

Bureau of Customs and Border Protection

General Notices

PROPOSED COLLECTION; COMMENT REQUEST

CERTIFICATE OF REGISTRATION

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Certificate of Registration. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19558–19559) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395–7285.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing informa-

tion 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: Certificate of Registration

OMB Number: 1651-0010

Form Number: Forms 4455 and 4457

Abstract: The Certificate of Registration is used to expedite free entry or entry at a reduced rate on foreign made personal articles which are taken abroad. The articles are dutiable each time they are brought into the United States unless there is acceptable proof of prior possession.

Current Actions: This submission is to extend the expiration date without a change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Individuals, travelers.

Estimated Number of Respondents: 200,000

Estimated Time Per Respondent: 3 minutes

Estimated Total Annual Burden Hours: 10,000

Estimated Total Annualized Cost on the Public: \$104,500

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 16, 2003

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

PROPOSED COLLECTION; COMMENT REQUEST

CREW MEMBER'S DECLARATION

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Crew Member's Declaration. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19555) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

SUPPLEMENTARY INFORMATION:

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

- (1) Evaluate whether the proposed collection of information is necessary for the Proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, in-

cluding 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: Crew Members Declaration

OMB Number: 1651-0021

Form Number: Form-5129

Abstract: This document is used to accept and record importations of merchandise by crew members, and to enforce agricultural quarantines, the currency reporting laws, and the revenue collection laws.

Current Actions: This submission is to extend the expiration date without a change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Individuals, Business or other for-profit.

Estimated Number of Respondents: 5,968,351

Estimated Time Per Respondent: 3 minutes

Estimated Total Annual Burden Hours: 298,418

Estimated Total Annualized Cost on the Public: \$5,968,360

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 17, 2003

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

[Published in the Federal Register, June 27, 2003 (68 FR 38381)]

PROPOSED COLLECTION; COMMENT REQUEST

EXPORTATION OF USED SELF-PROPELLED VEHICLES

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following

information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Exportation of Used Self-Propelled Vehicles. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19557–19558) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395–7285.

SUPPLEMENTARY INFORMATION:

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

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

Title: Exportation of Used-Propelled Vehicles

OMB Number: 1651-0054

Form Number: None

Abstract: The Exportation of Used-Propelled Vehicles requires the submission of documents verifying vehicle ownership of exporters for exportation of vehicles in the United States.

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

Type of Review: Extension (with change)

Estimated Number of Respondents: 750,000

Estimated Time Per Respondent: 10 minutes

Estimated Total Annual Burden Hours: 125,000

Estimated Total Annualized Cost on the Public: \$2,163,750

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 16, 2003

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

[Published in the Federal Register, June 27, 2003 (68 FR 38379)]



PROPOSED COLLECTION; COMMENT REQUEST

FOREIGN ASSEMBLER'S DECLARATION

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Foreign Assembler's Declaration. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19554) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

SUPPLEMENTARY INFORMATION:

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

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

Title: Foreign Assembler's Declaration (with Endorsement by Importer)

OMB Number: 1651-0031

Form Number: N/A

Abstract: The Foreign Assembler's Declaration with Importer's Endorsement is used by CBP to substantiate a claim for duty free treatment of U.S. fabricated components sent abroad for assembly and subsequently returned to the United States.

Current Actions: This submission is to extend the expiration date without a change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 2,730

Estimated Time Per Respondent: 50 minutes

Estimated Total Annual Burden Hours: 302,402

Estimated Total Annualized Cost on the Public: \$3,860,608.00

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 17, 2003

TRACEY DENNING,
Agency Clearance Officer;
Information Services Branch.

[Published in the Federal Register, June 27, 2003 (68 FR 38381)]

PROPOSED COLLECTION; COMMENT REQUEST

IMPORTER'S INPUT RECORD

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Importer's Input Record. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19559-19560) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington,

D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

SUPPLEMENTARY INFORMATION:

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

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

Title: Importers ID Input Record

OMB Number: 1651-0064

Form Number: Form-5106

Abstract: This document is filed with the first formal entry which is submitted or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection.

Current Actions: This submission is to extend the expiration date without a change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 500

Estimated Time Per Respondent: 6 minutes

Estimated Total Annual Burden Hours: 100

Estimated Total Annualized Cost on the Public: \$13,750

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 27, 2003

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

[Published in the Federal Register, June 27, 2003 (68 FR 38379)]

PROPOSED COLLECTION; COMMENT REQUEST

PETROLEUM REFINERIES IN FOREIGN TRADE

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Petroleum Refineries in Foreign Trade. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19557–19558) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395–7285.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of

1995 (Pub. L. 104–13). Your comments should address one of the following four points:

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

Title: Petroleum Refineries in Foreign Trade Subzones

OMB Number: 1651–0063

Form Number: None

Abstract: The Petroleum Refineries in Foreign Trade Subzones is a rule that amended the regulations by adding special procedures and requirements governing the operations of crude petroleum and refineries approved as foreign trade zones.

Current Actions: This submission is to extend the expiration date without a change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 18

Estimated Time Per Respondent: 732

Estimated Total Annual Burden Hours: 13,176

Estimated Total Annualized Cost on the Public: \$329,400

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202–927–1429.

Dated: June 16, 2003

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

[Published in the Federal Register, June 27, 2003 (68 FR 38380)]

PROPOSED COLLECTION; COMMENT REQUEST

PROTEST

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Protest. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 19555–19556) on April 21, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 28, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395–7285.

SUPPLEMENTARY INFORMATION:

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

- (1) Evaluate whether the proposed collection of information is necessary for the Proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Protest

OMB Number: 1651-0017

Form Number: Form 19

Abstract: This collection is used by an importer, filer, or any party at interest to petition CBP, or Protest, any action or charge, made by the port director on or against any; imported merchandise, merchandise excluded from entry, or merchandise entered into or withdrawn from a bonded warehouse.

Current Actions: This submission is to extend the expiration date without a change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 3,750

Estimated Time Per Respondent: 30 minutes

Estimated Total Annual Burden Hours: 67,995

Estimated Total Annualized Cost on the Public: \$1,167,247

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 27, 2003

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

[Published in the Federal Register, June 27, 2003 (68 FR 38378)]

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

Washington, DC, June 25, 2003,

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

MICHAEL T. SCHMITZ,
*Assistant Commissioner,
Office of Regulations and Rulings.*

19 CFR PART 177

REVOCATION OF RULING LETTER AND REVOCATION OF
TREATMENT RELATING TO TARIFF CLASSIFICATION OF
BATTERY PACKS FOR MOBILE CELLULAR TELEPHONES;
CORRECTION

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

ACTION: Correction.

SUMMARY: This document makes a correction to the above-described document which was published in the *Customs Bulletin* on June 25, 2003. The correction pertains to the Effective Date of the action with respect to this document. The action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 25, 2003.

FOR FURTHER INFORMATION CONTACT: Gerry O'Brien, General Classification Branch 202-572-8780.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 25, 2003, a notice was published in the Customs Bulletin revoking a ruling letter and revoking treatment relating to tariff classification of battery packs for mobile cellular telephones.

In the notice published on June 25, 2003, the Effective Date of the action was stated incorrectly. In that notice, the EFFECTIVE DATE section is hereby amended to read as follows: "This action is effective

for merchandise entered or withdrawn from warehouse for consumption on or after August 25, 2003.”

DATED: June 27, 2003.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR PART 177

PROPOSED MODIFICATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF CERTAIN GLASS ARTICLES WITH WIRE BAIL AND TRIGGER, RUBBER RING CLOSURE SYSTEMS; CORRECTION

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

ACTION: Correction.

SUMMARY: This document makes a correction to the above-described document which was published in the *Customs Bulletin* on June 25, 2003. The correction pertains to the Date comments must be received. Comments must be received on or before July 25, 2003.

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

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 25, 2003, a notice was published in the Customs Bulletin proposing to modify a ruling letter and revoke treatment relating to tariff classification of certain glass articles with wire bail and trigger, rubber ring closure systems.

In the notice published on June 25, 2003, the date comments must be received was stated incorrectly. In that notice, the DATE section is hereby amended to read as follows: “Comments must be received on or before July 25, 2003.”

DATED: June 27, 2003.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR PART 177

MODIFICATION OF RULING LETTER AND REVOCATION OF
TREATMENT RELATING TO TARIFF CLASSIFICATION OF
HAND PAPER PUNCHES; CORRECTION

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

ACTION: Correction.

SUMMARY: This document makes a correction to the above-
described document which was published in the *Customs Bulletin* on
June 25, 2003. The correction pertains to the Effective Date of the
action with respect to this document. The action is effective for mer-
chandise entered or withdrawn from warehouse for consumption on
or after August 25, 2003.

FOR FURTHER INFORMATION CONTACT: Gerry O'Brien, Gen-
eral Classification Branch 202-572-8780.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 25, 2003, a notice was published in the Customs Bulletin
revoking a ruling letter and revoking treatment relating to tariff
classification of hand paper punches.

In the notice published on June 25, 2003, the Effective Date of the
action was stated incorrectly. In that notice, the EFFECTIVE DATE
section is hereby amended to read as follows: "This action is effective
for merchandise entered or withdrawn from warehouse for consump-
tion on or after August 25, 2003."

DATED: June 27, 2003.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR PART 177

MODIFICATION OF RULING LETTER AND REVOCATION OF
TREATMENT RELATING TO TARIFF CLASSIFICATION OF AN
INK JET COLOR PREPARATION; CORRECTION

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

ACTION: Correction.

