

# U.S. Customs and Border Protection

## *General Notices*

### **PROPOSED COLLECTION; COMMENT REQUEST**

#### **Air Transport Program**

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

**ACTION:** 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0118.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, U.S. Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Air Transport Program. This request for comment is being made pursuant to the Paperwork Reduction Act (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

**DATES:** Written comments should be received on or before April 28, 2008, to be assured of consideration.

**ADDRESS:** Direct all written comments to U.S. Customs and Border Protection, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2.C Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to U.S. Customs and Border Protection, Attn. Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 344–1429.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b)

the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

**Title: Air Transport Program**

**OMB Number:** 1651-0118

**Form Number:** N/A

**Abstract:** The Air Transport Program allows a waiver of non-immigrant visa requirements for aliens who are proceeding in immediate and continuous transit through the United States.

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

**Type of Review:** Extension

**Affected Public:** Travelers, Carriers

**Estimated Number of Respondents:** 9

**Estimated Total Annual Responses:** 300,000

**Estimated Time Per Response:** 2 minutes

**Estimated Total Annual Burden Hours:** 10,000

Dated: February 19, 2008

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

[Published in the Federal Register, February 27, 2008 (73 FR 10459)]

**APPROVAL OF ALTOL PETROLEUM PRODUCT SERVICE,  
AS A COMMERCIAL GAUGER**

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

**ACTION:** Notice of approval of Altol Petroleum Product Service, as a commercial gauger.

**SUMMARY:** Notice is hereby given that, pursuant to 19 CFR 151.13, Altol Petroleum Product Service, Road 127 Km. 13.5 Bo. Magas Arriba, Guayanilla, PR 00656, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to [cbp.labhq@dhs.gov](mailto:cbp.labhq@dhs.gov). Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

[http://cbp.gov/xp/cgov/import/operations\\_support/labs\\_scientific\\_svcs/commercial\\_gaugers/](http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/)

**DATES:** The approval of Altol Petroleum Product Service, as a commercial gauger became effective on September 28, 2007. The next triennial inspection date will be scheduled for September 2010.

**FUR FURTHER INFORMATION CONTACT:** Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,  
*Executive Director,*  
*Laboratories and Scientific Services.*

[Published in the Federal Register, February 14, 2008, (73 FR 8708)]

DEPARTMENT OF HOMELAND SECURITY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS.  
*Washington, DC, February 27, 2008*

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

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

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## GENERAL NOTICE

### **PROPOSED REVOCATION OF RULING LETTERS AND REVOCATION OF TREATMENT RELATING TO CLASSIFICATION OF 4-(AMINOMETHYL)-BENZOIC ACID**

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

**ACTION:** Notice of proposed revocation of ruling letters and treatment relating to the classification of 4-(Aminomethyl)-benzoic acid, CAS 56–91–7, imported in bulk from China.

**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 CPB intends to revoke a ruling concerning the classification of 4-(Aminomethyl)-benzoic acid, CAS 56–91–7, imported in bulk from China, under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CPB intends to revoke any treatment previously accorded by CPB to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

**DATE:** Comments must be received on or before April 11, 2008.

**ADDRESS:** Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulation and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Comments submitted may be inspected at 799 9<sup>th</sup> St. N.W. during regular business hours. Arrangements to inspect sub-

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

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

**SUPPLEMENTARY INFORMATION:**

**Background**

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI (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 intends to revoke a ruling pertaining to the classification of an 4-(Aminomethyl)-benzoic acid. Although in this notice CBP is specifically referring to New York Ruling Letter (NY) H85776, dated February 14, 2002, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing 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 CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substan-

tially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or his agents for importations of merchandise subsequent to this notice.

In NY H85776, CBP ruled that 4-(Aminomethyl)-benzoic acid is classified in subheading 2922.49.80, HTSUS, the provision for "Oxygen-function amino-compounds: Amino-acids, other than those containing more than one kind of oxygen function, and their esters; salts thereof: Other: Other: Other: Other." NY H85776 is attached as attachment "A" to this document. The referenced ruling is incorrect because the chemical substance at issue contains a benzene ring and is therefore an aromatic compound provided for in heading 2922.49.30, HTSUS, the provision for "Oxygen-function amino-compounds: Amino-acids, other than those containing more than one kind of oxygen function, and their esters; salts thereof: Other: Aromatic: Other: Products described in additional U.S. note 3 to section VI."

CBP, pursuant to 19 U.S.C. 1625(c)(1), intends to revoke NY H85776, 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 H007659 (see Attachment "B" to this document). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received. ppDated: February 21, 2008

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

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,  
U.S. CUSTOMS AND BORDER PROTECTION,  
NY H85776  
February 14, 2008  
CLA-2-29:RR:NC:2:240 H85776  
CATEGORY: Classification  
TARIFF NO.: 2922.49.8000

MR. JOSEPH H. CHIVINI  
AUSTIN CHEMICAL COMPANY, INC.  
1565 Barclay Boulevard  
Buffalo Grove, Illinois 60089

RE: The tariff classification of 4-(Aminomethyl)- benzoic acid, CAS # 56-91-7, imported in bulk form, from China

DEAR MR. CHIVINI:

In your letter dated November 20, 2001, you requested a tariff classification ruling.

The subject product, 4-(Aminomethyl)-benzoic acid, is an aromatic amino acid ester indicated for use in research and development.

