

U.S. Customs and Border Protection

General Notices

ACCREDITATION OF SAYBOLT LP, AS A COMMERCIAL LABORATORY

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

ACTION: Notice of accreditation of Saybolt LP, as a commercial laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12, Saybolt LP, 109 Woodland Dr., Laplace, LA 70068, has been accredited to test petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12. Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquires regarding the specific test this entity is accredited 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.labh@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/

DATES: The accreditation of Saybolt LP, as commercial laboratory became effective on December 05, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15508)]

**ACCREDITATION AND APPROVAL OF QUALITY CUSTOM
INSPECTIONS & LABORATORIES, LLC, AS A
COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Quality Custom Inspections & Laboratories, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Quality Custom Inspections & Laboratories, LLC, 402 Pasadena Blvd., Pasadena, TX 77506, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Quality Custom Inspections & Laboratories, LLC, as commercial gauger and laboratory became effective on March 13, 2009. The next triennial inspection date will be scheduled for March 2012.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 19, 2009

DONALD A. COUSINS,
*Acting Executive Director,
Laboratories and Scientific Services.*

[Published in the Federal Register, April 6, 2009 (74 FR 15507)]

**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 628 Time Saver Lane, Harahan, LA 70123, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on September 25, 2008. The next triennial inspection date will be scheduled for September 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

**ACCREDITATION AND APPROVAL OF SAYBOLT LP, AS A
COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Saybolt LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt LP, 1809 Magnolia Ave, Port Neches, TX 77651, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Saybolt LP, as commercial gauger and laboratory became effective on April 29, 2008. The next triennial inspection date will be scheduled for April 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15508)]

**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 4717 Santa Elena, Corpus Christi, TX 78405, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on May 07, 2008. The next triennial inspection date will be scheduled for May 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15505)]

**ACCREDITATION AND APPROVAL OF NMC GLOBAL
CORPORATION, AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of NMC Global Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, NMC Global Corporation, 1107 Center St., Pasadena, TX 77506, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of NMC Global Corporation, as commercial gauger and laboratory became effective on November 12, 2008. The next triennial inspection date will be scheduled for November 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15507)]

**ACCREDITATION AND APPROVAL OF INTERTEK USA,
INC., AS A COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 1145 Fourth Street, Gretna, LA 70053, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on December 03, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15506)]

**APPROVAL OF SGS NORTH AMERICA, INC., AS A
COMMERCIAL GAUGER**

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

ACTION: Notice of approval of SGS North America, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, SGS North America, Inc., 6624 Langley Dr., Baton Rouge, LA 70809, 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, inquires 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. 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/

DATES: The approval of SGS North America, Inc., as commercial gauger became effective on December 08, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15509)]

**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 16025-C Jacintoport Blvd., Houston, TX 77015, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on November 10, 2008. The next triennial inspection date will be scheduled for November 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15505)]

APPROVAL OF SAYBOLT LP, AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Saybolt LP, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Saybolt LP, 190 James Drive East, Suite 110, St. Rose, LA 70087, 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 em-

ploy 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, inquires 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. 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/

DATES: The approval of Saybolt LP, as commercial gauger became effective on December 05, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15509)]

APPROVAL OF INSPECTORATE AMERICA CORPORATION, AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Inspectorate America Corporation, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Inspectorate America Corporation, 8367 Paris Ave., Baton Rouge, LA 70814, 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, inquires 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. 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/

DATES: The approval of Inspectorate America Corporation, as commercial gauger became effective on December 08, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15508)]

ACCREDITATION AND APPROVAL OF COASTAL GULF AND INTERNATIONAL, AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Coastal Gulf and International, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Coastal Gulf and International, 13607 River Road, Luling, LA 70070, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Coastal Gulf and International, as commercial gauger and laboratory became effective on December 16, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15505)]

ACCREDITATION AND APPROVAL OF INTERTEK USA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 2632 Ruby Ave., Gonzalez, LA 70737, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on December 09, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15506)]

