

U.S. Customs and Border Protection

Treasury Decisions

(CBP Dec. 07-72)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR JULY, 2007

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision 07-70 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): July 4, 2007

China yuan

July 9, 2007	0.141533
--------------------	----------

Thailand baht

July 16, 2007	0.033501
July 17, 2007	0.033278
July 19, 2007	0.033267
July 20, 2007	0.033670
July 21, 2007	0.033670
July 22, 2007	0.033670
July 23, 2007	0.034153
July 24, 2007	0.033898
July 26, 2007	0.033898
July 27, 2007	0.033613
July 28, 2007	0.033613
July 29, 2007	0.033613
July 30, 2007	0.033557
July 31, 2007	0.033367

Dated: August 1, 2007

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

(CBP Dec. 07-73)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR
JULY, 2007

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): July 4, 2007

European Union euro:

July 1, 2007	1.352000
July 2, 2007	1.362700
July 3, 2007	1.361500
July 4, 2007	1.361500
July 5, 2007	1.359200
July 6, 2007	1.362600
July 7, 2007	1.362600
July 8, 2007	1.362600
July 9, 2007	1.362300
July 10, 2007	1.371400
July 11, 2007	1.375700
July 12, 2007	1.377600
July 13, 2007	1.378800
July 14, 2007	1.378800
July 15, 2007	1.378800
July 16, 2007	1.378500
July 17, 2007	1.378200
July 18, 2007	1.380800
July 19, 2007	1.381100
July 20, 2007	1.383100
July 21, 2007	1.383100
July 22, 2007	1.383100
July 23, 2007	1.381700
July 24, 2007	1.382400
July 25, 2007	1.371100
July 26, 2007	1.373000
July 27, 2007	1.364700
July 28, 2007	1.364700
July 29, 2007	1.364700
July 30, 2007	1.368100
July 31, 2007	1.371100

South Korea won:

July 1, 2007	0.001084
July 2, 2007	0.001085
July 3, 2007	0.001090
July 4, 2007	0.001090
July 5, 2007	0.001085

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly
list for July 2007 (continued):

South Korea won: (continued):

July 6, 2007	0.001088
July 7, 2007	0.001088
July 8, 2007	0.001088
July 9, 2007	0.001086
July 10, 2007	0.001087
July 11, 2007	0.001088
July 12, 2007	0.001089
July 13, 2007	0.001091
July 14, 2007	0.001091
July 15, 2007	0.001091
July 16, 2007	0.001089
July 17, 2007	0.001089
July 18, 2007	0.001091
July 19, 2007	0.001092
July 20, 2007	0.001093
July 21, 2007	0.001093
July 22, 2007	0.001093
July 23, 2007	0.001093
July 24, 2007	0.001094
July 25, 2007	0.001095
July 26, 2007	0.001089
July 27, 2007	0.001085
July 28, 2007	0.001085
July 29, 2007	0.001085
July 30, 2007	0.001083
July 31, 2007	0.001088

Taiwan N.T. dollar:

July 1, 2007	0.030460
July 2, 2007	0.030516
July 3, 2007	0.030497
July 4, 2007	0.030497
July 5, 2007	0.030497
July 6, 2007	0.030451
July 7, 2007	0.030451
July 8, 2007	0.030451
July 9, 2007	0.030497
July 10, 2007	0.030506
July 11, 2007	0.030506
July 12, 2007	0.030497
July 13, 2007	0.030488
July 14, 2007	0.030488
July 15, 2007	0.030488
July 16, 2007	0.030451
July 17, 2007	0.030460
July 18, 2007	0.030460
July 19, 2007	0.030469
July 20, 2007	0.030497
July 21, 2007	0.030497
July 22, 2007	0.030497
July 23, 2007	0.030506

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list for July 2007 (continued):

Taiwan N.T. dollar: (continued):

July 24, 2007	0.030497
July 25, 2007	0.030488
July 26, 2007	0.030460
July 27, 2007	0.030414
July 28, 2007	0.030414
July 29, 2007	0.030414
July 30, 2007	0.030488
July 31, 2007	0.030414

Dated: August 1, 2007

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

—♦—
 (CBP Dec. 07-74)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR AUGUST, 2007

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision 07-72 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): None

Australia dollar

August 16, 2007	0.786000
August 17, 2007	0.788700
August 18, 2007	0.788700
August 19, 2007	0.788700
August 20, 2007	0.800500
August 21, 2007	0.800000
August 22, 2007	0.804300
August 23, 2007	0.813400
August 31, 2007	0.815700

Brazil real

August 16, 2007	0.475059
August 17, 2007	0.492126
August 18, 2007	0.492126

FOREIGN CURRENCIES—Variances from quarterly rates for August 2007 (continued):

Brazil real (continued):

August 19, 2007	0.492126
August 20, 2007	0.490918
August 21, 2007	0.492951
August 22, 2007	0.496746

Japan yen

August 16, 2007	0.008770
August 17, 2007	0.008787
August 18, 2007	0.008787
August 19, 2007	0.008787
August 20, 2007	0.008734
August 21, 2007	0.008740
August 22, 2007	0.008699
August 23, 2007	0.008635
August 24, 2007	0.008612
August 25, 2007	0.008612
August 26, 2007	0.008612
August 27, 2007	0.008617
August 28, 2007	0.008718
August 29, 2007	0.008657
August 30, 2007	0.008635
August 31, 2007	0.008633

New Zealand dollar

August 13, 2007	0.740200
August 14, 2007	0.730500
August 15, 2007	0.715900
August 16, 2007	0.677700
August 17, 2007	0.689000
August 18, 2007	0.689000
August 19, 2007	0.689000
August 20, 2007	0.695800
August 21, 2007	0.696200
August 22, 2007	0.700600
August 23, 2007	0.708700
August 24, 2007	0.718300
August 25, 2007	0.718300
August 26, 2007	0.718300
August 27, 2007	0.718200
August 28, 2007	0.703200
August 29, 2007	0.702700
August 30, 2007	0.704400
August 31, 2007	0.702500

South Africa rand

August 15, 2007	0.135639
August 16, 2007	0.133360
August 17, 2007	0.135410
August 18, 2007	0.135410
August 19, 2007	0.135410

FOREIGN CURRENCIES—Variances from quarterly rates for August 2007 (continued):

South Africa rand (continued):

August 20, 2007	0.135227
August 21, 2007	0.135685

Thailand baht

August 1, 2007	0.033535
August 2, 2007	0.033557
August 3, 2007	0.033411
August 4, 2007	0.033411
August 5, 2007	0.033411
August 6, 2007	0.033300

Dated: September 1, 2007

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.