SUMMARY: This document makes a correction to the above-described document which was published in the *Customs Bulletin* on June 25, 2003. The correction pertains to the Effective Date of the action with respect to this document. The action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 25, 2003.

FOR FURTHER INFORMATION CONTACT: Gerry O'Brien, General Classification Branch 202-572-8780.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 25, 2003, a notice was published in the Customs Bulletin revoking a ruling letter and revoking treatment relating to tariff classification of an ink jet color preparation.

In the notice published on June 25, 2003, the Effective Date of the action was stated incorrectly. In that notice, the EFFECTIVE DATE section is hereby amended to read as follows: "This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 25, 2003."

DATED: June 27, 2003.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

**REVOCATION AND MODIFICATION OF RULING LETTERS AND
REVOCATION OF TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF UMBRELLA BASES AND UMBRELLA
BASE RINGS**

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

ACTION: Notice of revocation and modification of ruling letters and revocation of treatment relating to the tariff classification of umbrella bases and umbrella base rings.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs & Border Protection (CBP) is revoking three ruling letters and modifying one ruling letter pertaining to the tariff classification of umbrella bases and umbrella base rings under the Harmonized Tariff Schedule of the United States (HTSUS). CBP is

also revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published on April 30, 2003, in Volume 37, Number 18, of the CUSTOMS BULLETIN. CBP received no comments in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after September 9, 2003.

FOR FURTHER INFORMATION CONTACT: Rebecca Hollaway, Textiles Branch, at (202) 572-8814.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts that emerge from the law are "**informed compliance**" and "**shared responsibility.**" These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on 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 Title VI, notice proposing to revoke New York Ruling Letter (NY) G88950, dated April 9, 2001, NY G83051, dated October 25, 2000, and NY H80212, dated June 7, 2001, to modify NY G85932, dated January 11, 2001, and to revoke any treatment accorded to substantially identical merchandise was published in the April 30, 2003, CUSTOMS BULLETIN, Volume 37, Number 18. CBP received no comments.

In NY G85932, dated January 11, 2001 and NY G88950, dated April 9, 2001, CPB classified cement umbrella bases and/or rings as other articles of cement under subheading 6810.99.0000, HTSUS. In NY H80212, dated June 7, 2001, CPB classified a plastic umbrella base as an other household article of plastic under subheading

3924.90.5500, HTSUS. In NY G83051, dated October 25, 2000, CBP classified a cast iron umbrella base ring as an other article of metal under subheading 7325.99.1000, HTSUS. CBP now finds that the umbrella bases and/or rings are properly classified under subheading 6603.90.8000, HTSUS.

As stated in the notice of proposed revocation, this notice covers any rulings on the subject merchandise which may exist but which have not been specifically identified. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625 (c)(2)), as amended by Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. This treatment may, among other reasons, have been the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the HTSUS. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's reliance on a treatment of substantially identical transactions or on a specific ruling concerning the merchandise covered by this notice which was not identified in this notice may raise the rebuttable presumption of lack of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this final decision.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking NY G88950, NY G83051 and NY H80212, modifying NY G85932, and revoking any other ruling not specifically identified in order to reflect the proper classification of the merchandise pursuant to the analysis set forth in HQ 966247, 966352, 966353 and 966354, which are attached to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

DATED: June 12, 2003

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

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966247
June 16, 2003
CLA-2 RR:CR:TE 966247 RH
CATEGORY: Classification
TARIFF NO.: 6603.90.8000

Ms. LAURIE J. SHOWERS
GROSSFILLEX, INC.
1575 Joel Drive
Lebanon, PA 17046-8376

RE: Revocation of NY G88950, dated April 9, 2001; Classification of an umbrella base ring composed of cement; Parts and Accessories; Heading 6810; Heading 6603; Additional U.S. Rule of Interpretation 1(c), HTSUS

DEAR Ms. SHOWERS:

On April 9, 2001, Customs (now Customs and Border Protection (CBP)) issued New York Ruling Letter (NY) G88950 to you concerning the classification of an umbrella base ring composed of cement. In that ruling, CBP classified the umbrella base ring under subheading 6810.99.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), as an article of cement. Merchandise liquidated under that tariff provision is duty free.

For the reasons set forth below, we find that NY G88950 was incorrect and that the proper classification of the cement umbrella base ring is under subheading 6603.90.8000, HTSUS, as an accessory to an umbrella. Merchandise liquidated under that tariff provision is dutiable at 5.2 percent *ad valorem*.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation of NY G88950 was published on April 30, 2003, in Vol. 37, No. 18 of the CUSTOMS BULLETIN. CBP received no comments.

FACTS:

A description of the merchandise in NY G88950 reads as follows:

The subject merchandise is described as an umbrella base ring that is composed of cement and weighs approximately thirty-five pounds. You indicated in your letter that the base ring will be placed on top of an umbrella base thus adding extra weight and support to the umbrella base.

ISSUE:

Is the cement umbrella base ring classified under heading 6810, HTSUS, as an article of cement or under heading 6603, HTSUS, as "parts, trimmings and accessories" of umbrellas?

LAW AND ANALYSIS:

Classification of goods under the HTSUS is governed by the General Rules of Interpretation (GRI's). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI's taken in order.

Additionally, the Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System constitute the official interpretation of the nomenclature at the international level. The EN are not legally binding. However, they do represent the considered views of classification experts of the Harmonized System Committee. It has therefore been the practice of CBP to follow, whenever possible, the terms of the EN when interpreting the HTSUS.

Heading 6810, HTSUS, provides for "Articles of cement, of concrete or of artificial stone, whether or not reinforced." Heading 6603, HTSUS, provides for "Parts, trim-

mings and accessories of articles of heading 6601 or 6602.” Heading 6601 encompasses umbrellas and sun umbrellas.

Additional U.S. Rule of Interpretation 1(c), HTSUS, states that in the absence of special language or context which otherwise requires—

- (c) provision for parts of an article covers products solely or principally used as a part of such articles but a provision for “parts” or “parts and accessories” shall not prevail over a specific provision for such part or accessory;

There is not a specific provision in the HTSUS for the umbrella base ring. Therefore, in accordance with Additional U.S. Rule of Interpretation 1(c), HTSUS, if the article is a part or accessory to an umbrella subheading 6603.90.8000, HTSUS, will prevail over subheading 6810.99.0000, HTSUS, which is a residual provision for other articles of cement.

The term “accessory” is not defined in either the tariff schedule or the Explanatory Notes. An accessory is generally an article that is not necessary to enable the goods with which it is used to fulfill their intended function. An accessory must be identifiable as being intended solely or principally for use with a specific article. Accessories are of secondary or subordinate importance, not essential in and of themselves. They must, however, somehow contribute to the effectiveness of the principal article (e.g., facilitate the use or handling of the principal article, widen the range of its uses, or improve its operation.) See Headquarters Ruling Letter (HQ) 087704, dated September 27, 1990.

On the other hand, it is a well-established rule that a part of an article is something necessary to the completion of that article. It is an integral, constituent or component part without which the article to which it is to be joined could not function as such article. *Clipper Belt Lacer Co., Inc. v. United States*, 14 CIT 146 (1990). The definition of “parts” was discussed recently in *Rollerblade, Inc. v. United States*, 283 F.3d 1349 (Fed. Cir. 2002). In that case, the court defined parts as “an essential element or constituent; integral portion which can be separated, replaced, etc.” *Id.* at 1353 (citing *Webster’s New World Dictionary* 984 (3d College Ed. 1988)). See HQ 966133, dated March 11, 2003.

Note 2 to Chapter 66, HTSUS, reads:

Heading 6603 does not cover parts, trimmings or accessories of textile material, or covers, tassels, thongs, umbrella cases or the like, of any material. Such goods entered with, but not fitted to, articles of heading 6601 or 6602 are to be classified separately and are not to be treated as forming part of those articles.

In addition to the chapter note, the EN to heading 6603 provides guidance on the scope of heading 6603, HTSUS. The EN reads, in its entirety:

This heading **excludes** parts, trimmings and accessories, of textile material, and covers, tassels, thongs, umbrella cases and the like of any material; these are classified separately even when presented with, but not fitted to, umbrellas, sun umbrellas, walking-sticks, etc. (see Note 2 to this Chapter). With these **exceptions**, the heading covers identifiable parts, fittings and accessories for articles of heading 66.01 or 66.02.

These remain classified here regardless of their constituent material (including precious metal or metal clad with precious metal or natural, synthetic or reconstructed precious or semi-precious stones). They include:

- (1) Handles (including blanks identifiable as unfinished handles) and knobs for umbrellas, sun umbrellas, walking-sticks, whips, etc.
- (2) Frames, including frames mounted on sticks, and ribs and stretchers for frames.
- (3) Shafts (sticks), whether or not combined with handles or knobs, for umbrellas or sun umbrellas.
- (4) Stocks for whips or riding-crops.
- (5) Runners, rib tips, open cups and tip cups, ferrules, springs, collars, tilting de-

vices for adjusting the top of the umbrella at an angle to the mast, spikes, ground plates for seat-sticks and the like, etc.

While the umbrella base ring is not one of the exemplars listed in the EN, it is an accessory to an umbrella. It aids in securing and holding the umbrella in place and clearly contributes to the effectiveness of the principal article.

