

U.S. Customs and Border Protection

General Notices

AGENCY INFORMATION COLLECTION ACTIVITIES:

Entry and Immediate Delivery Application

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

ACTION: 30-Day Notice and request for comments; Extension of an existing information collection: 1651-0024.

ACTION: Proposed collection; comments requested.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Entry and Immediate Delivery Application. 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** (73 FR 51833) on September 5, 2008, 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 December 10, 2008.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (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: Entry and Immediate Delivery Application

OMB Number: 1651–0024

Form Number: CBP Form-3461 and Form-3461 Alternate

Abstract: CBP Form CBP-3461 and Form-3461 Alternate are used by importers to provide CBP with the necessary information in order to examine and release imported cargo for entry into the United States.

Current Actions: This submission is being made to extend the expiration date.

Type of Review: Extension (with change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 13,324

Estimated Number of Responses: 18,654,229

Estimated Average Time Per Response: 9 minutes

Estimated Total Annual Burden Hours: 2,774,743

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

Dated: October 29, 2008

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

AGENCY INFORMATION COLLECTION ACTIVITIES:**Prior Disclosure Regulations**

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

ACTION: 30-Day Notice and request for comments; Extension of an existing information collection: 1651-0074.

ACTION: Proposed collection; comments requested.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Prior Disclosure Regulations. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (73 FR 51833) on September 5, 2008, 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 December 10, 2008.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (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: Prior Disclosure Regulations

OMB Number: 1651-0074

Form Number: N/A

Abstract: This collection of information is required to implement a provision of the Customs Modernization portion of the North American Free Trade Implementation Act concerning prior disclosure by a person of a violation of law committed by that person involving the entry or introduction or attempted entry or introduction of merchandise into the United States by fraud, gross negligence or negligence, pursuant to 19 U.S.C. 1592(c)(4), as amended.

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

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 3,500

Estimated Time Per Respondent: 60 minutes

Estimated Total Annual Burden Hours: 3,500

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

Dated: October 29, 2008

TRACEY DENNING,
Agency Clearance Officer,
Information Services Branch.

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

Myles B. Harmon for SANDRA L. BELL,
*Executive Director,
Regulations and Rulings Office of International Trade.*

19 CFR PART 177

REVOCATION OF ONE RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE CLASSIFICATION OF A USB CABLE AND AN ETHERNET CABLE

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

ACTION: Notice of revocation of one ruling letter and revocation of treatment relating to the classification of a USB cable and an Ethernet cable.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of a USB cable and an Ethernet cable. Similarly, CBP is revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed action was published in the Customs Bulletin, Vol. 42, No. 33, on August 6, 2008. Two comments supporting the proposed revocation 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 January 27, 2009.

FOR FURTHER INFORMATION CONTACT: Heather K. Pinnock, Tariff Classification and Marking Branch, at (202) 325–0034.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 42, No. 33, on August 6, 2008, proposing to revoke one ruling letter relating to the tariff classification of a USB cable and an Ethernet cable. Two comments supporting this action were received in response to the notice. As stated in the proposed notice, this revocation will cover any rulings on the merchandise which may exist but may not have been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ruling identified above. No further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during 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 is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved with substantially identical transactions should have advised 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 its

agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY N007536 to reflect the proper classification of the USB cable and the Ethernet cable pursuant to the analysis set forth in Headquarters Ruling Letter (HQ) H029719 (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 action will become effective 60 days after publication in the Customs Bulletin.

DATED: November 7, 2008

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

Attachment

DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,
November 7, 2008
HQ H029719
CLA-2 OT:RR:CTF:TCM H029719 HkP
CATEGORY: Classification
TARIFF NO.: 8544.42.20

MR. DENNIS MORSE
BDP INTERNATIONAL, INC.
2721 Walker Avenue, N.W.
Grand Rapids, MI 49504

RE: Revocation of NY N007536; USB cable (item no. 774360); Ethernet cable (item no. 700043)

DEAR MR. MORSE:

This is in reference to New York Ruling Letter ("NY") N007536, issued to you on March 6, 2007, on behalf of your client Miejer Distribution. At issue in that ruling was the classification of a USB cable and of an Ethernet cable under the Harmonized Tariff Schedule of the United States (HTSUS). U.S. Customs and Border Protection ("CBP") classified this merchandise under subheading 8544.42.9000, HTSUSA, as, "other electric conductors for a voltage not exceeding 1,000 V, fitted with connectors, other." We have reviewed NY N007536 and found it to be incorrect. For the reasons set forth in this ruling, we hereby revoke NY N007536.