(CBP Dec. 07-75)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR AUGUST, 2007

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): None

European Union euro:

August 1, 2007	1.368200
August 2, 2007	1.369300
August 3, 2007	1.378500
August 4, 2007	1.378500
August 5, 2007	1.378500
August 6, 2007	1.378900
August 7, 2007	1.374700
August 8, 2007	1.380800
August 9, 2007	1.370100
August 10, 2007	1.368600
August 11, 2007	1.368600
August 12, 2007	1.368600
August 13, 2007	1.362400
August 14, 2007	1.358100

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly
list for August 2007 (continued):

European Union euro: (continued):

August 15, 2007	1.347900
August 16, 2007	1.340200
August 17, 2007	1.349200
August 18, 2007	1.349200
August 19, 2007	1.349200
August 20, 2007	1.346800
August 21, 2007	1.348300
August 22, 2007	1.353500
August 23, 2007	1.356000
August 24, 2007	1.364500
August 25, 2007	1.364500
August 26, 2007	1.364500
August 27, 2007	1.364500
August 28, 2007	1.362600
August 29, 2007	1.367500
August 30, 2007	1.364800
August 31, 2007	1.364100

South Korea won:

August 01, 2007	0.001081
August 2, 2007	0.001084
August 3, 2007	0.001084
August 4, 2007	0.001084
August 5, 2007	0.001084
August 6, 2007	0.001083
August 7, 2007	0.001084
August 8, 2007	0.001082
August 9, 2007	0.001084
August 10, 2007	0.001074
August 11, 2007	0.001074
August 12, 2007	0.001074
August 13, 2007	0.001076
August 14, 2007	0.001073
August 15, 2007	0.001073
August 16, 2007	0.001057
August 17, 2007	0.001052
August 18, 2007	0.001052
August 19, 2007	0.001052
August 20, 2007	0.001061
August 21, 2007	0.001060
August 22, 2007	0.001060
August 23, 2007	0.001062
August 24, 2007	0.001062
August 25, 2007	0.001062
August 26, 2007	0.001062
August 27, 2007	0.001066
August 28, 2007	0.001065
August 29, 2007	0.001062
August 30, 2007	0.001064
August 31, 2007	0.001066

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list for August 2007 (continued):

Taiwan N.T. dollar:

August 1, 2007	0.030395
August 2, 2007	0.030432
August 3, 2007	0.030386
August 4, 2007	0.030386
August 5, 2007	0.030386
August 6, 2007	0.030395
August 7, 2007	0.030386
August 8, 2007	0.030358
August 9, 2007	0.030377
August 10, 2007	0.030358
August 11, 2007	0.030358
August 12, 2007	0.030358
August 13, 2007	0.030349
August 14, 2007	0.030312
August 15, 2007	0.030294
August 16, 2007	0.030230
August 17, 2007	0.030451
August 18, 2007	0.030451
August 19, 2007	0.030451
August 20, 2007	0.030404
August 21, 2007	0.030266
August 22, 2007	0.030312
August 23, 2007	0.030331
August 24, 2007	0.030321
August 25, 2007	0.030321
August 26, 2007	0.030321
August 27, 2007	0.030312
August 28, 2007	0.030285
August 29, 2007	0.030294
August 30, 2007	0.030248
August 31, 2007	0.030285

Dated: September 1, 2007

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

19 CFR PARTS 103, 178, AND 181**USCBP-2006-0090****CBP Dec. 07 – 76****RIN 1505-AB58****NAFTA: MERCHANDISE PROCESSING FEE EXEMPTION
AND TECHNICAL CORRECTIONS**

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to clarify that, in order to claim the exemption from the merchandise processing fee (MPF) for merchandise that is considered “originating” and qualifies to be marked as products of Canada or Mexico under the provisions of the NAFTA, an importer is subject to the same declaration requirement that is established for obtaining NAFTA duty preference, even if the merchandise is unconditionally free. In addition, this document amends the regulations to clarify that a Certificate of Origin is not required for a commercial importation for which the total value of originating goods does not exceed \$2,500. Lastly, this document remedies two incorrect addresses and an incorrect Code of Federal Regulations citation, and incorporates non-substantive amendments to certain sections in the regulations to reflect the nomenclature changes effected by the transfer of CBP to the Department of Homeland Security and the reorganization of certain offices in CBP pursuant to the “Security and Accountability for Every Port Act of 2006” (or the “Safe Port Act”), as well as certain other minor editorial changes.

EFFECTIVE DATE: The amendments set forth in this document are effective on October 17, 2007.

FOR FURTHER INFORMATION CONTACT: Seth Mazze, Trade Agreements Branch, Office of International Trade, (202) 344-2634.

SUPPLEMENTARY INFORMATION:**Background**

On December 17, 1992, the United States, Canada, and Mexico entered into the North American Free Trade Agreement (NAFTA). The stated objectives of the NAFTA include the elimination of barriers to trade in, and the facilitation of the cross-border movement of, goods and services between the territories of the countries. The provisions

of the NAFTA were adopted by the United States with the enactment of the North American Free Trade Agreement Implementation Act (the “Act”, 19 U.S.C. 3301–3473). On September 6, 1995, U.S. Customs and Border Protection (CBP) published Treasury Decision (T.D.) 95–68 (North American Free Trade Agreement) in the **Federal Register** (60 FR 46333), adopting amendments to the regulations in title 19 of the Code of Federal Regulations (CFR) in order to implement customs-related aspects of the NAFTA. The final rule went into effect on October 1, 1995.