Moreover, CBP's classification of umbrella bases of various materials as accessories under heading 6603, HTSUS is consistent with prior rulings. See NY 950999, dated April 24, 1990 (a polyethylene umbrella base classifiable under subheading 6603.90.0009, HTSUS), NY 818590, dated February 26, 1996 (umbrella stands made of metal with a cement, pebble or terrazzo base classifiable under subheading 6603.90.8000, HTSUS), and NY C82792, dated January 7, 1998 (cast iron umbrella base classifiable under 6603.90.8000, HTSUS).

Accordingly, we find that the umbrella base ring is classifiable under subheading 6603.90.8000, HTSUS, as an accessory to an umbrella.

HOLDING:

NY G88950 is REVOKED.

The cement umbrella base is classifiable under subheading 6603.90.8000, HTSUS, which provides for "Parts, trimmings and accessories of articles of heading 6601 or 6602: Other: Other." It is dutiable at the general column one rate at 5.2 percent *ad valorem*.

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

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

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966352
June 16, 2003
CLA-2 RR:CR:TE 966352 RH
CATEGORY: Classification
TARIFF NO.: 6603.90.8000

Ms. LAURIE J. SHOWERS
GROSSFILLEX, INC.
1575 Joel Drive
Lebanon, PA 17046-8376

RE: Modification of NY G85932, dated January 11, 2001; Classification of an umbrella base composed of cement and a plastic umbrella base ring; Parts and Accessories; Heading 6810; Heading 3926; Heading 6603; Additional U.S. Rule of Interpretation 1(c), HTSUS

DEAR Ms. SHOWERS:

On January 11, 2001, Customs (now Customs and Border Protection (CBP)) issued New York Ruling Letter (NY) G85932 to you concerning the classification of an umbrella base and umbrella base ring, among other articles.

FACTS:

The umbrella base is composed of cement and the umbrella base ring is plastic. In NY G85932, CBP classified the umbrella base under subheading 6810.99.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), as an other article of cement. CBP classified the plastic umbrella base under subheading 3926.90.9880, HTSUS, as an other article of plastic.

For the reasons set forth below, we find that NY G85932 was incorrect and that the proper classification of the cement umbrella base and the plastic umbrella base ring is under subheading 6603.90.8000, HTSUS, as accessories to an umbrella.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation of NY G85932 was published on April 30, 2003, in Vol. 37, No. 18 of the CUSTOMS BULLETIN. CBP received no comments.

ISSUES:

Is the cement umbrella base classified under heading 6810, HTSUS, as an article of cement or under heading 6603, HTSUS, as “parts, trimmings and accessories” of umbrellas?

Is the plastic umbrella base ring classified under heading 3926, HTSUS, as an article of plastic or under heading 6603, HTSUS, as “parts, trimmings and accessories” of umbrellas?

LAW AND ANALYSIS:

Classification of goods under the HTSUS is governed by the General Rules of Interpretation (GRI's). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI's taken in order.

Additionally, the Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System constitute the official interpretation of the nomenclature at the international level. The EN are not legally binding. However, they do represent the considered views of classification experts of the Harmonized System Committee. It has therefore been the practice of CBP to follow, whenever possible, the terms of the EN when interpreting the HTSUS.

Heading 6810, HTSUS, provides for “Articles of cement, of concrete or of artificial stone, whether or not reinforced.” Heading 3926, HTSUS, provides for “Other articles of plastics and articles of the materials of headings 3901 to 3914.” Heading 6603, HTSUS, provides for “Parts, trimmings and accessories of articles of heading 6601 or 6602.” Heading 6601 encompasses umbrellas and sun umbrellas.

Additional U.S. Rule of Interpretation 1(c), HTSUS, states that in the absence of special language or context which otherwise requires—

- (c) a provision for parts of an article covers products solely or principally used as a part of such articles but a provision for “parts” or “parts and accessories” shall not prevail over a specific provision for such part or accessory;

There is not a specific provision in the HTSUS for the umbrella base or umbrella base ring. Therefore, in accordance with Additional U.S. Rule of Interpretation 1(c), HTSUS, if the articles are a part or accessory to an umbrella subheading 6603.90.8000, HTSUS, will prevail over subheadings 6810.99.0000 and 3926.90.9880, HTSUS, which are residual provisions for other articles of cement and other articles of plastics, respectively.

The term “accessory” is not defined in either the tariff schedule or the Explanatory Notes. An accessory is generally an article that is not necessary to enable the goods with which it is used to fulfill their intended function. An accessory must be identifiable as being intended solely or principally for use with a specific article. Accessories are of secondary or subordinate importance, not essential in and of themselves. They must, however, somehow contribute to the effectiveness of the principal article (e.g., facilitate the use or handling of the principal article, widen the range of its uses, or improve its operation.) See Headquarters Ruling Letter (HQ) 087704, dated September 27, 1990.

On the other hand, it is a well-established rule that a part of an article is something necessary to the completion of that article. It is an integral, constituent or component part without which the article to which it is to be joined could not function as such article. *Clipper Belt Lacer Co., Inc. v. United States*, 14 CIT 146 (1990). The definition

of “parts” was discussed recently in *Rollerblade, Inc. v. United States*, 283 F.3d 1349 (Fed. Cir. 2002). In that case, the court defined parts as “an essential element or constituent; integral portion which can be separated, replaced, etc.” *Id.* at 1353 (citing *Webster’s New World Dictionary* 984 (3d College Ed. 1988)). See HQ 966133, dated March 11, 2003.

Note 2 to Chapter 66, HTSUS, reads:

Heading 6603 does not cover parts, trimmings or accessories of textile material, or covers, tassels, thongs, umbrella cases or the like, of any material. Such goods entered with, but not fitted to, articles of heading 6601 or 6602 are to be classified separately and are not to be treated as forming part of those articles.

In addition to the chapter note, the EN to heading 6603 provides guidance on the scope of heading 6603, HTSUS. The EN reads, in its entirety:

This heading **excludes** parts, trimmings and accessories, of textile material, and covers, tassels, thongs, umbrella cases and the like of any material; these are classified separately even when presented with, but not fitted to, umbrellas, sun umbrellas, walking-sticks, etc. (see Note 2 to this Chapter). With these **exceptions**, the heading covers identifiable parts, fittings and accessories for articles of heading 66.01 or 66.02.

These remain classified here regardless of their constituent material (including precious metal or metal clad with precious metal or natural, synthetic or reconstructed precious or semi-precious stones). They include:

- (1) Handles (including blanks identifiable as unfinished handles) and knobs for umbrellas, sun umbrellas, walking-sticks, whips, etc.
- (2) Frames, including frames mounted on sticks, and ribs and stretchers for frames.
- (3) Shafts (sticks), whether or not combined with handles or knobs, for umbrellas or sun umbrellas.
- (4) Stocks for whips or riding-crops.
- (5) Runners, rib tips, open cups and tip cups, ferrules, springs, collars, tilting devices for adjusting the top of the umbrella at an angle to the mast, spikes, ground plates for seat-sticks and the like, etc.

While the umbrella base and umbrella base ring are not one of the exemplars listed in the EN, they are accessories to an umbrella. They aid in securing and holding the umbrella in place and clearly contribute to the effectiveness of the principal article.

Moreover, CBP’s classification of umbrella bases of various materials as accessories under heading 6603, HTSUS is consistent with prior rulings. See NY 950999, dated April 24, 1990 (a polyethylene umbrella base classifiable under subheading 6603.90.0009, HTSUS), NY 818590, dated February 26, 1996 (umbrella stands made of metal with a cement, pebble or terrazzo base classifiable under subheading 6603.90.8000, HTSUS), and NY C82792, dated January 7, 1998 (cast iron umbrella base classifiable under 6603.90.8000, HTSUS).

Accordingly, we find that the umbrella base and umbrella base ring are classifiable under subheading 6603.90.8000, HTSUS, as accessories to an umbrella.

HOLDING:

NY G85932 is REVOKED.

The cement umbrella base and plastic umbrella base ring are classifiable under subheading 6603.90.8000, HTSUS, which provides for “Parts, trimmings and accessories of articles of heading 6601 or 6602: Other: Other.” They are dutiable at the general column one rate at 5.2 percent *ad valorem*.

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

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

[ATTACHMENT C]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966353
June 16, 2003
CLA-2 RR:CR:TE 966353 RH
CATEGORY: Classification
TARIFF NO.: 6603.90.8000

Ms. LAURIE J. SHOWERS
GROSSFILLEX, INC.
1575 Joel Drive
Lebanon, PA 17046-8376

RE: Revocation of NY H80212, dated June 7, 2001; Classification of an umbrella base composed of plastic; Parts and Accessories; Heading 3924; Heading 6603; Additional U.S. Rule of Interpretation 1(c), HTSUS

DEAR Ms. SHOWERS:

On June 7, 2001, Customs (now Customs and Border Protection (CBP)) issued New York Ruling Letter (NY) H80212 to you concerning the classification of an umbrella base composed of plastic. In that ruling, CBP classified the umbrella base under subheading 3924.90.5500 of the Harmonized Tariff Schedule of the United States (HTSUS), as an other household article of plastics.

For the reasons set forth below, we find that NY H80212 was incorrect and that the proper classification of the plastic umbrella base is under subheading 6603.90.8000, HTSUS, as an accessory to an umbrella.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation of NY H80212 was published on April 30, 2003, in Vol. 37, No. 18 of the CUSTOMS BULLETIN. CBP received no comments.

FACTS:

A description of the merchandise in NY H80212 reads as follows:

The umbrella base is 100 percent resin and it is available in four colors. The umbrella base weighs 3.5 pounds. It will be sold primarily to retail stores for household patio and poolside use.