**ACCREDITATION AND APPROVAL OF LABORATORY
SERVICE, INC., AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of Laboratory Service, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Laboratory Service, Inc., 11731 Port Road, Seabrook, TX 77586, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Laboratory Service, Inc., as commercial gauger and laboratory became effective on December 17, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Pro-

tection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15507)]

APPROVAL OF THE STRAWN GROUP, AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of The Strawn Group, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, The Strawn Group, 3855 Villa Ridge, Houston, TX 77068, 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, inquires 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. 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/

DATES: The approval of The Strawn Group, as commercial gauger became effective on December 31, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15509)]

**ACCREDITATION AND APPROVAL OF AMSPEC SERVICES
LLC, AS A COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Amspec Services LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Amspec Services LLC, 12154 B River Road, St. Rose, LA 70087, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or 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. 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/

DATES: The accreditation and approval of Amspec Services LLC, as commercial gauger and laboratory became effective on December 04, 2008. The next triennial inspection date will be scheduled for December 2011.

FOR FURTHER INFORMATION CONTACT: Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 10, 2009

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

[Published in the Federal Register, April 6, 2009 (74 FR 15504)]

Tuna — Tariff-Rate Quota

The tariff-rate quota for Calendar Year 2009 tuna classifiable under subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS).

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

ACTION: Announcement of the quota quantity of tuna in airtight containers for Calendar Year 2009

SUMMARY: Each year the tariff-rate quota for tuna described in subheading 1604.14.22, HTSUS, is based on the apparent United States consumption of tuna in airtight containers during the preceding Calendar Year. This document sets forth the tariff-rate quota for Calendar Year 2009.

EFFECTIVE DATES: The 2009 tariff-rate quota is applicable to tuna entered or withdrawn from warehouse for consumption during the period January 1, through December 31, 2009.

FOR FURTHER INFORMATION CONTACT:

Headquarters Quota Branch, Textile/Apparel Policy and Programs Division, Trade Policy and Programs, Office of International Trade, U.S. Customs and Border Protection, Washington, DC 20229, (202) 863-6560.

BACKGROUND:

It has been determined that 18,457,467 kilograms of tuna in airtight containers may be entered and withdrawn from warehouse for consumption during the Calendar Year 2009, at the rate of 6 percent ad valorem under subheading 1604.14.22, HTSUS. Any such tuna which is entered or withdrawn from warehouse for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under subheading 1604.14.30 HTSUS.

Dated: April 1, 2009

DANIEL BALDWIN,
*Assistant Commissioner,
Office of International Trade.*

[Published in the Federal Register, April 6, 2009 (74 FR 15513)]

NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING GROUND FAULT CIRCUIT INTERRUPTER

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of a ground fault circuit interrupter ("GFCI"). Based upon the facts presented, CBP has concluded in the final determination that Mexico is the country of origin of the GFCI for purposes of U.S. government procurement.

DATE: The final determination was issued on March 26, 2009. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR § 177.22(d), may seek judicial review of this final determination within May 6, 2009.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch: (202) 325-0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 26, 2009, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the GFCI which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, in HQ H047362, was issued at the request of Pass & Seymour, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511-18). In the final determination, CBP has concluded that, based upon the facts presented, the GFCI, assembled in Mexico from parts made in China, is substantially transformed in Mexico, such that Mexico is the country of origin of the finished article for purposes of U.S. government procurement.

Section 177.29, Customs Regulations (19 CFR § 177.29), provides that notice of final determinations shall be published in the *Federal Register* within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR § 177.30), provides that any party-at-interest, as defined in 19 CFR § 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the *Federal Register*.

DATED: March 26, 2009

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

Attachment



DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H047362
March 26, 2009
MAR-2-05 OT: RR:CTF:VS H047362 EE
CATEGORY: Marking

DANIEL B. BERMAN, ESQ.
HANCOCK & ESTABROOK, LLP
1500 AXA Tower I
100 Madison Street
Syracuse, NY 13202

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Country of Origin Marking; Ground Fault Circuit Interrupter

DEAR MR. BERMAN:

This is in response to your correspondence of November 20, 2008, requesting a final determination on behalf of Pass & Seymour, Inc. (“P&S”), pursuant to subpart B of part 177, Customs and Border Protection (“CBP”) Regulations (19 CFR § 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of a ground fault circuit interrupter (“GFCI”). We note that P&S is a party-at-interest within the meaning of 19 CFR § 177.22(d)(1) and is entitled to request this final determination.