Pursuant to sections 403(1) and 411 of the Homeland Security Act of 2002, Pub. L. 107–296 (the “HSA”), the United States Customs Service and certain of its functions were transferred from the Department of the Treasury to the Department of Homeland Security effective March 1, 2003. In addition, pursuant to section 1502 of the HSA, the “Customs Service” was renamed as the “Bureau of Customs and Border Protection.” Subsequently, on April 23, 2007, a Notice was published in the **Federal Register** (72 FR 20131) to inform the public that the name of the Bureau of Customs and Border Protection had been changed by the Department of Homeland Security to “U.S. Customs and Border Protection (CBP)”, effective March 31, 2007.

On August 23, 2006, a Notice of Proposed Rulemaking was published in the **Federal Register** (71 FR 49391; the NPRM) by CBP that proposed to amend the regulations to clarify the requirements for claiming the merchandise processing fee (MPF) under the NAFTA and to effect several technical changes, as set forth below.

Merchandise Processing Fee (MPF) Exemption

As a means of recouping administrative expenses for the processing of imported shipments, CBP charges a MPF, as provided for in 19 U.S.C. 58c. However, under 19 U.S.C. 58c(b)(10)(B), for goods qualifying under the rules of origin set out in 19 U.S.C. 3332, the fee may not be charged with respect to goods that qualify to be marked as goods of Canada or of Mexico (pursuant to Annex 311 of the NAFTA). In order to make a claim for NAFTA duty preference, an importer must make a declaration. The same declaration is also used for purposes of claiming the MPF exemption. That is, the importer must place the appropriate special program indicator (e.g., “CA” for goods of Canada and “MX” for goods of Mexico) opposite the good on the entry form, or in the appropriate location in an electronic filing.

The NPRM addressed situations in which an importer of an originating good does not have a duty preference incentive to make the required NAFTA declaration upon entry because the Normal Trade Relations rate of duty on the good is free (i.e., the good is unconditionally duty free). Consistent with existing law and practice, the NPRM proposed to amend 19 CFR 181.21(a) to clarify that in order to claim the MPF exemption for unconditionally free goods from a NAFTA country, an importer of an originating good must place the

appropriate special program indicator opposite the good on the entry form even if the importer is not actually claiming NAFTA preference for duty purposes.

Exemption From Providing Certificate of Origin

Section 181.22(b) of title 19, CFR (19 CFR 181.22(b)), requires an importer who claims preferential tariff treatment on a good under 19 CFR 181.21 to provide, at the request of the port director, a copy of each Certificate of Origin pertaining to the good which is in the possession of the importer. However, certain importations are exempted from this requirement under 19 CFR 181.22(d). One of these exemptions, set forth in § 181.22(d)(1)(iii), is for a commercial importation of a good whose value does not exceed \$2,500, as long as a signed statement is attached to the invoice or other documents accompanying the shipment.

In the NPRM, CBP proposed to amend the regulations to clarify that the \$2,500 value refers to the total value of a shipment and not to the value of the individual goods in a shipment. In this regard, CBP specifically proposed to amend 19 CFR 181.22(d)(1)(iii) in order to clarify that a Certificate of Origin is not required for a commercial importation consisting of originating goods, the total value of which does not exceed \$2,500, if the required statement is attached.

Other Technical Corrections

In the NPRM, CBP also proposed to make several other technical corrections to the regulations. In CBP Dec. 05–32, an Interim Rule published in the **Federal Register** (70 FR 58009) on October 5, 2005, CBP redesignated 19 CFR 12.132 as § 102.25. However, there is a reference to § 12.132 in § 181.21(a). Accordingly, CBP proposed to make a minor conforming amendment to update this reference. In addition, because CBP Dec. 05–32 removed the declaration requirement referenced in §§ 12.130(c) and 12.132, CBP proposed to remove the entries for these sections in the list of OMB control numbers in § 178.2. CBP also proposed to amend an incorrect citation to 19 CFR 181.72(a)(2)(iii) in 19 CFR 181.74(a). The correct citation is to § 181.72(a)(3)(iii). In addition, CBP proposed to amend the address in 19 CFR 181.74(e) for providing notification when the Canadian or Mexican customs administrations intend to conduct a NAFTA verification visit in the United States in order to determine whether a good imported into the United States qualifies as an originating good. Since the publication of the NPRM on August 23, 2006, some divisions, functions, and personnel from the Office of Field Operations were transferred by the Commissioner of CBP into the Office of International Trade pursuant to the authority under section 402 of the Safe Port Act (Pub. L. 109–347)(October 13, 2006). The correct address is: “U.S. Customs and Border Protection, Office of International Trade, Commercial Targeting and Enforcement, 1300 Pennsylvania Ave. NW, Washington, DC 20229.” CBP also proposed

to amend the National Commodity Specialist Division (NCSA) address in 19 CFR 181.93(a) for purposes of submitting advance ruling requests under the NAFTA. The correct address is: "National Commodity Specialist Division, U.S. Customs and Border Protection, One Penn Plaza, 10th Floor, New York, NY 10119." This address is also corrected in the list of public reading rooms in 19 CFR 103.1. In addition, CBP is expanding the declaration and other documentation on a claim for preferential treatment in § 181.21 to include electronic versions of such documents in CBP's continuing effort to modernize its procedures under the authority granted by Customs Modernization provisions in the North American Free Trade Agreement Implementation Act (commonly referred to as the "Customs Mod Act"), Pub. L. 103-182, 107 Stat. 2057, 2170 (December 8, 1993).

Comments were solicited on the Notice of Proposed Rulemaking. The comment period closed on October 23, 2006.

Discussion of Comments

One comment was received in response to the solicitation and a description of the comment received and CBP's analysis are set forth below.