ISSUE:

Is the plastic umbrella base classified under heading 3924, HTSUS, as a household article of plastics or under heading 6603, HTSUS, as "parts, trimmings and accessories" of umbrellas?

LAW AND ANALYSIS:

Classification of goods under the HTSUS is governed by the General Rules of Interpretation (GRI's). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI's taken in order.

Additionally, the Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System constitute the official interpretation of the nomenclature at

the international level. The EN are not legally binding. However, they do represent the considered views of classification experts of the Harmonized System Committee. It has therefore been the practice of CBP to follow, whenever possible, the terms of the EN when interpreting the HTSUS.

Heading 3924, HTSUS, provides for "Tableware, kitchenware, other household articles and toilet articles, of plastics." Heading 6603, HTSUS, provides for "Parts, trimmings and accessories of articles of heading 6601 or 6602." Heading 6601 encompasses umbrellas and sun umbrellas.

Additional U.S. Rule of Interpretation 1(c), HTSUS, states that in the absence of special language or context which otherwise requires—

- (c) a provision for parts of an article covers products solely or principally used as a part of such articles but a provision for "parts" or "parts and accessories" shall not prevail over a specific provision for such part or accessory;

There is not a specific provision in the HTSUS for the umbrella base. Therefore, in accordance with Additional U.S. Rule of Interpretation 1(c), HTSUS, if the article is a part or accessory to an umbrella subheading 6603.90.8000, HTSUS, will prevail over subheading 3924.90.5500, HTSUS, which is a residual provision for other household articles of plastics.

The term "accessory" is not defined in either the tariff schedule or the Explanatory Notes. An accessory is generally an article that is not necessary to enable the goods with which it is used to fulfill their intended function. An accessory must be identifiable as being intended solely or principally for use with a specific article. Accessories are of secondary or subordinate importance, not essential in and of themselves. They must, however, somehow contribute to the effectiveness of the principal article (e.g., facilitate the use or handling of the principal article, widen the range of its uses, or improve its operation.) See Headquarters Ruling Letter (HQ) 087704, dated September 27, 1990.

On the other hand, it is a well-established rule that a part of an article is something necessary to the completion of that article. It is an integral, constituent or component part without which the article to which it is to be joined could not function as such article. *Clipper Belt Lacer Co., Inc. v. United States*, 14 CIT 146 (1990). The definition of "parts" was discussed recently in *Rollerblade, Inc. v. United States*, 283 F.3d 1349 (Fed. Cir. 2002). In that case, the court defined parts as "an essential element or constituent; integral portion which can be separated, replaced, etc." *Id. at 1353 (citing Webster's New World Dictionary 984 (3d College Ed. 1988))*. See HQ 966133, dated March 11, 2003.

Note 2 to Chapter 66, HTSUS, reads:

Heading 6603 does not cover parts, trimmings or accessories of textile material, or covers, tassels, thongs, umbrella cases or the like, of any material. Such goods entered with, but not fitted to, articles of heading 6601 or 6602 are to be classified separately and are not to be treated as forming part of those articles.

In addition to the chapter note, the EN to heading 6603 provides guidance on the scope of heading 6603, HTSUS. The EN reads, in its entirety:

This heading **excludes** parts, trimmings and accessories, of textile material, and covers, tassels, thongs, umbrella cases and the like of any material; these are classified separately even when presented with, but not fitted to, umbrellas, sun umbrellas, walking-sticks, etc. (see Note 2 to this Chapter). With these **exceptions**, the heading covers identifiable parts, fittings and accessories for articles of heading 66.01 or 66.02.

These remain classified here regardless of their constituent material (including precious metal or metal clad with precious metal or natural, synthetic or reconstructed precious or semi-precious stones). They include:

- (1) Handles (including blanks identifiable as unfinished handles) and knobs for umbrellas, sun umbrellas, walking-sticks, whips, etc.

- (2) Frames, including frames mounted on sticks, and ribs and stretchers for frames.
- (3) Shafts (sticks), whether or not combined with handles or knobs, for umbrellas or sun umbrellas.
- (4) Stocks for whips or riding-crops.
- (5) Runners, rib tips, open cups and tip cups, ferrules, springs, collars, tilting devices for adjusting the top of the umbrella at an angle to the mast, spikes, ground plates for seat-sticks and the like, etc.

While the umbrella base is not one of the exemplars listed in the EN, it is an accessory to an umbrella. It aids in securing and holding the umbrella in place and clearly contributes to the effectiveness of the principal article.

Moreover, CBP's classification of umbrella bases of various materials as accessories under heading 6603, HTSUS is consistent with prior rulings. See NY 950999, dated April 24, 1990 (a polyethylene umbrella base classifiable under subheading 6603.90.0009, HTSUS), NY 818590, dated February 26, 1996 (umbrella stands made of metal with a cement, pebble or terrazzo base classifiable under subheading 6603.90.8000, HTSUS), and NY C82792, dated January 7, 1998 (cast iron umbrella base classifiable under 6603.90.8000, HTSUS).

Accordingly, we find that the umbrella base is classifiable under subheading 6603.90.8000, HTSUS, as an accessory to an umbrella.

HOLDING:

NY H80212 is REVOKED.

The plastic umbrella base is classifiable under subheading 6603.90.8000, HTSUS, which provides for "Parts, trimmings and accessories of articles of heading 6601 or 6602: Other: Other." It is dutiable at the general column one rate at 5.2 percent *ad valorem*.

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

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

[ATTACHMENT D]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966354
June 18, 2003
CLA-2 RR:CR:TE 966354 RH
CATEGORY: Classification
TARIFF NO.: 6603.90.8000

Ms. LAURIE J. SHOWERS
GROSSFILLEX, INC.
1575 Joel Drive
Lebanon, PA 17046-8376

RE: Proposed revocation of NY G83051, dated October 25, 2000; Classification of an umbrella base and ring made of cast iron; Parts and Accessories; Heading 7325; Heading 6603; Additional U.S. Rule of Interpretation 1(c), HTSUS

DEAR Ms. SHOWERS:

On October 25, 2000, Customs (now Customs and Border Protection (CBP)) issued New York Ruling Letter (NY) G83051 to you concerning the classification of an umbrella base and ring composed of malleable cast iron. In that ruling, CBP classified the umbrella base and ring under subheading 7325.99.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), as other articles of iron or steel.

For the reasons set forth below, we find that NY G83051 was incorrect and that the proper classification of the iron umbrella base ring is under subheading 6603.90.8000, HTSUS, as accessories to an umbrella.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation of NY G83051 was published on April 30, 2003, in Vol. 37, No. 18 of the CUSTOMS BULLETIN. CBP received no comments.

FACTS:

A description of the merchandise in NY G83051 reads as follows:

The merchandise is an umbrella base and ring, made of malleable cast iron. The articles are used to support an outdoor umbrella.

ISSUE:

Are the iron umbrella base and ring classified under heading 7325, HTSUS, as articles of iron or steel or under heading 6603, HTSUS, as "parts, trimmings and accessories" of umbrellas?

LAW AND ANALYSIS:

Classification of goods under the HTSUS is governed by the General Rules of Interpretation (GRI's). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI's taken in order.

Additionally, the Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System constitute the official interpretation of the nomenclature at the international level. The EN are not legally binding. However, they do represent the considered views of classification experts of the Harmonized System Committee. It has therefore been the practice of CBP to follow, whenever possible, the terms of the EN when interpreting the HTSUS.

Heading 7325, HTSUS, provides for "Other cast articles of iron or steel." Heading 6603, HTSUS, provides for "Parts, trimmings and accessories of articles of heading 6601 or 6602." Heading 6601 encompasses umbrellas and sun umbrellas.

Additional U.S. Rule of Interpretation 1(c), HTSUS, states that in the absence of special language or context which otherwise requires—

- (c) a provision for parts of an article covers products solely or principally used as a part of such articles but a provision for "parts" or "parts and accessories" shall not prevail over a specific provision for such part or accessory;

There is not a specific provision in the HTSUS for the umbrella base ring. Therefore, in accordance with Additional U.S. Rule of Interpretation 1(c), HTSUS, if the article is a part or accessory to an umbrella subheading 6603.90.8000, HTSUS, will prevail over subheading 7325.00.1000, HTSUS, which is a residual provision for other articles of iron.

The term "accessory" is not defined in either the tariff schedule or the Explanatory Notes. An accessory is generally an article that is not necessary to enable the goods with which it is used to fulfill their intended function. An accessory must be identifiable as being intended solely or principally for use with a specific article. Accessories are of secondary or subordinate importance, not essential in and of themselves. They must, however, somehow contribute to the effectiveness of the principal article (e.g., facilitate the use or handling of the principal article, widen the range of its uses, or improve its operation.) See Headquarters Ruling Letter (HQ) 087704, dated September 27, 1990.

On the other hand, it is a well-established rule that a part of an article is something necessary to the completion of that article. It is an integral, constituent or component part without which the article to which it is to be joined could not function as such article. *Clipper Belt Lacer Co., Inc. v. United States*, 14 CIT 146 (1990). The definition of "parts" was discussed recently in *Rollerblade, Inc. v. United States*, 283 F.3d 1349

(Fed. Cir. 2002). In that case, the court defined parts as “an essential element or constituent; integral portion which can be separated, replaced, etc.” *Id.* at 1353 (citing *Webster’s New World Dictionary* 984 (3d College Ed. 1988)). See HQ 966133, dated March 11, 2003.