You also request a country of origin marking determination.

FACTS:

You describe the pertinent facts as follows. The business of P&S includes the design, manufacture, and distribution of GFCIs in the U.S. for residential and commercial use in electrical circuits of less than 1,000 volts. The GFCIs are electrical components, designed for permanent installation in electrical circuits, which are able to detect small imbalances in the circuit’s current caused by leakages of current to ground. When leakage is detected, the GFCI opens the electrical circuit, stopping the flow of current. Legrand, the parent company of P&S, produces the components of the GFCI in China through another subsidiary, Rocom Electric Co. Ltd. (“Rocom”). Rocom plans to ship the components to a facility in Mexico where thirty-two of the components will be assembled in a forty-two step process into a Printed Circuit Board subassembly (“PCB”), which will in turn be assembled, with twenty-nine other components, into the GFCI in a forty-three step process. The GFCI will be tested and packaged at the same facility. Upon completion of assembly, testing, and packaging, the GFCI will be imported into the U.S. by P&S for sale and distribution.

The components from China include the following: cover, reset button, test button, light pipe, strap assembly, assembly terminals, contact, separator, springs, latch block top, spark gap blades, assembly screw terminals, armature, spring assembly, term assemblies, resistors, capacitors, diodes, LEDs,

latches, solenoids, wires, back body, miswire cap, screws, and labels. A complete list of the sixty-one components was included with your submission. You have provided six exhibits, which include schematics, photographs, and the step-by-step assembly process of the GFCI in Mexico. Exhibit G shows phase one (the assembly of the PCB), which is comprised of forty-two discrete steps and thirty-two parts, takes approximately twelve minutes. Exhibit D shows phase two (the assembly of the GFCI from components including the PCB), which is comprised of forty-three discrete steps and thirty parts, takes approximately ten minutes. You claim that each step, unless otherwise noted, is completed by skilled workers who undergo an extensive training process.

PCB assembly process:

1. Apply adhesive to PCB (in three-up array).
- 2–25. Place surface-mount electronic components onto foil-side of PCB: fourteen resistors; nine capacitors; integrated circuit.
26. Cure adhesive in oven.
- 27–32. Place leaded electronic components onto top-side of PCB: two jumper wires; Medal Oxide Varistor; Diode; Silicon Controlled Rectifier; Light Emitting Diode.
- 33–34. Assemble bobbin solenoid subassembly – bobbin, latch block, latch, spring and auxiliary contact (two pcs). Fit subassembly into corresponding holes in PCB.
35. Place spring over solenoid plunger and insert into hole in solenoid.
36. Fit toroid subassembly into corresponding holes in PCB.
37. Place leaded resistor through hole in toroid subassembly into PCB.
38. Send PCB subassembly (still in array) through wave solder machine.
39. Visually inspect solder side of PCB after wave solder, touch-up as required.
40. Hand solder in miswire link between resistors R9 and R15.
41. Send assembly through in-circuit test for component verification and measurement.
42. Place array in press and singulate individual PCB subassemblies from array.

GFCI assembly process:

1. Place back body into date code fixture/stamping-press and press button to apply date code on side of back body.
2. Remove back body from date code fixture. Place hot terminal-screw/pressure-plate assembly into back body cradle on line end.
3. Place neutral terminal-screw/pressure-plate assembly into back body cradle on line end.
4. Place PCB subassembly into back body, capturing terminal-screw/pressure-plate subassemblies under line terminals.
5. Place hot terminal-screw/pressure-plate subassembly into back body cradle on load end.
6. Place neutral terminal-screw/pressure-plate subassembly into back body cradle on load end.
7. Place hot load terminal subassembly into back body, over load screw/pressure plate subassembly.
8. Place neutral load terminal subassembly into back body, over load screw/pressure plate assembly.
9. Place two break springs into latch block.