Comment:

The commenter, a Canadian manufacturer, stated that changing the MPF requirements would only increase the costs associated with importing goods into the United States and result in delays during importation. The commenter further noted that additional documentary requirements would increase administrative costs for CBP as well as for importers and brokers, and would ultimately result in less money being recouped. In addition, the commenter suggested that fees should be based strictly on the country of origin as declared and that routine audits and requests for information should be relied upon to monitor importers that do not follow the guidelines.

CBP's Response:

CBP is not changing the requirements for claiming the MPF exemption. Rather, consistent with existing law and practice, CBP is merely clarifying that an importer is subject to the same declaration requirement that is established for claiming NAFTA duty preference in order to claim the exemption of the MPF for goods that are eligible for preferential duty treatment under the NAFTA. As a clarification of existing law and practice, CBP believes that the amended regulation will serve to facilitate entry by providing certainty under the stated circumstances and will not result in either increased costs or delays during importation. With respect to the commenter's suggestion that the MPF should be based strictly on the country of origin of imported merchandise, it is CBP's position that this approach is not consistent with existing statutory law and is outside the scope of this rulemaking.

No comments were received regarding the other amendments proposed in the NPRM.

Conclusion

After review of the comment and further consideration, CBP has decided to adopt the proposed rule published on August 23, 2006, without substantive changes, but with the additional modifications set forth below.

Additional Changes to the Regulations

The final regulations incorporate non-substantive amendments to §§ 181.21, 181.22, 181.74, and 181.93 of the CFR to reflect the nomenclature changes effected by the transfer of CBP to the Department of Homeland Security and the subsequent change of name in the **Federal Register** notice of April 23, 2007. As discussed above, the final regulation also reflects the reorganization of CBP by the Safe Port Act with the creation of the new Office of International Trade by updating the address and new office in 19 CFR 181.74(e). In addition, the language of § 181.21(a) has been edited to replace “shall” with “must.” In an effort to reflect the modernization of procedures under the Customs Mod Act, § 181.21(a) has also been edited by replacing the reference to “written declaration” with reference to “formal declaration” and a reference to “electronic submissions” has been added to the second sentence.

Executive Order 12866 and Regulatory Flexibility Act

This rule is not considered to be a significant regulatory action under Executive Order 12866. Accordingly, a regulatory assessment is not required.

It is certified, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that the regulatory amendments set forth in this final rule will not have a significant economic impact on a substantial number of small entities. The rule merely clarifies that, consistent with existing law and CBP practice, an importer is subject to the same declaration requirement that is established for claiming NAFTA duty preference in order to claim the exemption of the MPF for goods that are eligible for preferential duty treatment under the NAFTA. CBP is also clarifying, consistent with current CBP practice, that a Certificate of Origin is not required for a commercial importation consisting of originating goods, the total value of which does not exceed \$2,500, if the required statement is attached. Lastly, this document remedies two incorrect addresses and an incorrect Code of Federal Regulations citation, and incorporates non-substantive amendments to certain sections in the regulations to reflect the nomenclature changes effected by the transfer of CBP to the

Department of Homeland Security and the reorganization of certain offices in CBP by the Safe Port Act as well as certain other minor editorial changes.

Paperwork Reduction Act

Because the changes with possible paperwork implications set forth in this document are merely clarifications of existing requirements, there is no need to amend the paperwork burden for the number previously approved by OMB for part 181 of 19 CFR. The clearance number for part 181 is 1651-0098.

Signing Authority

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 103

Administrative practice and procedure, Freedom of information.

19 CFR Part 178

Collections of information, Paperwork requirements, Reporting and recordkeeping requirements.

19 CFR Part 181

Canada, Customs duties and inspection, Imports, Mexico, Trade agreements (North American Free-Trade Agreement).

Amendments to the CBP Regulations

For the reasons set forth above, parts 103, 178, and 181 of title 19 of the Code of Federal Regulations (19 CFR parts 103, 178, and 181) are amended as set forth below.

PART 103 – AVAILABILITY OF INFORMATION

1. The authority citation for part 103 continues to read in part as follows:

Authority: 5 U.S.C. 301, 552, 552a; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

* * * * *

2. Amend § 103.1 by removing the address citation “New York, 6 World Trade Center, New York, New York 10048” and adding in its place the address citation “New York, One Penn Plaza, 10th Floor, New York, NY 10119”.

**PART 178 – APPROVAL OF INFORMATION COLLECTION
REQUIREMENTS**

3. The authority citation for part 178 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 et seq.

4. Amend § 178.2 by removing the entries for §§ 12.130(c) and 12.132.

PART 181 – NORTH AMERICAN FREE TRADE AGREEMENT

5. The authority citation for part 181 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624, 3314.

* * * * *

6. In § 181.21:

a. Paragraph (a) is revised to read as follows:

§ 181.21 Filing of claim for preferential tariff treatment upon importation.

(a) Declaration. In connection with a claim for preferential tariff treatment, or for the exemption from the merchandise processing fee, for a good under the NAFTA, the U.S. importer must make a formal declaration that the good qualifies for such treatment. The declaration may be made by including on the entry summary, or equivalent documentation, including electronic submissions, the symbol “CA” for a good of Canada, or the symbol “MX” for a good of Mexico, as a prefix to the subheading of the HTSUS under which each qualifying good is classified. Except as otherwise provided in 19 CFR 181.22 and except in the case of a good to which Appendix 6.B to Annex 300–B of the NAFTA applies (see also 19 CFR 102.25), the declaration must be based on a complete and properly executed original Certificate of Origin, or copy thereof, which is in the possession of the importer and which covers the good being imported.

* * * * *

b. Paragraph (b) is amended by removing the word “Customs” and, in its place, adding the term “CBP”.

7. In § 181.22:

a. Paragraph (b) is amended by removing the word “Customs” the first instance it appears and, in its place, adding the term “CBP”.

b. In paragraph (b)(1), the three references to “Customs Form 434” are removed and references to “CBP Form 434” are added in their place; the reference to the “Office of Field Operations, U.S. Customs Service” is removed and the reference “Office of International Trade, U.S. Customs and Border Protection” is added in its place.

c. Paragraph (b)(4) is amended by removing the word “Customs” and, in its place, adding the term “CBP”.

d. Paragraph (d)(1)(iii) is amended by removing the phrase “of a good whose value”, and the phrase “for which the total value of originating goods” is added in its place.