Note 2 to Chapter 66, HTSUS, reads:

Heading 6603 does not cover parts, trimmings or accessories of textile material, or covers, tassels, thongs, umbrella cases or the like, of any material. Such goods entered with, but not fitted to, articles of heading 6601 or 6602 are to be classified separately and are not to be treated as forming part of those articles.

In addition to the chapter note, the EN to heading 6603 provides guidance on the scope of heading 6603, HTSUS. The EN reads, in its entirety:

This heading **excludes** parts, trimmings and accessories, of textile material, and covers, tassels, thongs, umbrella cases and the like of any material; these are classified separately even when presented with, but not fitted to, umbrellas, sun umbrellas, walking-sticks, etc. (see Note 2 to this Chapter). With these **exceptions**, the heading covers identifiable parts, fittings and accessories for articles of heading 66.01 or 66.02.

These remain classified here regardless of their constituent material (including precious metal or metal clad with precious metal or natural, synthetic or reconstructed precious or semi-precious stones). They include:

- (1) Handles (including blanks identifiable as unfinished handles) and knobs for umbrellas, sun umbrellas, walking-sticks, whips, etc.
- (2) Frames, including frames mounted on sticks, and ribs and stretchers for frames.
- (3) Shafts (sticks), whether or not combined with handles or knobs, for umbrellas or sun umbrellas.
- (4) Stocks for whips or riding-crops.
- (5) Runners, rib tips, open cups and tip cups, ferrules, springs, collars, tilting devices for adjusting the top of the umbrella at an angle to the mast, spikes, ground plates for seat-sticks and the like, etc.

While the umbrella base and ring are not one of the exemplars listed in the EN, they are accessories to an umbrella. They aid in securing and holding the umbrella in place and clearly contribute to the effectiveness of the principal article.

Moreover, CBP’s classification of umbrella bases of various materials as accessories under heading 6603, HTSUS is consistent with prior rulings. See NY 950999, dated April 24, 1990 (a polyethylene umbrella base classifiable under subheading 6603.90.0009, HTSUS), NY 818590, dated February 26, 1996 (umbrella stands made of metal with a cement, pebble or terrazzo base classifiable under subheading 6603.90.8000, HTSUS), and NY C82792, dated January 7, 1998 (cast iron umbrella base classifiable under 6603.90.8000, HTSUS).

Accordingly, we find that the umbrella base and ring are classifiable under subheading 6603.90.8000, HTSUS, as accessories to an umbrella.

HOLDING:

NY G83051 is REVOKED.

The iron umbrella base and ring are classifiable under subheading 6603.90.8000, HTSUS, which provides for “Parts, trimmings and accessories of articles of heading 6601 or 6602: Other: Other.” They are dutiable at the general column one rate at 5.2 percent *ad valorem*.

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

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

19 CFR PART 177

REVOCACTION OF RULING LETTER AND REVOCACTION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF CYLINDRICAL AIR FILTERS

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

ACTION: Notice of revocation of ruling letter and revocation of treatment relating to tariff classification of certain cylindrical air filters.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection (CBP) is revoking a ruling letter pertaining to the tariff classification of certain cylindrical air filters under the Harmonized Tariff Schedule of the United States ("HTSUS"), and is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed actions was published in the *Customs Bulletin* on April 23, 2003. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after September 9, 2003.

FOR FURTHER INFORMATION CONTACT: Joe Shankle, Penalties Branch, (202) 572-8824.

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 com-

munity 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, as amended (19 U.S.C. 1625(c)(1)), a notice was published in the *Customs Bulletin* on April 30, 2003, proposing to revoke NY I84014, dated July 18, 2002, which involved the classification of certain cylindrical air filters. No comments were received in response to the notice.

As stated in the proposed notice, this revocation will cover any rulings on the subject merchandise which may exist but which have not been specifically identified. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(2)), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the Harmonized Tariff Schedule. Any person involved in substantially identical transactions should have advised CBP during the comment 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 its agents for importations of merchandise subsequent to the effective date of the final notice of this proposed action.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking NY I84014 and any other ruling not specifically identified in order to reflect the proper classification of cylindrical air filters punches pursuant to the analysis set forth in HQ 966083, attached. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by the CBP to substantially identical transactions.

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

DATED: June 19, 2003

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

Attachment

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966083
June 19, 2003
CLA-2:RR:CR:TE 966083 JFS
CATEGORY: Classification
TARIFF NO.: 5911.90.0080

MR. SANJIV R. MALKAN
PRESIDENT AND CEO
SYNFIL TECHNOLOGIES
P.O. Box 31486
Knoxville, TN 37930-1486

Re: Request for Reconsideration of NY I86458; Revocation of NY I84014; Cylindrical Air Filters; Textile Articles for Technical Use; Heading 5911, HTSUSA.

DEAR MR. MALKAN:

This is in response to your request for reconsideration of New York Ruling Letter (NY) I86458, dated October 1, 2002, wherein Customs and Border Protection (CBP) classified flat panel air filters in heading 5911, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). In your request for reconsideration, you request that CBP classify the flat panel air filters consistent with CBP's ruling in NY I84014, dated July 18, 2002, wherein CBP classified cylindrical air filters in heading 8421, HTSUSA. CBP has considered both rulings. For the reasons that follow, this ruling revokes NY I84014.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-82, 107 Stat. 2057, 2186), notice of the proposed revocation of NY I84014, was published on April 23, 2003, in the *CUSTOMS BULLETIN*, Volume 37, Number 17. As explained in the notice, the period within which to submit comments on this proposal ended on May 23, 2003. No comments were received in response to this notice.

FACTS:

The sample considered in NY I84014, is a representative sample of a line of filters referred to as Synfil™ Synthetic HEPA™ Circular Air Filters. The filters are cylindrical in shape, are non-fiberglass and non-PTFE, and are used in household air purifiers. The internal filter medium is composed of extruded polypropylene filaments forming a non-woven material that is folded into a circular accordion shape. The filter medium is inserted into a circular plastic mesh housing and secured in place by means of rubber rings placed on each end of the housing. The sample measures approximately 10¾ inches in diameter.

In NY I84014, CBP classified the filters in subheading 8421.39.8015, HTSUSA, which provides for "Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases; parts thereof: Filtering or purifying machinery and apparatus for gases: Other: Other, Dust collection and air purification equipment: Other. The general column one rate of duty is Free.

ISSUE:

Whether the subject cylindrical air filters composed of a textile filter medium that is encased in a plastic mesh housing and has rubber rings on each end are classified in heading 5911, HTSUSA, as articles of textile for technical use?

LAW AND ANALYSIS:

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

The Harmonized Commodity Description and Coding System Explanatory Notes (EN's) represent the official interpretation of the Harmonized System at the international level (for the 4 digit headings and the 6 digit subheadings) and facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI. The EN's, although not dispositive or legally binding, provide a commentary on the scope of each heading of the HTSUSA, and are generally indicative of the proper interpretation of these headings.

You assert that the subject merchandise is properly classified in heading 8421, HTSUSA, as a part of purifying or filtering machinery, rather than in heading 5911, HTSUSA, as other textile products for technical uses. Heading 8421, HTSUSA, specifically provides for "Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases; parts thereof."

Note 1(e) to Section XVI provides that the section does not cover "[t]ransmission or conveyor belts or belting of textile material (heading 5910) or other articles of textile material for technical uses (heading 5911)." The General EN to Chapter 84, page 1393, also excludes from classification in Chapter 84, articles of textile material for technical uses (heading 5911). The EN's to heading 8421, HTSUSA, further provide that textile filtering elements are to be classified according to their constituent material. The EN's further state that heading 8421 excludes textile articles such as those classifiable in heading 5910 or 5911. Therefore, the merchandise is excluded from heading 8421, HTSUSA.

Moreover, the ENs for heading 8421, HTSUSA, state, in pertinent part, that:

PARTS

Subject to the general provisions regarding the classification of parts (see the General Explanatory Note to Section XVI), the heading covers parts for the above-mentioned types of filters and purifiers* * * *

It should be noted, however, that filter blocks of paper pulp fall in **heading 48.12** and that many other filtering elements (ceramics, *textiles*, felts, etc.) *are classified according to their constituent material.* (Emphasis added).

In addition, the General EN to Section XVI, at page 1385, state:

This section **does not**, however, cover * * * * (c) Textiles articles, e.g. transmission or conveyer belts (**heading 5910**), felt pads and polishing discs (**heading 5911**).

Furthermore, Additional U.S. Rule of Interpretation 1(c), provides:

In the absence of special language or context which otherwise requires a provision for parts of an article covers products solely or principally used as a part of such articles but a provision for "parts" or "parts and accessories" shall not prevail over a specific provision for such part or accessory.

CBP does not believe that the subject merchandise should be classified as a part of a filtering machine in heading 8421, HTSUSA. CBP notes that the parts provision of heading 8421, HTSUSA, is less specific than the heading for textile materials for technical purposes (discussed *infra*). Furthermore, CBP notes that the subject merchandise is imported separately from the filtering machinery. Even if considered a "part" of

the filtering machinery, the subject merchandise is excluded from this heading due to the textile composition from which it is constructed by operation of Note 1(e), which excludes textile materials for technical uses (heading 5911).