10. Place latch block with springs onto line contacts, aligning leg of latch block over auxiliary switch on PCB.
11. Drop separator over device, aligning test resistor lead through hole in separator. Snap separator onto back body.
12. Place strap subassembly into center channel of separator.
13. Place hot-side load contact into slot in separator.
14. Bend test resistor lead over with finger to test blade slot.
15. Press test blade leg into slot in separator, capturing test resistor lead in slot on bottom leg of test blade.
16. Place neutral-side load contact into slot in separator.
17. Place light pipe into hole/slot in separator.
18. Place reset button/pin/make spring subassembly into hole through strap/separator.
19. Set two shutter subassemblies into pockets in device cover/test button subassembly.
20. Place cover/test-button subassembly on top of device, fitting over reset button subassembly and light pipe.
21. Turn device over. Place four assembly screws in holes at corners of back body.
22. Run assembly screws in and torque down with driver.
23. Place device in automated final tester fixture.
24. Short circuit test.
25. False trip test.
26. Trip level test in forward polarity, full load.
27. Trip level test in reverse polarity, full load.
28. Grounded-neutral test.
29. Test-button test.
30. Dielectric test.
31. Response time test with 500 ohm fault resistor.
32. If device passes all tests, hand solder link across solder bridge on bottom of PCB to activate miswire circuit.
33. Depress reset button on device and place device in automatic miswire-function tester. Push button to initiate test to verify device trips.
34. If device passes, snap plastic cap into back body, covering miswire solder bridge.
35. Remove miswire label from roll and apply across back body and load terminal screws.
36. Remove UL label from roll and apply to neutral side of device, overlapping back body, separator and cover.
37. Place cardboard protector over face of device.
38. Place wallplate subassembly with captive screws over cardboard protector and face of device.
39. Take stack of three pre-folded instruction sheets and fuse box label and place under device.
40. Remove product box label from roll and place on flap of individual box.
41. Assemble individual box, closing flap on one end.
42. Slide device, protector, wallplate and instruction sheets into individual box and close flap.
43. Place individual box into carton for shipping.

ISSUES:

1. What is the country of origin of the GFCI for the purpose of U.S. government procurement?
2. What is the country of origin of the GFCI for the purpose of marking?

LAW AND ANALYSIS:Government Procurement

Pursuant to subpart B of part 177, 19 CFR § 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 CFR § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. government procurement, CBP applies the provisions of subpart B of part 177 consistent with the Federal Acquisition Regulations. *See* 19 CFR § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government’s purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR § 25.403(c)(1). The Federal Acquisition Regulations define “U.S.-made end product” as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 CFR § 25.003.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int’l Trade 1983), *aff’d*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. Factors which may be relevant in this evaluation may include the nature of the operation (including the number of components assembled), the number of different operations involved, and whether a significant period of time, skill, detail, and quality control are necessary for the assembly operation. *See* C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. If the manufacturing or combining process is a minor one which leaves

the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F.2d 1022 (Fed. Cir. 1983).

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In a number of rulings (*e.g.*, HQ 735608, dated April 27, 1995 and HQ 559089 dated August 24, 1995), CBP has stated: "in our experience these inquiries are highly fact and product specific; generalizations are troublesome and potentially misleading. The determination is in this instance 'a mixed question of technology and Customs law, mostly the latter.'" *Texas Instruments, Inc. v. United States*, 681 F.2d 778, 783 (CCPA 1982).

