroit Metropolitan Wayne County Airport, Romulus, Michigan (DTW);
- Dallas Fort Worth International Airport, Dallas, Texas (DFW);
- Honolulu International Airport, Honolulu, Hawaii (HNL);
- Boston—Logan International Airport, Boston, Massachusetts (BOS);
- Las Vegas—McCarran International Airport, Las Vegas, Nevada (LAS);
- Sanford—Orlando International Airport, Sanford, Florida (SSB);
- Seattle—Tacoma International Airport-SEATAC, Seattle, Washington (STT);

- Philadelphia International Airport, Philadelphia, Pennsylvania (PHL);
- San Juan—Luis Munos Marin International Airport, San Juan, Puerto Rico (SAJ);
- Ft. Lauderdale Hollywood International Airport, Fort Lauderdale, Florida (FLL), including the General Aviation Facility private aircraft terminal;
- Minneapolis-St. Paul International Airport, Minneapolis, Minnesota (MSP);
- Charlotte Douglas International Airport, Charlotte, North Carolina (CLT);
- Phoenix Sky Harbor International Airport, Phoenix, Arizona (PHX);
- Denver International Airport, Denver, Colorado (DEN).

The preamble to the final rule states that when CBP is ready to expand Global Entry to additional airports and has selected the airports, CBP will publish an announcement in the **Federal Register** and post the information on the Web site <http://www.globalentry.gov>.

### **Expansion of Global Entry Program to Additional Airports**

CBP is expanding the Global Entry program to include the following eight additional airports:

- Baltimore/Washington International Thurgood Marshall Airport, Baltimore, Maryland (BWI);
- John Wayne Airport, Santa Ana, California (SNA);
- Portland International Airport, Portland, Oregon (PDX);
- Raleigh–Durham International Airport, Morrisville, North Carolina (RDU);
- Salt Lake City International Airport, Salt Lake City, Utah (SLC);
- San Antonio International Airport, San Antonio, Texas (SAT);
- San Diego International Airport, San Diego, California (SAN);
- Tampa International Airport, Tampa, Florida (TPA).

Global Entry is now operational at all eight of these airports. A list of all Global Entry airports is posted on the CBP Global Entry Web site at <http://www.globalentry.gov>.

DAVID MURPHY,  
*Acting Assistant Commissioner,  
Office of Field Operations.*

[Published in the Federal Register, June 25, 2013 (78 FR 38069)]

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**NOTICE OF ISSUANCE OF FINAL DETERMINATION  
CONCERNING VALVES**

**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 certain valves to be offered to the U.S. Government under an undesignated government procurement contract. The final determination found that based upon the facts presented, the country of origin of the subject valve is the United States.

**DATES:** The final determination was issued on June 14, 2013. A copy of the final determination is attached. Any party-at-interest as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of June 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** Fernando Peña, Esq., Valuation and Special Programs Branch, Office of International Trade; telephone (202) 325-1511.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on June 14, 2013, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain valves to be offered to the U.S. Government under an undesignated government procurement contract. The final determination, Headquarters Ruling Letter H233698, was issued at the request of Omni Valve Company, LLC, under procedures set forth at 19 CFR 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 concluded that, based upon the facts presented, the assembly in the United States of an automatic differential thermal relief system (“ADTR”) into an imported valve

body to create the subject “Omni Double Block & Bleed Valve” substantially transformed the foreign body valve into a product of the U.S. for purposes of U.S. government procurement.

Section 177.29, Customs Regulations (19 CFR 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, Customs Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: June 14, 2013.

SANDRA L. BELL,  
*Executive Director, Regulations and Rulings,  
Office of International Trade.*

**Attachment**

HQ H233698

June 14, 2013

OT:RR:CTF:VS H233698 FP

CATEGORY: Marking

MR. RICHARD O. WOLF  
MOORE & LEE, LLP  
1650 TYSONS BOULEVARD, SUITE 1150  
MCLEAN, VA 22102-4225

RE: U.S. Government Procurement; Final Determination; Country of origin of valves; substantial transformation; 19 CFR Part 177

DEAR MR. WOLF:

This is in response to your letter on behalf of Omni Valve Company, LLC (hereinafter “Omni”), in which you seek a final determination pursuant to subpart B of Part 177, Customs Regulations, 19 CFR 177.21 *et seq.* Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended, (19 U.S.C. § 2411 *et seq.*), U.S. Customs and Border Protection (“CBP”) issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated foreign 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 Omni Double Block & Bleed Valve, a plug-type valve sold as the “OmniSeal DBB”, which Omni is considering selling to the U.S. Government. We note that Omni is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

**FACTS:**

According to your submission and information provided by Omni, the “OmniSeal DBB” (“DBB”) is a plug-type valve often used in fuel storage and disbursing systems. The DBB expanding plug valve is designed for applications where positive shut-off, verifiable zero leakage and double block and bleed capabilities are required. It is a single valve solution that simultaneously blocks both the upstream and downstream flow while allowing the user to verify seal integrity using a manual or automatic body bleed system.