Heading 5911, HTSUSA, provides for textile products and articles for technical uses so long as they are specified in Note 7 to Chapter 59, HTSUSA. Note 7 to Chapter 59 reads:

Heading 5911 applies to the following goods, which do not fall in any other heading of section XI:

- (a) Textile products in the piece, cut to length or simply cut to rectangular (including square) shape (other than those having the character of the products of headings 5908 to 5910), the following only:
 - (i) Textile fabrics, felt and felt-lined woven fabrics, coated, covered or laminated with rubber, leather or other material, of a kind used for card clothing, and similar fabrics of a kind used for other technical purposes, including narrow fabrics made of velvet impregnated with rubber, for covering weaving spindles (weaving beams);
 - (ii) Bolting cloth;
 - (iii) Straining cloth of a kind used in oil presses or the like, of textile material or human hair;
 - (iv) Flat woven textile fabrics with multiple warp or weft, whether or not felted, impregnated or coated, of a kind used in machinery or for other technical purposes;
 - (v) Textile fabric reinforced with metal, of a kind used for technical purposes;
 - (vi) Cords, braids and the like, whether or not coated, impregnated or reinforced with metal, of a kind used in industry as packing or lubricating materials;
- (b) Textile articles (other than those of headings 5908 to 5910) of a kind used for technical purposes (for example, textile fabrics and felts, endless or fitted with linking devices, of a kind used in papermaking or similar machines (for example, for pulp or asbestos-cement), gaskets, washers, polishing discs and other machinery parts).

The EN to heading 5911, HTSUSA, state that "textile products and articles of this heading present particular characteristics which identify them as being for use in various types of machinery, apparatus, equipment or instruments or as tools or parts of tools."

Furthermore, Section B to the EN's for heading 5911 specifically addresses textile articles of a kind used for technical purposes. The EN's state in pertinent part:

All textile articles of a kind used for technical purposes (**other than** those of **headings 59.08 to 59.10**) are classified in this heading and **not** elsewhere in Section XI (see Note 7(b) to the Chapter); for example:

(1) Any of the fabrics of (A) above which have been made up (cut to shape, assembled by sewing, etc.) for example straining cloths for oil presses made by assembly of several pieces of fabric; bolting cloth cut to shape and trimmed with tapes or furnished with metal eyelets or cloth mounted on a frame for use in screen printing.

* * * * *

(9) Bags for vacuum cleaners, filter bags for air filtration plant, oil filters for engines, etc.

The EN's further state that "the textile articles of this heading may incorporate accessories in other material **provided** the articles remain essentially articles of textile." The instant filters consist of the textile filter medium that is encased with plastic mesh housing and secured by rings at each end. It is the textile material, by filtering out the unwanted particles in the air, that serves as the unifying component of the filters. Accordingly, the plastic mesh housing and rubber rings do not preclude classification of the subject merchandise within heading 5911, HTSUSA.

In NY I86458, CBP classified a filter that was 16 inches square and approximately 1¼ inches thick. The filter medium was identical to the filter medium used in the instant cylindrical filter. The filter medium was housed in a cardboard frame. CBP classified the filter in subheading 5911, HTSUSA. Likewise, in Headquarters Ruling Letter (HQ) 965820, dated October 3, 2002, CBP classified filters designed to be used in domestic forced air heating and cooling systems in heading 5911, HTSUSA. The filters were described as follows:

The subject merchandise is an air filter for use in domestic forced air furnaces. The filters are ready to use when purchased and are available in several standard sizes: 16 inches by 25 inches; 20 inches by 20 inches; and 20 inches by 25 inches. The filters consist of Filtrete™ filter medium, a metal mesh support and a cardboard frame. The Filtrete(tm) medium is described as a nonwoven filter cloth comprised of a nonwoven web of electrostatically charged polypropylene fibers weighing 20 to 70 grams per meter squared ("g/m²").

CBP conducted the same analysis as above and concluded that the cardboard frame and metal mesh did not preclude the classification of the filters in heading 5911, HTSUSA.

The instant cylindrical filters are substantially similar to those filters considered in HQ 965820 and NY I86458. Although, the instant filters have a more substantial housing, the primary function of the filters is still carried out by the textile material. Accordingly, the addition of the non-textile materials is not substantial enough to keep them from being essentially articles of textile. For rulings classifying filters and filter media in heading 5911, HTSUSA, see HQ 954138, dated June 15, 1993; HQ 956909, dated January 31, 1995; HQ 955244, dated April 4, 1994; and NY 863512, dated June 11, 1991.

HOLDING:

NY I84014, dated July 18, 2002, is hereby revoked. The subject merchandise is classified in subheading 5911.90.0080, HTSUSA, which provides for "Textile products and articles, for technical uses, specified in note 7 to this chapter: Other: Other." The general column one duty rate is 4.2 percent *ad valorem*.

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

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

19 CFR PART 177

PROPOSED REVOCATION OF RULING LETTER AND TREATMENT RELATING TO CLASSIFICATION OF PAINT ROLLER FRAMES

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

ACTION: Notice of proposed revocation of a ruling letter and treatment relating to tariff classification of paint roller frames.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested

parties that Customs intends to revoke a ruling letter pertaining to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of paint roller frames and to revoke any treatment previously accorded by Customs to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATE: Comments must be received on or before August 11, 2003.

ADDRESS: Written comments (preferably in triplicate) are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, NW, 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: Keith Rudich, General Classification Branch, (202) 572-8782.

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that Customs intends to revoke a ruling letter pertaining to the tariff classification of paint roller frames. Although in this notice Customs is specifically referring to one ruling, PD

C87444, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise Customs during this notice period.

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

In PD C87444, dated May 29, 1998, set forth as "Attachment A" to this document, Customs found that paint roller frames were classified in subheading 8205.59.55, HTSUS, as iron or steel hand tools not elsewhere specified or included.

Customs has reviewed the matter and determined that the correct classification of paint roller frames is in subheading 7326.20.00, HTSUS, which provides for articles of iron or steel wire.

Pursuant to 19 U.S.C. 1625(c)(1), Customs intends to revoke PD C87444, 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) 966118, as set forth in "Attachment B" to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: June 20, 2003

Gerard O'Brien, Jr. for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
PD C87444
May 29, 1998
CLA-2-82:H:TC:CI:C19 C87444 JM
CATEGORY: Classification
TARIFF NO.: 8205.59.5560

MR. TOM PACIAFFI
VICE PRESIDENT, CORONET BROKERS CORPORATION
JFK International Airport, Cargo Building 80
Jamaica, NY 11430-0764

RE: The tariff classification of a steel paint roller frame from China

DEAR MR. PACIAFFI:

In your letter dated May 1, 1998, you requested a tariff classification ruling on behalf of Zomax Industries.

The product to be imported is a 3" steel paint roller frame with a plastic handle. Its shank is constructed from heavy duty, quarter-inch wire and the hollow end is threaded to facilitate the use of an extension pole. The paint roller frame is sold by Ningbo Machinery and Equipment Import Export Corporation of Ningbo, China and is designated as Zomax item number 5794.

The applicable subheading for the steel paint roller frame will be 8205.59.5560 Harmonized Tariff Schedule of the United States (HTSUS), which provides for other iron or steel handtools not elsewhere specified or included.

The rate of duty will be 5.3 percent ad valorem.

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.

PAUL RIMMER
Port Director
Houston

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966118
CLA-2 RR:CR:GC 966118 KBR
CATEGORY: Classification
TARIFF NO.: 7326.20.00

MR. TOM PACIAFFI
VICE PRESIDENT, CORONET BROKERS CORPORATION
JFK International Airport, Cargo Building 80
Jamaica, NY 11430-0764

RE: Reconsideration of PD C87444; Steel Paint Roller Frame

DEAR MR. PACIAFFI:

This is in reference to a classification ruling issued to you on behalf of Zomax Industries by the Port Director, U.S. Customs Service, Houston, PD C87444, on May 29, 1998. That ruling concerned the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of a steel paint roller frame. We have reviewed PD

C87444 and determined that the classification provided for the steel paint roller frame is incorrect.

FACTS:

PD C87444 concerned Zomax item number 5794, a 3 inch steel paint roller frame with a plastic handle. Its shank is constructed from heavy duty, quarter-inch wire. The hollow end of the plastic handle is threading to facilitate the use of an extension pole.

In PD C87444, it was determined that the steel paint roller frame was classifiable in subheading 8205.59.55, HTSUS, as other iron or steel handtools not elsewhere specified or included. We have reviewed that ruling and determined that the classification of the steel paint roller frame is incorrect. This ruling sets forth the correct classification.

ISSUE:

Is a steel paint roller frame properly classified under the HTSUS as a handtool or as an article of iron or steel?

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). Under GRI 1, merchandise is classifiable according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

In interpreting the headings and subheadings, Customs looks to the Harmonized Commodity Description and Coding System Explanatory Notes (EN). Although not legally binding, they provide a commentary on the scope of each heading of the HTSUS. It is Customs practice to follow, whenever possible, the terms of the ENs when interpreting the HTSUS. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUS provisions under consideration are as follows:

7326	Other articles of iron or steel:
7326.20.00	Articles of iron or steel wire
7326.90	Other:
	Other:
	Other:
7326.90.85	Other
8205	Handtools (including glass cutters) not elsewhere specified or included; blow torches and similar self-contained torches; vises, clamps and the like, other than accessories for and parts of machine tools; anvils; portable forges; hand- or pedal-operated grinding wheels with frameworks; base metal parts thereof:
	Other handtools (including glass cutters) and parts thereof:
8205.59	Other:
	Other:
	Other:
	Of iron or steel:
8205.59.55	Other:
8466	Parts and accessories suitable for use solely or principally with the machines of headings 8456 to 8465, including work or tool holders, self-opening dieheads, dividing heads and other special attachments for machine tools; tool holders for any type of tool for working in the hand:

8466.10 Tool holders and self-opening dieheads:

8466.10.80 Other

The article at issue is a 3 inch paint roller frame made from ¼ inch wire with a plastic handle. To be used, a consumer must purchase separately a paint roller cover. Once the cover is slipped over the wire end of the paint roller frame, it is dipped into paint (or similar substance) and rolled onto the surface to be treated. It is the cover that applies the paint to the surface.