In C.S.D. 85-25, 19 Cust. Bull. 844 (1985), CBP held that for purposes of the Generalized System of Preferences, the assembly of a large number of fabricated components onto a printed circuit board in a process involving a considerable amount of time and skill resulted in a substantial transformation. In that case, in excess of 50 discrete fabricated components (such as resistors, capacitors, diodes, integrated circuits, sockets, and connectors) were assembled. In HQ 711967, dated March 17, 1980, CBP held that television sets which were assembled in Mexico with printed circuit boards, power transformers, yokes and tuners from Korea and picture tubes, cabinets, and additional wiring from the U.S. were products of Mexico for country of origin marking purposes. The U.S. and Korean parts were substantially transformed by the processing performed in Mexico and all the components lost their individual identities to become integral parts of the new article—a television. In HQ 561734, dated March 22, 2001, CBP held that certain multifunctional machines (consisting of printer, copier, and fax machines) assembled in Japan were a product of that country for the purposes of U.S. government procurement. The multifunctional machines were assembled from 227 parts (108 parts obtained from Japan, 92 from Thailand, 3 from China, and 24 from other countries) and eight subassemblies, each of which was assembled in Japan. In finding that the imported parts were substantially transformed in Japan, CBP stated that the individual parts and components lost their separate identities when they became part of the multifunctional machine. *See also* HQ 561568, dated March 22, 2001.

This case involves sixty-one components manufactured in China which are proposed to be assembled in Mexico in a two phase process, largely by skilled workers using sophisticated equipment. The first phase is the assembly of the PCB and involves a forty-two step process which will take approximately twelve minutes. After a careful consideration of the pertinent facts and authorities, we find that the assembly of the PCB, which consists of inserting all active and passive components into a bare printed circuit board and soldering all components necessary for the completion of the subassem-

bly, is technically complex. Further, the PCB has all the major components necessary for the GFCI to fulfill its function. These components include the active and passive components, the solenoid bobbin assembly with both coils/inductors, hot and neutral “Line” terminals, test, trip and reset contacts. Therefore, the PCB imparts the essential character of the GFCI.

In the second phase, the PCB will be assembled with twenty-nine other components, into the GFCI in a forty-three step process which will take approximately ten minutes. Under the described two-phase assembly process, the foreign components lose their individual identities and become an integral part of a new article, the GFCI, possessing a new name, character and use. Based upon the information before us, we find that the components that are used to manufacture the GFCI, including the technically complex PCB assembled in Mexico, are substantially transformed as a result of the assembly operations performed in Mexico, and that the country of origin of the GFCI for government procurement purposes is Mexico.

Country of Origin Marking

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. § 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article.

Part 134, CBP Regulations (19 CFR § 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. § 1304. Section 134.1(b), CBP Regulations (19 CFR § 134.1(b)), defines the country of origin of an article as the country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the country of origin for country of origin marking purposes; however, for a good of a NAFTA country, the NAFTA Marking Rules will determine the country of origin.

Section 134.1(j), CBP Regulations provides that the “NAFTA Marking Rules” are the rules promulgated for purposes of determining whether a good is a good of a NAFTA country. Section 134.1(g), CBP Regulations defines a “good of a NAFTA country” as an article for which the country of origin is Canada, Mexico or the United States as determined under the NAFTA Marking Rules.

Part 102, CBP Regulations (19 CFR § 102), sets forth the “NAFTA Marking Rules” for purposes of determining whether a good is a good of a NAFTA country. Section 102.11, CBP Regulations (19 CFR § 102.11) sets forth the required hierarchy for determining country of origin for marking purposes. Section 102.11(a), CBP Regulations provides that the country of origin of a good is the country in which:

- (1) The good is wholly obtained or produced;
- (2) The good is produced exclusively from domestic materials; or
- (3) Each foreign material incorporated in that good undergoes an applicable change in tariff classification set out in section 102.20 and satisfies any other applicable requirements of that section, and all other requirements of these rules are satisfied.

“Foreign Material” is defined in section 102.1(e), CBP Regulations as “a material whose country of origin as determined under these rules is not the same country as the country in which the good is produced.”