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 was published on August 6, 2008, in the Customs Bulletin, Volume 42, No. 33. Two comments supporting the proposed revocation were received in response to this notice.

FACTS:

The merchandise at issue is described in NY N007536 as follows:

The first item in question is a six-foot long USB computer cable. This cable is fitted with a type “A”, male, USB connector on one end and a type “B”, male, USB connector on the opposite end. This cable is used to connect a Personal Computer to a variety of USB devices, allowing for the transfer of data or music between the two.

The second item in question is a twenty-five foot Ethernet computer cable. This cable is fitted with modular “Ethernet” connectors on each end. It’s used to connect a Personal Computer to gaming systems, the Internet and various other computing devices.

ISSUE:

What is the correct classification of the USB cable and the Ethernet cable under the HTSUS?

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

8544	Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors: * * *
	Other electric conductors, for a voltage not exceeding 1,000 V:
8544.42	Fitted with connectors: * * *
	Other:
8544.42.20	Of a kind used for telecommunications
8544.42.90	Other

We do not dispute that the cables are provided for under heading 8544, HTSUS. However, we now believe that their classification at the eight-digit level was incorrect. CBP previously classified the USB cable and the Ethernet cable at issue in subheading 8544.42.90, HTSUSA, as other electric conductors, “other.” After reviewing the nature of the cables, we now find that their correct classification is subheading 8544.42.20, HTSUS, which provides for electric conductors “of a kind used for telecommunication.” Our position is based on the fact that USB and Ethernet cables are used for the two-way transfer of data between a personal computer and various other devices. CBP has previously classified a SCSI II (“skuzzy”) cable with connectors, used to connect a PC to various other devices, in subheading 8544.41.40, HTSUSA. Pursuant to the 2007 changes to the HTSUS, the

products of subheading 8544.41, HTSUS (2006), have been transferred to subheading 8544.42, HTSUS (2008).

One commenter noted that the proposed reclassification of the USB and Ethernet cables under subheading 8544.42, HTSUS, was consistent with the description of telecommunication cables provided in the Explanatory Notes to heading 8544. He also noted that CBP rulings establish that USB cables may be used with devices other than a computer, such as a Palm or other personal digital assistant, without being connected to a computer.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS at the international level, that is, the up to the first six digits of a heading. The provision under consideration (8544.42.20) is an eight-digit U.S. provision of the HTSUS. The fact that the cables at issue are similar to the description of telecommunication cables provided in EN 85.44 has no bearing on classification at the eight-digit level.

The other commenter was of the opinion that there were at least two other families of cables that also needed to be included under subheading 8544.42, HTSUS – IEEE 1394 Interface Cables (serial bus interface cables) and Category 5 cables (subject of NY N022954, dated Feb. 27, 2008). We note that the Category 5 cable in NY N022954 is already classified under subheading 8544.42, HTSUS, as being “of a kind used for telecommunications”. IEEE 1394 cables are not currently the subject of any ruling and, therefore, are not subject to the provisions of 19 U.S.C. § 1625(c).

HOLDING:

By application of GRI 1, the USB cable and the Ethernet cable at issue are classified under heading 8544, HTSUS. They are specifically provided for in subheading 8544.42.20, HTSUS, which provides for: Insulated . . . wire, cable . . . and other insulated electric conductors, whether or not fitted with connectors . . . : Other electric conductors, for a voltage not exceeding 1,000 V: Fitted with connectors: Other: Of a kind used for telecommunications.“ The 2008 column one, general rate of duty is Free.

EFFECT ON OTHER RULINGS:

NY N007536, dated March 6, 2007, is hereby revoked. 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 and Trade Facilitation Division.