Hand tools, included in heading 8205, HTSUS, are not defined in the HTSUS or ENs. Courts have defined hand tool as “any tool which is held and operated by the unaided hands; e.g., a chisel, plane or saw.” *Western Oilfields Supply Co. v. United States*, 296 F. Supp. 330, 62 Cust. Ct. 182 (1969); *Hollywood Accessories, Division of Allen Electronics & Equipment Co. v. United States*, 282 F. Supp. 499, 60 Cust. Ct. 360 (1968); *F.B. Vandegrift & Co., Inc. v. United States*, 65 Cust. Ct. 260 (1970).

The Chapter Notes for Chapter 82 state that, with certain exceptions, “this chapter covers only articles with a blade, working edge, working surface or other working part of: (a) base metal * * * *” The court in *Continental Arms Corp.; Gehrig, Hoban & Co., Inc. v. United States*, 65 Cust. Ct. 80, 82 (1970), defined “working part” as:

* * * “working part” of a hand tool is that part which performs work on an external object * * * *

Some light is shed on the meaning of “working part” by the associated words, “blade, working edge, working surface,” all of which perform work in relation to a workpiece.

Additionally, we have considered the various tools provided for *eo nomine* in [the subpart], particularly the following hand tools* * * : Hammers, sledges, crowbars, track tools, wedges, drilling tools, threading tools, tapping tools, chisels, gimlets, gouges, planes, pencil sharpeners, lead and crayon pointers, and screwdrivers. The foregoing tools all do some form of work vis-à-vis an object external to the tool* * * *

We therefore think that Congress used the term “working part” in the sense urged by defendant, viz., that part of the tool which does work in relation to a workpiece or object external to the tool.

In the instant case, the paint roller frame is not the “working part” as defined above. The textile paint roller cover is the component that actually deposits the paint onto the surface. EN 82.05 provides: “Tools containing metal but with working parts of rubber, leather, felt, etc. are classified according to the constituent materials* * * *” Since the “working part” is textile and not base metal, this would remove the article from chapter 82, and pursuant to the ENs, would be classified according to the component part, in this case steel wire.

Under the Tariff Schedules of the United States (TSUS), the predecessor of the HTSUS, Customs ruled that paint roller frames were classified as articles of iron or steel. HQ 074347 (September 28, 1984). This ruling found that the textile roller cover is the “part which imparts the paint roller with its most important characteristic, the ability to deposit paint onto a wall.” The textile roller cover “is the most significant in the overall functioning of the item and therefore is strong support for the notion that the roller frame is merely a part and not a substantially complete paint roller.” Customs has held that when the handle and cover are imported together, they are considered a “paint roller” and are specifically provided for in subheading 9603.40.20, HTSUS. NY J80036 (January 21, 2003), (stating that NY 182307 (November 29, 2002) included both the handle and cover although the case only described the cover). *See also* NY 180287 (April 8, 2002). NY J80036 held that when the handle and roller cover are imported separately, neither piece contained the essential character of the complete article. Therefore, the paint roller covers when imported separately were classifiable as textile articles in subheading 6307.90.98, HTSUS; and the handle when im-

ported separately was classified as articles of iron or steel wire in subheading 7326.20.00, HTSUS.

Pursuant to the ENs and court decisions, the paint roller frame is not a “working part” of a hand tool and should be classified according to its component parts, steel wire. Therefore, we find that the paint roller frame is classifiable under subheading 7326.20.00, HTSUS, as an article of iron or steel wire.

HOLDING:

The paint roller frame is classifiable under subheading 7326.20.00, HTSUS, as an article of iron or steel wire.

EFFECT ON OTHER RULINGS:

PD C87444 dated May 29, 1998, is revoked.

MYLES B. HARMON,
Director,
Commercial Rulings Division.



19 C.F.R. PART 177

PROPOSED REVOCATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF AN ANALOG WRIST WATCH

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

ACTION: Notice of proposed revocation of ruling letter and revocation of treatment relating to tariff classification of an analog wrist watch.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to revoke a ruling letter relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of an analog wrist watch, and to revoke any treatment previously accorded by Customs to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATE: Comments must be received on or before August 11, 2003.

ADDRESS: Written comments (preferably in triplicate) are to be addressed to the Bureau of Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be inspected at the Bureau of Customs and Border Protection, 799 9th Street, NW, Washington, D.C., during regular business hours. Arrangements to inspect submitted comments

should be made in advance by calling Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Keith Rudich, Commercial Rulings Division, (202) 572-8782.

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that Customs intends to revoke a ruling letter pertaining to the tariff classification of an analog wrist watch. Although in this notice Customs is specifically referring to one ruling, NY I88952, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise Customs during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third

party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the Harmonized Tariff Schedule of the United States (HTSUS). Any person involved in substantially identical transactions should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or their agents for importations of merchandise subsequent to the effective date of the final notice of this proposed action.

In NY I88952, dated December 16, 2002, set forth as "Attachment A" to this document, Customs found, that an analog wrist watch was classified in subheading 9102.19.40, HTSUS, as: "Wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101: Wrist watches, electrically operated, whether or not incorporating a stop watch facility: Other: Having no jewels or only one jewel in the movement: Other."

Customs has reviewed the matter and determined that the correct classification of the analog wrist watch is in subheading 9102.11.45, HTSUS, which provides for: "Wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101: Wrist watches, electrically operated, whether or not incorporating a stop watch facility: With mechanical display only: Having no jewels or only one jewel in the movement: Other: Other."

Pursuant to 19 U.S.C. 1625(c)(1), Customs intends to revoke NY I88952, as well as 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) 966206, as set forth in "Attachment B" to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: June 20, 2003

Attachments

Gerard J. O'Brien, Jr. for MYLES B. HARMON,
Director,
Commercial Rulings Division.

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY I88952
December 16, 2002
CLA-2-91:RR:NC:MM:114 I88952
CATEGORY: Classification
TARIFF NO.: 9102.19.40

MS. CHRISTY MILLER
CUSTOMS SPECIALIST NIKE, INC.
One Bowerman Drive
Beaverton, OR 97005-6453

RE: The tariff classification of quartz analog wrist watch from Hong Kong

DEAR MS. MILLER:

In your letter dated November 19, 2002, you requested a tariff classification ruling on a quartz analog wrist watch from Hong Kong. A sample of the Presto Cee Analog was submitted with the ruling request.

Style WT0009, the Presto Cee Analog, is a women's battery operated quartz analog wrist watch in a plastic case. There are no jewels in the movement. The watch has a plastic watch band with ventilated wrist grips and is water resistant to 30 meters. The Presto Cee Analog features a white dial with silver tone hour, minute and second hands.

Your sample is being returned as requested. The applicable subheading for the wrist watch will be 9102.19.40, Harmonized Tariff Schedule of the United States (HTS), which provides for wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101; other; having no jewels or only one jewel in the movement; other. The rate of duty will be 32 cents each plus 4.8 percent ad valorem on the case plus 2.2 percent ad valorem on the strap, band or bracelet plus 4.2 percent ad valorem on the battery.

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 Barbara Kiefer at 646-733-3019.

ROBERT B. SWIERUPSKI
Director,
National Commodity Specialist Division.

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
 BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966206
 CLA-2 RR:CR:GC 966206 KBR
 CATEGORY: Classification
 TARIFF NO.: 9102.11.45

MS. CHRISTY MILLER
 CUSTOMS SPECIALIST
 NIKE, INC.
One Bowerman Drive
Beaverton, OR 97005-6453

RE: NY I88952 Revoked; Analog Wrist Watch

DEAR MS. MILLER:

This is in reference to New York Ruling Letter (NY) I88952, issued to you on December 16, 2002, concerning Protest 3801-98-102222. This ruling concerned the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of the Presto Cee Analog wrist watch. We have reviewed NY I88952 and determined that the classification provided for the analog wrist watch is incorrect. This ruling sets forth the correct classification.

FACTS:

NY I88952 concerned Style WT0009, the Presto Cee Analog, a women's battery operated quartz analog wrist watch in a plastic case. There are no jewels in the movement. The watch has a plastic watch band with ventilated wrist grips and is water resistant to 30 meters. The analog wrist watch features a white dial with silver-tone hour, minute and second hands.

In NY I88952, it was determined that the analog wrist watch was classified in subheading 9102.19.40, HTSUS, as: "Wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101: Wrist watches, electrically operated, whether or not incorporating a stop watch facility: With mechanical display only: Having no jewels or only one jewel in the movement: Other: Other." We have reviewed that ruling and determined that the classification is incorrect. This ruling sets forth the correct classification.