Section 102.11(a)(1) and (2) do not apply to the facts presented in this case because the GFCI, assembled in Mexico from Chinese components, is neither wholly obtained or produced, nor produced exclusively from domestic (i.e., Mexican) materials. Since an analysis of sections 102.11(a)(1) and 102.11(a)(2) will not yield a country of origin determination, we look to section 102.11(a)(3) to determine whether the foreign materials incorporated in the GFCI undergo an applicable change in tariff classification (or other applicable requirement) under section 102.20. The GFCI is classified in subheading 8536.30.80, Harmonized Tariff Schedule of the United States (“HTSUS”). The applicable tariff shift rule found in section 102.20(o) provides as follows:

8536.10–8536.90 A change to subheading 8536.10 through 8536.90 from any other subheading, including another subheading within that group.

In this case, the foreign materials incorporated in the GFCI are classified in subheadings other than subheading 8536.30, HTSUS. Since the components are classified in a different subheading than the GFCI, the requisite tariff shift rule is met. Therefore, pursuant to 19 CFR § 102.11(a)(3), the country of origin of the GFCI is Mexico.

With regard to the marking requirements, section 134.43(e), CBP Regulations (19 CFR § 134.43(e)), provides, in pertinent part that:

Where an article is produced as a result of an assembly operation and the country of origin of such article is determined under this chapter to be the country in which the article was finally assembled, such article may be marked, as appropriate, in a manner such as the following:

- (1) Assembled in (country of final assembly);
- (2) Assembled in (country of final assembly) from components of (name of country or countries of origin of all components); or
- (3) Made in, or product of, (country of final assembly).

The GFCI was the result of an assembly operation and was finally assembled in Mexico within the meaning of 19 CFR § 134.43(e). Therefore, we find that the GFCI may be marked “Made in Mexico,” “Assembled in Mexico,” or “Product of Mexico.”

HOLDINGS:

The components that are used to manufacture the GFCI are substantially transformed as a result of the assembly operations performed in Mexico. Therefore, the country of origin of the GFCI for government procurement purposes is Mexico.

Pursuant to 19 U.S.C. § 1304, the country of origin of the GFCI for country of origin marking purposes is Mexico.

The GFCI may be marked “Made in Mexico,” “Assembled in Mexico,” or “Product of Mexico.”

Notice of this final determination will be given in the *Federal Register*, as required by 19 CFR § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR § 177.31, that CBP reexamine the matter anew and issue a new final deter-

mination. Pursuant to 19 CFR § 177.30, any party-at-interest may, within 30 days after publication of the *Federal Register* notice referenced above, seek judicial review of this final determination before the Court of International Trade.

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

[Published in the Federal Register, April 6 (74 FR 15510)]

Notice of Cancellation of Customs Broker Licenses

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

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses and all associated permits are cancelled without prejudice.

<u>Name</u>	<u>License #</u>	<u>Issuing Port</u>
Romeo Chapa	09928	Houston
Elite Brokerage Services, Inc.	09912	Houston
Philip C. Ziskrout, Inc.	13201	Los Angeles
Murphy International Corporation	20547	Los Angeles

DATED: March 25, 2009

DANIEL BALDWIN,
*Assistant Commissioner,
 Office of International Trade.*

[Published in the Federal Register, April 6, 2009 [(74 FR 15510)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.
Washington, DC, April 8, 2009

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.*

**MODIFICATION OF RULING LETTER AND REVOCATION
OF TREATMENT RELATING TO THE ELIGIBILITY OF
CERTAIN MEAL REPLACEMENT SOUPS FOR
PREFERENTIAL TREATMENT UNDER THE
U.S.-AUSTRALIA FREE TRADE AGREEMENT**

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

ACTION: Notice of modification of a ruling letter and revocation of treatment relating to the eligibility of certain meal replacement soups for preferential treatment under the U.S.-Australia Free Trade Agreement.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), this notice advises interested parties that U.S. Customs and Border Protection (“CBP”) is modifying a ruling letter related to the eligibility of certain meal replacement soups for preferential treatment under the U.S.-Australia Free Trade Agreement. CBP is also revoking any treatment previously accorded by it to substantially identical merchandise. Notice of the proposed action was published in the *Customs Bulletin* on February 19, 2009. No comments were received in response to the notice.

DATE: This action is effective June 23, 2009.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch: (202) 325-0277.