The valve body of the DBB is purchased by Omni in India and imported into the United States. The valve body is usable as an isolation valve. At Omni’s Oklahoma facility, Omni fabricates and adds an automatic differential thermal relief system (“ADTR”) to the imported valve. The ADTR system is a multi-joint, multi-instrument system with various elbow, needle valves and pressure gauges. Depending on the needs of the customer, there can be 30 different ADTR system components. One example of an ADTR consists of 10 separate Swedgeloc connections, 6 separate tub sections, 4 small valves, 2 tees and one check valve. The ADTR system is procured and fabricated in the U.S. This process involves bending pipe and attaching the connections and fittings. Some customers require all joints on the ADTR system to be welded. After the ADTR system is fabricated, it is installed onto the valve body of Indian origin.

It is claimed the ADTR allows the valve to be bled in order to test seal integrity in conformance to a prevailing industry standard. It is at this point,

that the finished article is capable of being used for applications which require double isolation and bleed functionality.

**ISSUE:**

Whether the OmniSeal DBB valves are considered to be products of the United States for purposes of U.S. Government procurement.

**LAW AND ANALYSIS:**

Under subpart B of part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (“TAA”; 19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on 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 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 CFR 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 Procurement Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Procurement 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 Procurement Regulations define “U.S.-made end product” as:

[A]n 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. Unites States*, 573 F. Supp. 1149 (CIT 1983), *aff’d*, 741 F.2d 1368 (Fed. Cir. 1984). CBP considers the totality of the circumstances and makes such decisions on a case-by-case basis. The country of origin of the article’s components, extent of the processing that occurs within a given country, and whether such processing renders a product with a new name, character, or use are primary considerations in such cases. Additionally, facts such as resources expended on product design and development, extent and nature of post-assembly inspection procedures,

and worker skill required during the actual manufacturing process will be considered when analyzing whether a substantial transformation has occurred; however, no one such factor is determinative.

CBP's predecessor agency, the U.S. Customs Service ("Customs"), previously found imported valve components to have been substantially transformed when used in the manufacture of finished valves. *See* Headquarters Ruling Letter ("HRL") 729335 (April 18, 1986); *HRL 731828* (January 30, 1990); and *HRL 558008* (November 16, 1994). In *HRL 729335* dated April 18, 1986, Customs found that a substantial transformation had taken place when finished body castings and bonnet castings were combined in the U.S. with valve stems, discs, disc screws and handwheels to produce complete plumbing valves. In *HRL 731828* it was determined that the production of ball valves using foreign valve bodies and bonnets combined with U.S. origin balls, seats, stems, and various seals and washers effected substantial transformation of the foreign materials. Finally, in *HRL 558008* Customs considered the assembly of water system valves using imported valve body castings and other internal components. It was concluded that an assembly entailing the installation of various subassemblies, gaskets, bolts, seals and other parts resulted in substantial transformation of the imported components.

It is our conclusion that the assembly operations carried out by Omni on the imported components are closely comparable to those considered in the rulings cited. The number of parts assembled, including significant numbers of U.S.-origin parts, and the relative complexity of the operations carried out, indicate that the imported components have undergone a substantial transformation by reason of the operations carried out in the United States. Accordingly, the finished DBB will be considered a product of the United States for purposes of U.S. Government procurement in making this determination.

**HOLDING:**

On the basis of the information provided, we find that the assembly in the U.S. substantially transforms the components of foreign origin in DBB valves with an ADTR system. Therefore, the country of origin of Omni's DBB is the United States for purposes of U.S. Government procurement.

Notice of this final determination will be given in the Federal Register as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. 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, June 27, 2013 (78 FR 38728)]



## QUARTERLY IRS INTEREST RATES USED IN CALCULATING INTEREST ON OVERDUE ACCOUNTS AND REFUNDS ON CUSTOMS DUTIES

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

**ACTION:** General notice.

**SUMMARY:** This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties. For the calendar quarter beginning July 1, 2013, the interest rates for overpayments will be 2 percent for corporations and 3 percent for non-corporations, and the interest rate for underpayments will be 3 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

**DATES:** *Effective Date:* July 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** Ron Wyman, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614-4516.