8. In § 181.74:

a. Paragraph (a) is amended by removing the citation to “181.72(a)(2)(iii)” and adding in its place the citation to “181.72(a)(3)(iii)”, and by removing the word “Customs” and, in its place, adding the term “CBP”.

b. Paragraphs (b) and (c) are amended by removing the term “Customs” each place it appears and, in its place, adding the term “CBP”.

c. In paragraph (d), the reference to “Customs officer” is removed and the term “CBP officer” is added in its place; and the two references to “Customs” which follow are removed and in each instance the term “CBP” is added in its place.

d. Paragraph (e)(1) is amended, in the second sentence following the heading, by removing the word “Customs” and, in its place, adding the term “CBP”, and by removing the address citation “Project North Star Coordination Center, P.O. Box 400, Buffalo, New York 14225–0400”, and, in its place, adding the address citation “U.S. Customs and Border Protection, Office of International Trade, Commercial Targeting and Enforcement, 1300 Pennsylvania Ave. NW, Washington, DC 20229”.

e. Paragraph (e)(2) is amended by removing the phrase “Customs may”, and adding in its place the phrase “CBP may”.

9. In § 181.93:

a. In paragraph (a), the two references to “Commissioner of Customs” are removed and in each instance references to “Commissioner of U.S. Customs and Border Protection” are added in its place, and the address citation “National Commodity Specialist Division, United States Customs Service, 6 World Trade Center, New York, NY 10048” is removed and the address citation “National Commodity Specialist Division, U.S. Customs and Border Protection, One Penn Plaza, 10th Floor, New York, NY 10119” is added in its place.

b. Paragraphs (b)(1)(i), (b)(1)(ii), (b)(3), (b)(4), (b)(5)(i)(A), and (d) are amended by removing the word “Customs” each place it appears and, in its place, adding the term “CBP”.

JAYSON P. AHERN,

Commissioner,

U.S. Customs and Border Protection.

Approved: September 10, 2007

TIMOTHY E. SKUD,

Deputy Assistant Secretary of the Treasury.

*General Notices***ADDITION OF SAN ANTONIO INTERNATIONAL AIRPORT
TO LIST OF DESIGNATED LANDING LOCATIONS FOR
CERTAIN AIRCRAFT****19 CFR PART 122****USCBP-2007-0017**

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

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs and Border Protection (CBP) Regulations by adding the San Antonio International Airport (SAT), located in San Antonio, Texas, to the list of designated airports at which certain aircraft arriving in the continental United States from certain areas south of the United States must land for CBP processing. This proposed amendment is made to improve the effectiveness of CBP enforcement efforts to combat the smuggling of contraband by air into the United States from the south.

DATES: Comments must be received on or before November 13, 2007.

ADDRESSES: You may submit comments, identified by docket number, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2007-0017.

- Mail: Border Security Regulations Branch, Office of Regulations and Rulings, Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Customs and Border Protection, 799 9th Street, NW.,

5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Fred Ramos, Program Manager, Traveler Security and Facilitation, Office of Field Operations, Customs and Border Protection at (202) 344-3726.

SUPPLEMENTARY INFORMATION:

PUBLIC PARTICIPATION

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. CBP also invites comments that relate to the economic, environmental, or federalism affects that might result from this proposed rule. Comments that will provide the most assistance to CBP will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

BACKGROUND

As part of CBP's efforts to combat drug-smuggling activities, CBP air commerce regulations were amended in 1975 by Treasury Decision (T.D.) 75-201, to impose special reporting requirements and control procedures on certain aircraft arriving in the continental United States via the U.S./Mexican border, the Pacific Coast, the Gulf of Mexico, or the Atlantic Coast from certain locations in the southern portion of the Western Hemisphere. These special reporting requirements apply to all aircraft except the following: public aircraft; those aircraft operated on a regularly published schedule, pursuant to a certificate of public convenience and necessity or foreign aircraft permit issued by the Department of Transportation authorizing interstate, overseas air transportation; and those aircraft with a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds which are engaged in air transportation for compensation or hire on demand (see 19 CFR § 122.23(a)). Thus, since 1975, commanders of such aircraft have been required to furnish CBP with timely notice of their intended arrival, and required to land at the nearest airport to the point of crossing designated by CBP for processing.

Specifically, the regulations (19 CFR § 122.23) provide that subject aircraft arriving in the continental United States from certain areas south of the United States must furnish a notice of intended arrival to the designated airport located nearest the point of crossing. Section 122.24(b) (19 CFR § 122.24(b)) provides that, unless exempt, such aircraft must land at designated airports for CBP processing and delineates the airports designated for reporting and processing purposes for these aircraft.

During the previous six years, aircraft subject to the special reporting requirements entering the United States from the specified foreign areas at a point of crossing near San Antonio, were required to land at San Antonio International Airport (SAT) for processing by CBP. These international flights have been arriving at SAT since November 2000, when SAT was temporarily designated as an airport where aircraft arriving from certain southern areas could land pursuant to section 1453 of the Tariff Suspension and Trade Act of 2000 (Pub. L. 106–476, Nov. 9, 2000). The Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108–429, Dec. 3, 2004) effectively extended the airport’s designation through November 9, 2006.

This statutory designation has now expired. Community officials from San Antonio, Texas and the surrounding region have written CBP requesting that SAT be designated by regulation as an airport where aircraft arriving from certain southern areas must land.