The applicable subheading for 4-(Aminomethyl)-benzoic acid, also known as a-Amino-p-toluic acid, will be 2922.49.8000, Harmonized Tariff Schedule of the United States (HTS), which provides for Amino-acids and their esters, other than those containing more than one kind of oxygen function; salts thereof: Other: Other: Other: . . . . The rate of duty will be 3.7 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. If you have any questions regarding the ruling, contact National Import Specialist Stephanie Joseph at 646-733-3268.

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

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.  
U.S. CUSTOMS AND BORDER PROTECTION,  
HQ H007659  
CLA-2 OT:RR:CTF:TCM H007659 ARM  
**CATEGORY: CLASSIFICATION**  
**TARIFF NO.: 2922.49.30**

MR. JOSEPH H. CHIVINI  
AUSTIN CHEMICAL COMPANY, INC.  
*1565 Barclay Blvd.*  
*Buffalo Grove, Illinois 60089*

**Re:** Revocation of NY H85776; 4-(Aminomethyl)-benzoic acid, CAS 56-91-7, imported in bulk from China

DEAR MR. CHIVINI:

This is in reference to New York Ruling Letter (NY) H85776, issued on February 14, 2002, concerning the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of 4-(Aminomethyl)-benzoic acid, CAS 56-91-7, imported in bulk from China. In that ruling, CBP classified the merchandise in subheading 2922.49.8000, HTSUS, which provides for "Oxygen-function amino-compounds: Amino-acids, other than those containing more than one kind of oxygen function, and their esters; salts thereof: Other: Other: . . . Other."

We have reviewed the decision in NY H85776, and have determined that the classification set forth in that ruling is incorrect. This ruling revokes NY H85776.

**FACTS:**

In NY H85776, the subject product is described as an aromatic amino acid ester indicated for use in research and development. Customs and Border Protection (CBP) laboratory report # NY20011240, dated February 6, 2002, states, in pertinent part, the following:

Product Name: 4-Aminomethyl-Benzoic Acid

CAS Registry Name: Benzoic Acid, 4-(Aminomethyl)-

CAS Registry Number: 56-91-7

Which is not listed in the chemical appendix HTSUS 2001.

Importer's stated use: Research & Development

Report: The product is an aromatic compound containing carboxylic acid and mono-amine functional groups.

A page copyrighted to the 2002 American Chemical Society is attached to the laboratory report showing the chemical formula to be  $C_8H_9NO_2$ . Below the formulaic information is an image of the structure. The structure contains  $HO_2C$  and  $CH_2-NH_2$  molecules bonded to a benzene ring.

**ISSUE:**

Whether 4-(Aminomethyl)-benzoic acid, CAS 56-91-7, is classified at the 8 digit level as an aromatic compound.

**LAW AND ANALYSIS:**

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context that requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are statutory provisions of law.

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes and, unless otherwise required, according to the remaining GRIs taken in order. GRI 6 requires that the classification of goods in the subheadings of headings shall be determined according to the terms of those subheadings, any related subheading notes and, *mutatis mutandis*, to the GRIs. Additional U.S. Rule of Interpretation 1(a) requires that "a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of goods of that class or kind to which the imported goods belong, and the controlling use is the principal use".

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

The following subheadings are relevant to the classification of this product:

2922		Oxygen-function amino-compounds: Amino-acids, other than those containing more than one kind of oxygen function, and their esters; salts thereof:
*	*	* * *
2922.49		Other:
		Aromatic:
*	*	* * *
		Other:
*	*	* * *
		Other:
2922.49.30		Products described in additional U.S. note 3 to section VI.
*	*	* * *
		Other:
		Other:
*	*	* * *
2922.49.80		Other:

Section VI, Additional U.S. Note 2(a), states “For the purposes of the tariff schedule: (a) The term “aromatic” as applied to any chemical compound refers to such compound containing one or more fused or unfused benzene rings.” Additional U.S. note 3 to Section VI states the following:

3. The term “products described in additional U.S. note 3 to section VI” refers to any product not listed in the Chemical Appendix to the Tariff Schedule and—

(a) For which the importer furnishes the Chemical Abstracts Service (C.A.S.) registry number and certifies that such registry number is not listed in the Chemical Appendix to the Tariff Schedule; or

(b) Which the importer certifies not to have a C.A.S. registry number and not to be listed in the Chemical Appendix to the Tariff Schedule, either under the name used to make Customs entry or under any other name by which it may be known.

There is no dispute at the four or six digit levels. However, it appears that CBP erred when it classified the substance in the “other than aromatic” eight digit subheading.

The CBP laboratory report states unequivocally that the substance is aromatic. The structure of the instant merchandise contains a benzene ring. Therefore, under Section VI, note 2(a), the substance is aromatic and is classified as such.

**HOLDING:**

4-(Aminomethyl)-benzoic acid, CAS 56–91–7 imported in bulk from China is classified in subheading 2922.49.30, HTSUS, the provision for “Oxygen-function amino-compounds: Amino-acids, other than those containing more

than one kind of oxygen function, and their esters; salts thereof: Other: Aromatic: Other Other; Products described in additional U.S. note 3 to section VI. The general column one rate of duty is 6.5% *ad valorem*.

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

**EFFECT ON OTHER RULINGS:**

NY H85776, dated February 14, 2002, is hereby revoked.

MYLES B. HARMON,

*Director.*

*Commercial and Trade Facilitation Division.*