### SUPPLEMENTARY INFORMATION:

#### Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105-206, 112 Stat. 685) to provide different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2013-10, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2013, and ending on September 30, 2013. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus two per-

centage points (2%) for a total of three percent (3%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus one percentage point (1%) for a total of two percent (2%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). These interest rates are subject to change for the calendar quarter beginning October 1, 2013, and ending December 31, 2013.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

<i>Beginning date</i>	<i>Ending date</i>	<i>Under-payments (percent)</i>	<i>Overpay-ments (percent)</i>	<i>Corporate Over-payments (Eff. 1-1-99) (percent)</i>
070174.....	063075	6	6	.....
070175.....	013176	9	9	.....
020176.....	013178	7	7	.....
020178.....	013180	6	6	.....
020180.....	013182	12	12	.....
020182.....	123182	20	20	.....
010183.....	063083	16	16	.....
070183.....	123184	11	11	.....
010185.....	063085	13	13	.....
070185.....	123185	11	11	.....
010186.....	063086	10	10	.....
070186.....	123186	9	9	.....
010187.....	093087	9	8	.....
100187.....	123187	10	9	.....
010188.....	033188	11	10	.....
040188.....	093088	10	9	.....
100188.....	033189	11	10	.....
040189.....	093089	12	11	.....
100189.....	033191	11	10	.....
040191.....	123191	10	9	.....
010192.....	033192	9	8	.....
040192.....	093092	8	7	.....
100192.....	063094	7	6	.....
070194.....	093094	8	7	.....
100194.....	033195	9	8	.....
040195.....	063095	10	9	.....

<i>Beginning date</i>	<i>Ending date</i>	<i>Under-payments (percent)</i>	<i>Overpay-ments (percent)</i>	<i>Corporate Over-payments (Eff. 1–1–99) (percent)</i>
070195.....	033196	9	8	.....
040196.....	063096	8	7	.....
070196.....	033198	9	8	.....
040198.....	123198	8	7	.....
010199.....	033199	7	7	6
040199.....	033100	8	8	7
040100.....	033101	9	9	8
040101.....	063001	8	8	7
070101.....	123101	7	7	6
010102.....	123102	6	6	5
010103.....	093003	5	5	4
100103.....	033104	4	4	3
040104.....	063004	5	5	4
070104.....	093004	4	4	3
100104.....	033105	5	5	4
040105.....	093005	6	6	5
100105.....	063006	7	7	6
070106.....	123107	8	8	7
010108.....	033108	7	7	6
040108.....	063008	6	6	5
070108.....	093008	5	5	4
100108.....	123108	6	6	5
010109.....	033109	5	5	4
040109.....	123110	4	4	3
010111.....	033111	3	3	2
040111.....	093011	4	4	3
100111.....	093013	3	3	2

Dated: June 19, 2013.

THOMAS S. WINKOWSKI,  
*Deputy Commissioner,*  
*Performing the duties of the Commissioner of*  
*U.S. Customs and Border Protection.*

[Published in the Federal Register, June 24, 2013 (78 FR 37839)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:****United States-Caribbean Basin Trade Partnership Act**

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

**ACTION:** 30-Day notice and request for comments; Extension of an existing information collection: 1651-0083.

**SUMMARY:** U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: United States-Caribbean Basin Trade Partnership Act (CBTPA). 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 information collection was previously published in the **Federal Register** (78 FR 23280) on April 18, 2013, 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 July 25, 2013 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this 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 U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-5806.

**FOR FURTHER INFORMATION CONTACT:** Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or at 202-325-0265.

**SUPPLEMENTARY INFORMATION:** CBP invites 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 techniques or other forms of information.

**Title:** United States-Caribbean Basin Trade Partnership Act.

**OMB Number:** 1651-0083.

**Form Number:** CBP Form 450.

**Abstract:** The provisions of the United States-Caribbean Basin Trade Partnership Act (CBTPA) were adopted by the U.S. with the enactment of the Trade and Development Act of 2000 (PL 106-200). The objective of the CBTPA is to expand trade benefits to countries in the Caribbean Basin. For preferential duty treatment under CBTPA, importers are required to have a CBTPA Certificate of Origin (CBP Form 450) in their possession at the time of the claim, and to provide it to CBP upon request. CBP Form 450 collects data such as contact information for the exporter, importer, and producer, as well as information about the goods being claimed.

This collection of information is provided for by 19 CFR 10.224. CBP Form 450 is accessible at: [http://forms.cbp.gov/pdf/CBP\\_Form\\_450.pdf](http://forms.cbp.gov/pdf/CBP_Form_450.pdf).

**Current Actions:** This submission is being made to extend the expiration date and to revise the burden hours as a result of updated estimates of the number of Form 450's that are prepared and/or submitted to CBP. There are no changes to CBP Form 450 or to the data collected on this form.

**Type of Review:** Extension with a change to the burden hours.

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 15.

**Estimated Number of Responses per Respondent:** 286.13.

**Estimated Total Annual Responses:** 4,292.

**Estimated Time per Response:** 15 minutes.

**Estimated Total Annual Burden Hours:** 1,073.

Dated: June 19, 2013.

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

[Published in the Federal Register, June 25, 2013 (78 FR 38068)]