During the six years that SAT has been statutorily designated as an airport at which these aircraft arriving from the south may land for customs processing, CBP has reported no incidents or problems arising from this designation. Such a designation will impose no additional burdens on CBP as CBP already has a significant presence at SAT, processing international passengers arriving on scheduled commercial airliners as a landing rights airport. These same CBP personnel have been processing passengers arriving from the south since SAT was temporarily designated as an airport where aircraft arriving from the south could land pursuant to the Tariff Suspension and Trade Act of 2000. SAT provides facilities and security and law enforcement support services, at no charge to CBP, to assist in the processing of aircraft. Consequently, by this document CBP is proposing to permanently designate SAT as an airport where certain aircraft, arriving in the United States from south of the United States, are authorized to land for CBP processing.

PROPOSED AMENDMENT TO REGULATIONS

If the proposed airport designation is adopted, the list of designated airports, at which certain aircraft arriving in the continental United States from certain areas south of the United States must land for CBP processing, at 19 CFR 122.24(b), will be amended to include San Antonio International Airport, located in San Antonio, Texas.

AUTHORITY

This change is proposed under the authority of 5 U.S.C. 301, 19 U.S.C. 1433(d), 1644a, and 1624, and the Homeland Security Act of 2002, Pub. L. 107–296 (November 25, 2002).

SIGNING AUTHORITY

This amendment to the regulations is being issued in accordance with 19 CFR 0.2(a) pertaining to the authority of the Secretary of Homeland Security (or his or her delegate) to prescribe regulations not related to customs revenue functions.

THE REGULATORY FLEXIBILITY ACT AND EXECUTIVE ORDER 12866

This proposed amendment seeks to expand the list of designated airports at which certain aircraft may land for customs processing. As described in this document, certain international flights have been arriving at SAT, pursuant to statute, from November 2000, through November 9, 2006. The expansion of the list of designated airports to include SAT will not result in any new impact on affected parties but will result in a continuation of the previous situation. Therefore, CBP certifies that the proposed rule will not have significant economic impact on a substantial number of small entities. Accordingly, the document is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The Office of Management and Budget has determined that this regulatory proposal is not a significant regulatory action as defined under Executive Order 12866.

Date: September 4, 2007

MICHAEL CHERTOFF,
Secretary.

[Published in the Federal Register, September 11, 2007 (72 FR 51730)]



Articles Assembled Abroad with Textile Components Cut to Shape in the U.S.

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

ACTION: Proposed collection; comments requested.

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: Articles Assembled Abroad with Textile Components Cut to Shape in the U.S. 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 pub-

lic and affected agencies. This proposed information collection was previously published in the **Federal Register** (72 FR 38094–38095) on July 12, 2007, 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 October 15, 2007.

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 Nathan Lesser, Desk Officer, Department of Homeland Security/Customs and Border Protection, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395–6974.

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 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: Articles Assembled Abroad with Textile Components Cut to Shape in the U.S.

OMB Number: 1651–0070

Form Number: N/A

Abstract: This collection of information enables CBP to ascertain whether the conditions and requirements relating to 9802.00.80, Harmonized Tariff Schedule (HTSUS), have been met.

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

Estimated Number of Respondents: 500

Estimated Time Per Respondent: 80 minutes

Estimated Total Annual Burden Hours: 667

Estimated Total Annualized Cost on the Public: N/A

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: September 6, 2007

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, September 13, 2007 (72 FR 52384)]

Declaration by the Person who Performed the Processing of Goods

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

ACTION: Proposed collection; comments requested.

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: Declaration by the Person Who Performed the Processing of Goods Abroad. 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** (72 FR 38093-38094) on July 12, 2007, 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 October 15, 2007.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of In-

formation and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Nathan Lesser, Desk Officer, Department of Homeland Security/Customs and Border Protection, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

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 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: Declaration by the Person Who Performed the Processing of Goods Abroad OMB Number: 1651-0039

Form Number: N/A

Abstract: This declaration, which is prepared by the foreign processor and submitted by the filer with each entry, provides details on the processing performed abroad and is necessary to assist CBP in determining whether the declared value of the processing is accurate.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 7,500

Estimated Time Per Respondent: 15 minutes

Estimated Total Annual Burden Hours: 1,880

Estimated Total Annualized Cost on the Public: N/A

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: September 6, 2007

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, September 13, 2007 (72 FR 52383)]



Free Trade Agreements

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

ACTION: Proposed collection; comments requested.

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: Free Trade Agreements. 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** (72 FR 38093) on July 12, 2007, 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 October 15, 2007.

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 Nathan Lesser, Desk Officer, Department of Homeland Security/Customs and Border Protection, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

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 collec-

tion 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: Free Trade Agreements

OMB Number: 1651–0117

Form Number: None

Abstract: Free Trade Agreements are established to reduce and eliminate barriers, strengthen and develop economic relations, and to lay the foundations for further cooperation. These Agreements establish free trade by reduced duty-treatment on imported goods.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses

Estimated Number of Respondents: 109,000

Estimated Time Per Respondent: 12 minutes

Estimated Total Annual Burden Hours: 21,000

Estimated Total Annualized Cost on the Public: N/A

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202–344–1429.

Dated: September 6, 2007

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

Haitian Hemispheric Opportunity Through Partnership Encouragement Act of 2006

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

ACTION: Proposed collection; comments requested.

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: Haitian Hemispheric Opportunity Through Partnership Encouragement (“HOPE”) Act of 2006. 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** (72 FR 38092) on July 12, 2007, 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 October 15, 2007.

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 Nathan Lesser, Desk Officer, Department of Homeland Security/Customs and Border Protection, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

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 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: Haitian Hemispheric Opportunity Through Partnership Encouragement (“HOPE”) Act of 2006

OMB Number: 1651–0129

Form Number: None

Abstract: The Haiti HOPE Act is a trade program that provides for duty-free treatment of certain apparel articles and certain wire harness automotive components from Haiti.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses

Estimated Number of Respondents: 34

Estimated Time Per Respondent: 39.2 hours

Estimated Total Annual Burden Hours: 1,333

Estimated Total Annualized Cost on the Public: N/A

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202–344–1429.

Dated: September 6, 2007

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, September 13, 2007 (72 FR 52382)]

Importation Bond Structure

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

ACTION: Proposed collection; comments requested.