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, as amended (19 U.S.C. § 1625(c)(1)), a notice was published in the *Customs Bulletin* on February 19, 2009, proposing to modify New York Ruling Letter (“NY”) N016004, dated September 7, 2007, which involved the eligibility of certain meal replacement soups for preferential tariff treatment under the U.S.-Australia Free Trade Agreement. No comments were received in response to the notice.

Accordingly, pursuant to 19 U.S.C. § 1625(c)(1), CBP is modifying NY N016004, based upon the analysis set forth in Headquarters Ruling Letter (“HQ”) H044090, attached.

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

DATED: March 31, 2009

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

Attachment



DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H044090
March 31, 2009
CLA-2 OT:RR:CTF:VS H044090 EE
CATEGORY: Classification

MARIANA PASCARU
OBM INTERNATIONAL TRADE SERVICES PTY LTD
Level 2, 1 Breakfast Creek Road
Newstead Brisbane
Qld 4006 Australia

RE: Modification of NY N016004, dated September 7, 2007; U.S.-Australia Free Trade Agreement; meal replacement soups from Australia

DEAR MS. PASCARU:

This is in reference to New York Ruling Letter (“NY”) N016004, dated September 7, 2007, issued on behalf of your client Jalco Food & Beverage (“Jalco”). That ruling concerned the tariff classification under the Harmonized Tariff Schedule of the United States (“HTSUS”), country of origin marking requirements, and eligibility for preferential tariff treatment under the U.S.-Australia Free Trade Agreement (“UAFTA”), of certain meal replacement soups from Australia. We have reviewed NY N016004 and determined that while the country of origin marking requirements in that ruling are correct, the conclusion that the Chicken Flavored Meal Replacement Soup and the Tomato Flavored Meal Replacement Soup do not qualify for preferential treatment under the UAFTA is incorrect. Therefore, NY N016004 is modified for the reasons set forth in this ruling.

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 modification of NY N016004, as described below, was published in the *Customs Bulletin* on February 19, 2009. No comments were received in response to the notice.

FACTS:

NY N016004, dated September 7, 2007, provided, in pertinent part, the following facts:

The products are described as meal replacement soups put up for retail sale in single serving packets. The powdered chicken flavored and tomato flavored soups each contain milk solids, maltodextrin, thickeners, glucose syrup solids, flavor enhancers, salt, milk minerals, emulsifiers, vitamins, and silicon dioxide. The chicken flavor also contains vegetable fat, chicken flavor, food acid, vegetable powder, dehydrated chicken, animal fat, spice extract, potassium chloride, and color. The tomato flavor also contains tomato powder, palm oil, onion powder, yeast extract, artificial tomato flavor, ground coriander, parmesan cheese powder, garlic powder, dill, basil, and parsley. The purchaser of the dried mixes adds boiling water to make the soups.

All but thirteen ingredients used to make the soups originate in either the United States or Australia. In Australia, the ingredients of the chicken flavored and tomato flavored soups are blended, weighed, and packed for retail sale in 54 gram sachets.

In NY N016004, U.S. Customs and Border Protection (“CBP”) determined that the dried Chicken Flavored Meal Replacement Soup and Tomato Fla-

vored Meal Replacement Soup are classified in subheading 2104.10.00, HTSUS. In that ruling, CBP held that the Chicken Flavored Meal Replacement Soup and Tomato Flavored Meal Replacement Soup do not qualify for preferential treatment under the UAFTA. In support of this conclusion, CBP stated that the beverage whitener ingredient contained in both products, and the yeast extract ingredient contained in the Tomato Flavored Meal Replacement Soup do not satisfy the requirements of HTSUS General Note (“GN”) 28(b)(ii)(A) or 28(n)/21.8(F), noting GN 28(e)(ii)(H). The National Import Specialist has classified the beverage whitener and the yeast extract ingredients in subheading 2106.90, HTSUS. The value of the beverage whitener and the yeast extract ingredients were provided by Jalco.

ISSUE:

Whether the Chicken Flavored Meal Replacement Soup and Tomato Flavored Meal Replacement Soup are eligible for preferential tariff treatment under the UAFTA.