ISSUE:

Whether the analog wrist watch is classified as "with mechanical display only" under subheading 9102.11, HTSUS.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). Under GRI 1, merchandise is classifiable according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

The HTSUS provisions under consideration are as follows:

9102	Wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101: Wrist watches, electrically operated, whether or not incorporating a stop watch facility:
9102.11	With mechanical display only: Having no jewels or only one jewel in the movement: Other:
9102.11.45	Other

9102.19 Other:

Having no jewels or only one jewel in the movement:

9102.19.40 Other

The article at issue is a battery powered, quartz analog wrist watch. To determine the time of day, the user looks at a traditional watch face - a dial with hands. This is in contrast to a digital watch where the time of day is displayed numerically, typically with a LCD or LED display.

The article's dial and hands display is called a "mechanical display." The HTSUS specifically provides for a watch which has only a mechanical display in subheading 9102.11, HTSUS. See HQ 086562 (June 12, 1990), NY H86759 (January 25, 2002), NY H80178 (May 9, 2001). The HTSUS treats a wrist watch with a mechanical display differently than a wrist watch with a digital display, the latter being classified in subheading 9102.19, HTSUS. See NY C88974 (July 7, 1998), NY C81810 (December 17, 1997).

Therefore, since the instant Presto Cee Analog wrist watch has a dial and hands display, it is classified as a wrist watch with a mechanical display only in subheading 9102.11.45, HTSUS.

HOLDING:

The Presto Cee Analog wrist watch is classified under subheading 9102.11.45, HTSUS, as: "Wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101: Wrist watches, electrically operated, whether or not incorporating a stop watch facility: With mechanical display only: Having no jewels or only one jewel in the movement: Other: Other."

EFFECT ON OTHER RULINGS:

NY I88952 dated December 16, 2002, is REVOKED.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

**MODIFICATION OF RULING LETTER AND REVOCATION OF
TREATMENT RELATING TO THE CLASSIFICATION OF 22-
POCKET HANGING OVER-DOOR SHOE ORGANIZER**

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

ACTION: Notice of modification of a tariff classification ruling letter and revocation of any treatment relating to the classification of a 22-pocket hanging over-door shoe organizer.

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 CBP is modifying one ruling letter relating to the tariff classification, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of a 22-pocket hanging over-door shoe organizer. Similarly, CBP is revoking any treatment previously accorded by it to substantially identical merchandise. Notice of the

proposed modification and revocation of treatment was published in the *Customs Bulletin* on May 21, 2003, Vol. 37, No. 21. No comments were received.

EFFECTIVE DATE: Merchandise entered or withdrawn from warehouse for consumption on or after September 9, 2003.

FOR FURTHER INFORMATION CONTACT: Ann Segura Minardi, Textiles Branch, (202) 572-8822.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, a notice was published on May 21, 2003, Volume 37, Number 21, proposing to revoke one ruling letter, NY I884815, dated August 12, 2002, pertaining to the tariff classification of a 22-pocket hanging over-door shoe organizer under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). No comments were received in reply to the notice.

As stated in the proposed notice, this modification will cover any rulings on this merchandise which may exist but have not been specifically identified. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should have advised CBP during the notice period.

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

In NY I84815, CBP ruled that the subject goods were classifiable pursuant to a GRI 3(c) analysis within subheading 6307.90.9889, HTSUSA, which provides for other made up articles of textile. Since the issuance of that ruling, CBP has reviewed the classification of this item and has determined that the cited ruling is in error. We have determined that this item is a composite good consisting of different materials and should be classified pursuant to a GRI 3(b) analysis with the essential character of the article imparted by the plastic material. As such, we find that the article is properly classified in subheading 3924.90.5500, HTSUSA, which provides for other household articles of plastic.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY I84815, dated August 12, 2002, and any other ruling not specifically identified that is contrary to the determination set forth in this notice to reflect the proper classification of the merchandise pursuant to the analysis set forth in Headquarters Ruling Letter (HQ) 965985 (Attachment). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions that are contrary to the determination set forth in this notice.

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

DATED: June 24, 2003

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

[Attachment]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 965985
CLA-2 RR:CR:TE 965985 ASM
June 24, 2003
CATEGORY: Classification
TARIFF NO.: 3924.90.5500

MR. FRANK PRACKLER
HAROLD I. PEPPER CO., INC.
181 South Franklin Ave., Suite 218
Valley Stream, NY 11581

RE: Reconsideration and Modification of NY I84815; Classification of 22-pocket hanging over-door shoe organizer

DEAR MR. PRACKLER:

This is in response to a letter, dated September 19, 2002, which you submitted on behalf of EZ Do Co., requesting reconsideration of New York Ruling (NY) I84815, dated August 12, 2002, which classified among other things an over-door shoe organizer (item 46098) under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). We have reviewed this ruling and determined that the classification provided for this merchandise is incorrect. A sample was submitted to this office for examination.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057 (1993), a notice of proposed modification was published on May 21, 2003, in the *Customs Bulletin*, Volume 37, Number 21, proposing to modify NY I84815, dated August 12, 2002, and to revoke the tariff treatment pertaining to the tariff classification of a 22-pocket hanging over-door shoe organizer. No comments were received.

FACTS:

The subject article is identified as a 22-pocket hanging over-door shoe organizer, item 46098. The article is constructed of a non-woven fabric panel with 22 pockets on one side. The pockets are constructed of clear plastic material. The top is designed to allow for hanging the article over a door. The entire article measures 62.5 inches long x 23 inches wide. Five rows of four pockets each are formed by stitching clear plastic sheeting to the non-woven fabric. Narrow plastic strips are used as a binder for the stitches and as a capping for the edges. Each pocket is meant to hold a shoe. At the bottom there are two double-sized pockets to hold pocketbooks, scarves, or other items. There are four grommets at the top to enable the item to be hung. Four metal over-door hooks are included.

In NY I84815 the subject article was classified in subheading 6307.90.9889, HTSUSA, which is a provision for other made up textile articles. You disagree with this classification and claim that the correct classification is in subheading 3924.90.5500, HTSUSA, which provides for other household articles of plastic.

ISSUE:

What is the proper classification for the merchandise?

LAW AND ANALYSIS:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes ("ENs") constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The subject article, identified as item 46098, is constructed of both plastic and textile materials. As such, the article is *prima facie* classifiable as an article of plastic under heading 3924, HTSUSA, which provides for “Tableware, kitchenware, other household articles and toilet articles, of plastics” and as an article of textile under heading 6307, HTSUSA, which provides for “Other made up articles, including dress patterns”. Thus, the goods are not classifiable pursuant to a GRI 1 analysis. GRI 2(b) provides that the classification of combinations of materials, which are *prima facie* classifiable under two or more headings, must be classified according to the principles of Rule 3. GRI 3(b) provides that composite goods consisting of different materials or made up of different components shall be classified as if they consisted of the material or component which gives them their essential character. The EN for GRI 3(b) states in relevant part that the factor which determines essential character will vary as between different kinds of goods, e.g., by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the goods.

In the case of *Better Home Plastics Corp. v. United States*, 199 F.3d 969 (1997), the Court of Appeals for the Federal Circuit (CAFC) affirmed a decision by the Court of International Trade (CIT) which classified a textile shower curtain/plastic liner set, pursuant to a GRI 3(b) analysis, as an article of plastic under subheading 3924.90.1010, HTSUSA. The CAFC further affirmed that the CIT had correctly applied a GRI 3(b) analysis by evaluating the essential character of a textile shower curtain/plastic liner set by comparing the relative importance of each component. Finally, in affirming that the CIT had correctly classified the set, the CAFC held that there was no error in the lower court’s refusal to reject the essential character test in favor of the default rule of GRI 3(c).

In Customs Headquarters Ruling Letter (HQ) 964238, dated May 31, 2002, we applied a GRI 3(b) analysis in classifying suit/dress bags (items 01896-2; 01892-2) constructed of plastic and textile materials. In determining the essential character of these goods pursuant to a GRI 3(b) analysis, we compared the plastic and textile materials to assess which material contributed the greatest durability and value to the finished goods. In this instance, we found that the textile material provided the greater durability and value. Thus, the goods were classified as a container of heading 4202 with outer surface of textile under subheading 4202.92.3031, HTSUSA.

Upon visual examination of the article now in issue, it has been confirmed that there is more plastic sheeting than textile fabric used to construct the article. Although the textile panel forms the back of the pocket, it is the plastic sheeting that forms the gusseted front portion of the 22 pockets which will store, organize, and support the intended contents. In this way, the plastic front portion of the pockets defines the product as a shoe organizer. In addition, the entire article has been reinforced with plastic piping to provide strength and support to the plastic pockets and along the edges of the textile panel. The clear plastic sheeting provides easy identification of shoe style/color and an easy wipe surface, which is important in cleaning away dirt/mud carried by shoe soles to the interior of each plastic pocket. The plastic material on this article represents a higher percentage of the total value of the article than the textile panel. Thus, the plastic components of the shoe organizer provide the indispensable function and the greater quantity and value to the article.

In view of the foregoing, it is our determination that the subject article, item 46098, is correctly classified, pursuant to GRI 3(b), as an article of plastic under subheading 3924.90.5500, HTSUSA. It is also our decision that NY 184815, dated August 12, 2002, incorrectly classified the subject article (item 46098) as an other article of textile in subheading 6307.90.9889, HTSUSA.

HOLDING:

The subject merchandise, identified as Item 46098, is correctly classified in subheading 3924.90.5500, HTSUSA, which provides for, “Tableware, kitchenware, other household articles and toilet articles, of plastics: Other: Other.” The general column one duty rate is 3.4 percent *ad valorem*.

EFFECT ON OTHER RULINGS

NY I84815, dated August 12, 2002, is MODIFIED. In accordance with 19 U.S.C. 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

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