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: Importation Bond Structure. 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** (72 FR 38094) on July 12, 2007, 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 October 15, 2007.

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 Nathan Lesser, Desk Officer, Department of Homeland Security/Customs and Border Protection, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-974.

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 of 1995 (Pub. L.104-3). 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: Importation Bond Structure

OMB Number: 1651-0050

Form Number: CBP-301 and CBP-5297

Abstract: Bonds are used to assure that duties, taxes, charges, penalties, and reimbursable expenses owed to the Government are

paid. They are also used to provide legal recourse for the Government for noncompliance with CBP laws and regulations.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses

Estimated Number of Respondents: 590,250

Estimated Time Per Respondent: 15 minutes

Estimated Total Annual Burden Hours: 147,596

Estimated Total Annualized Cost on the Public: N/A

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: September 6, 2007

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, September 13, 2007 (72 FR 52385)]

U.S.-Jordan Free Trade Agreement

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

ACTION: Proposed collection; comments requested.

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: U.S.-Jordan Free Trade Agreement. 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** (72 FR 38092) on July 12, 2007, 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 October 15, 2007.

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 Nathan Lesser, Desk Officer, Department of Homeland Security/Customs and Border Protection, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

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 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: U.S.-Jordan Free Trade Agreement

OMB Number: 1651-0128

Form Number: None

Abstract: The U.S.-Jordan Free Trade Agreement was established to reduce and eliminate barriers, strengthen and develop economic relations, and to lay the foundations for further cooperation by reduced duty-treatment on imported goods.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses

Estimated Number of Respondents: 2,500

Estimated Time Per Respondent: 12 minutes

Estimated Total Annual Burden Hours: 500

Estimated Total Annualized Cost on the Public: N/A

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: September 6, 2007

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, September 13, 2007 (72 FR 52382)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.
Washington, DC, September 12, 2007

The following documents of U.S. 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,
*Executive Director,
Regulations and Rulings Office of Trade.*

GENERAL NOTICE

19 CFR PART 177

PROPOSED REVOCATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO CLASSIFICATION OF SHAPEWORKS FORMULA 3 PERSONALIZED PROTEIN POWDER

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

ACTION: Notice of proposed revocation of a ruling letter and treatment relating to the classification of Shapeworks Formula 3 Personalized Protein Powder.

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)

proposes to revoke a ruling letter pertaining to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of Shapeworks Formula 3 Personalized Protein Powder. Similarly, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

DATE: Comments must be received on or before October 26, 2007.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Attention: Trade and Commercial 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 Mr. Joseph Clark at 202-572-8768.

FOR FURTHER INFORMATION CONTACT: Allyson Mattanah, Tariff Classification and Marking Branch, 202-572-8784.

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, this notice advises interested parties that CBP intends to revoke a ruling letter pertaining to the tariff classification of Shapeworks Formula 3 Personalized

Protein Powder. Although in this notice CBP is specifically referring to New York Ruling Letter (NY) M87095, dated October 13, 2006 (replacing M80664, dated May 26, 2006), this notice covers any rulings on this merchandise that 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 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, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP 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 their agents for importations of merchandise subsequent to this notice.

In NY M87095, we classified Shapeworks Formula 3 Personalized Protein Powder in subheading 3504.00.5000, HTSUS, which provides for "Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed: Other." We have reviewed that ruling and determined that the classification provided was incorrect because heading 3504 describes only part of the merchandise at GRI 1. NY M87095 is set forth in "Attachment A" to this document.

CBP, pursuant to 19 U.S.C. 1625(c)(1), intends to revoke NY M87095, and any other ruling not specifically identified to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed Headquarters Ruling Letter (HQ) H008628 (see "Attachment B" to this document). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: September 10, 2007

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
NY M87095
October 13, 2006
CLA-2-35:RR:NC:2:236 M87095
CATEGORY: Classification
TARIFF NO.: 3504.00.5000

MS. SANDRA R. CALLAWAY
HERBALIFE INTERNATIONAL OF AMERICA, INC.
930 E. 233rd Street
Carson, CA 90745

RE: The tariff classification of Shapeworks Formula 3 Personalized Protein Powder (a.k.a. Personalized Protein Powder, Performance Protein Powder, or PPP), sku# 0194US or sku# 0242US, from China or Italy. Correction to Ruling Number M80664

DEAR MS. CALLAWAY:

This replaces Ruling Number M80664, dated May 26, 2006, which contained a typographical error. This error resulted in the incorrect designation of the second sku# as "0243US," instead of "0242US" (its correct designation). A complete corrected ruling follows.

Shapeworks Formula 3 Personalized Protein Powder (a.k.a. Personalized Protein Powder, Performance Protein Powder or PPP), sku# 0194US or sku# 0242US, is described in your letter as a protein supplement, in the form of a beige/tan powder, consisting of soy protein isolate, whey protein concentrate powder, small amounts of vanilla flavoring, and silicon dioxide. The sample of your product contained 88.1 percent protein.

The applicable subheading for the subject product will be 3504.00.5000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed: Other." The rate of duty will be 4 percent ad valorem.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

This merchandise may be subject to the Federal Food, Drug, and Cosmetic Act and/or The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (The Bioterrorism Act), which are administered by the U.S. Food and Drug Administration (FDA). Information on the Federal Food, Drug, and Cosmetic Act, as well as The Bioterrorism Act, can be obtained by calling the FDA at 1-888-463-6332, or by visiting their website at www.fda.gov.

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 Debra Wholey at 646-733-3034.

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

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H008628
CLA-2 OT:RR:CTM:TCF H008628ARM
CATEGORY: Classification
TARIFF NO.: 2106.10.00

MS. KARINE GAGIRYAN
HERBALIFE INTERNATIONAL OF AMERICA, INC.
990 E. 190th Street
Suite #650
Torrance, CA 90502

RE: The tariff classification of Shapeworks Formula 3 Personalized Protein Powder (a.k.a. Personalized Protein Powder, Performance Protein Powder, or PPP), sku# 0194US or sku# 0242US, from China or Italy.

DEAR MS. GAGIRYAN:

In New York Ruling Letter (“NY”) M87095, issued on October 13, 2006 (replacing M80664, dated May 26, 2006), Shapeworks Formula 3 Personalized Protein Powder was classified in subheading 3504.00.5000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for “Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed: Other.” We reviewed that ruling and determined that the classification provided was incorrect. This letter revokes that ruling and provides the correct classification of the product.

FACTS:

Shapeworks Formula 3 Personalized Protein Powder (a.k.a. Personalized Protein Powder, Performance Protein Powder or PPP), sku# 0194US or sku# 0242US, is a protein supplement, in the form of a beige/tan powder, consisting of soy protein isolate, whey protein concentrate powder, small amounts of vanilla flavoring, and silicon dioxide. The submitted sample contained 88.1 percent protein.

ISSUE:

Whether “Shapeworks Personalized Protein Powder” is classified in heading in heading 3504, HTSUS, as other protein substances and derivatives, not elsewhere specified or included or in heading 2106, HTSUS, as a food preparation, not elsewhere specified or included.

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, HTSUS, and if the headings or notes do not require otherwise, the remaining GRIs 2 through 6 may be applied.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitutes the official interpretation of the HTSUS at the international level. The ENs, although not dispositive, are used to determine the proper interpretation of the HTSUS by providing a commentary on the scope of each heading of the HTSUS. See T.D. 89-80., 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUS provisions under consideration are as follows:

2106	Food preparations not elsewhere specified or included:
2106.10	Protein concentrates and textured protein substances
*	* * * *
3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 percent whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:
*	* * * *
3502.20.00	Milk albumin, including concentrates of two or more whey proteins
*	* * * *
3504	Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed:
3504.00.10	Protein isolates. . . .
3504.00.50	Other. . . .
*	* * * *

In HQ 963306, dated September 6, 2000, we classified “Solpro 300”, an enzymatically hydrolysed 84% vegetable protein obtained from wheat gluten (which does not pass a vitality test for wheat gluten), in heading 3504, as an “other protein substance” (see also, HQs 964217 and 964272 of the same date). In HQ 956644, dated December 8, 1994, we classified a whey protein isolate containing 90% protein consisting of beta-lactoglobulin, lactose and moisture, in heading 3504, HTSUS. In NY M87758, issued January 16, 2007, CBP classified EM Powder (300), a 98.7% protein powder derived from fresh eggshell membrane protein used as an ingredient for a dietary supplement, in heading 3504, HTSUS.

In HQ 950915, dated April 3, 1992, CBP discussed the difference between the products of headings 3504 and 2106, HTSUS. In holding that a rice protein powder used in food preparations is classified in heading 2106, HTSUS, we stated, in pertinent part, the following:

In essence, 2106 covers products which serve as, or are incorporated in, food preparations, while 3504 covers products which are not usually consumed, but are used, for instance, in making pharmaceuticals (peptones), textiles and plastics (glutelins and prolamins) and elastic fibers (keratins). The subject product is designed to be used as a protein source in baby foods, nutritional drinks and tablets and, thus, is *ejusdem generis* to the nutritional food products and supplements which have been classified in heading 2106. . . .

The instant merchandise consists of both a whey protein concentrate, of heading 3502, HTSUS, and a soy protein isolate, of heading 3504, along with flavoring and an anti-caking agent, packaged for retail sale as a protein enhancer for shakes, soups, and other food. Lastly, although the packaging claims that the product is “unflavored”, the ingredients do include flavoring, as well as silicon dioxide, an anti-caking agent.

Hence, the issue here is whether the terms “other protein substances and their derivatives, not elsewhere specified or included” include mixtures of proteins in two different forms, here an isolate of heading 3504 and a concentrate of heading 3502, from two different sources, soy and whey respectively, prepared with flavoring and silicon dioxide as a protein enhancer for shakes, soups and other food for human consumption.

Substances that have been classified in heading 3504 have at least four things in common. First, as stated in HQ 950915, these protein substances are generally for use in making pharmaceuticals, textiles or plastics. Second, the protein substances of heading 3504 consist of a very high percentage of protein. Third, the protein in substances of heading 3504 are derived from a single source, such as whey, wheat gluten, or egg shell membrane, as in HQs 956644, 963306, and NY M87758, respectively. Lastly, the substances heretofore classified in heading 3504, HTSUS, may be mixtures of protein and other substances, such as ash and moisture, but the other substances are a product of the derivation of the protein substance from its source, not a deliberate preparation of different protein substances mixed with flavoring and anti-caking agents.

The instant mixture has a relatively high protein content of 88%. However, it is prepared from two different sources of protein in two different forms, mixed with other ingredients for use in shakes, soups and other foods. CBP finds that heading 3504 does not describe such a substance at GRI 1.

Before progressing through the GRIs, we must look to other headings that may describe the goods at GRI 1. As we stated in HQ 950915, heading 2106, HTSUS, covers products that serve as, or are incorporated in, food preparations. Like the product in that ruling, the instant merchandise is used in shakes, soups, sauces and other foods to enhance their protein content, and thus is *ejusdem generis* to the products classified in heading 2106, HTSUS, as a food preparation.

HOLDING:

At the subheading level, the term “protein concentrates” describes food preparations derived from protein sources containing relatively high protein levels. Hence, the applicable subheading for the subject product will be 2106.10.00, the provision for “Food preparations, not elsewhere specified or included: Protein concentrates and textured protein substances” The rate of duty will be 6.4 percent ad valorem.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at <http://www.usitc.gov/tata/hts/>.

This merchandise may be subject to the Federal Food, Drug, and Cosmetic Act and/or The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (The Bioterrorism Act), which are administered by the U.S. Food and Drug Administration (FDA). Information on the Federal Food, Drug, and Cosmetic Act, as well as The Bioterrorism Act, can be obtained by calling the FDA at 1-888-463-6332, or by visiting their website at www.fda.gov.

MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.