LAW AND ANALYSIS:

The UAFTA was signed on May 18, 2004, and entered into force on January 1, 2005, as approved and implemented by the UAFTA Implementation Act, Pub. L. 108–286, 118 Stat. 919 (August 3, 2004), and set forth in GN 28, HTSUS.

GN 28(b), HTSUS, provides, in pertinent part:

For the purposes of this note, subject to the provisions of subdivisions (c), (d), (m), and (n) thereof, a good imported into the customs territory of the United States is eligible for treatment as an originating good of a UAFTA country under the terms of this note only if—

- (i) the good is a good wholly obtained or produced entirely in the territory of Australia or of the United States, or both;
- (ii) the good was produced entirely in the territory of Australia or of the United States, or both, and—
 - (A) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in subdivision (n) of this note . . .

In the instant case, since thirteen ingredients used to make the Chicken Flavored Meal Replacement Soup and the Tomato Flavored Meal Replacement Soup originate in countries other than Australia or the United States, the soups at issue would not be considered “wholly obtained or produced” as set forth in GN 28(b)(i), HTSUS. Therefore, we must determine whether the soups at issue would satisfy the applicable change in tariff classification. The Chicken Flavored Meal Replacement Soup and the Tomato Flavored Meal Replacement Soup are classified in subheading 2104.10.00, HTSUS. The applicable rule set forth in GN 28(n)/21.6, HTSUS, provides as follows:

A change to heading 2104 from any other chapter.

In this case, of the thirteen nonoriginating ingredients, eleven nonoriginating ingredients are classified in chapters other than Chapter 21, HTSUS. However, the beverage whitener contained in both products and the yeast extract contained in the Tomato Flavored Meal Replacement Soup are classified in Chapter 21, HTSUS. Since these two ingredients are classified in the same chapter as the meal replacement products at issue, the tariff shift rule set forth in GN 28(n)/21.6, HTSUS, is not met.

Failure to satisfy the required tariff change is not necessarily fatal to a product's UAFTA eligibility. GN 28(e)(i), HTSUS, in relevant part, provides as follows:

Except as provided in subdivision (e)(ii) below, a good (other than a textile or apparel good described in subdivision (d) above) that does not undergo a change in tariff classification pursuant to subdivision (n) of this note shall nonetheless be considered an originating good if—

- (A) the value of all nonoriginating materials that are used in the production of the good, and do not undergo the applicable change in tariff classification, does not exceed 10 percent of the adjusted value of the good;
- (B) the value of such nonoriginating materials is included in calculating the value of nonoriginating materials for any applicable regional value content requirement for the good; and
- (C) the good meets all other applicable requirements of this note.

There are limitations to the *de minimis* principle. Relevant here is GN 28(e)(ii)(H), HTSUS, which provides that the *de minimis* principle does not apply to:

A nonoriginating material used in the production of a good provided for in chapters 1 through 21, inclusive, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this note.

In your submission dated July 30, 2007, you stated that the two nonoriginating ingredients that do not undergo the applicable change in tariff classification, the beverage whitener and yeast extract ingredients, make up less than 10 percent of the meal replacement products' value. The beverage whitener and yeast extract ingredients are goods classified in subheading 2106.90, HTSUS. Since both ingredients are classified in a different subheading than the meal replacement soups (subheading 2104.10, HTSUS), GN 28(e)(i) and GN 28(e)(ii)(H), HTSUS, are satisfied.

In accordance with the above discussion, the soup mixes described in NY N016004 meet the requirements of GN 28(b)(ii)(A) and 28(n)/21.6, noting GN 28(e)(i) and 28(e)(ii)(H), HTSUS. Accordingly, the Chicken Flavored Meal Replacement Soup and the Tomato Flavored Meal Replacement Soup are eligible for preferential treatment under the UAFTA.

HOLDING:

Based upon the information before us, we find that the Chicken Flavored Meal Replacement Soup and the Tomato Flavored Meal Replacement Soup are eligible for preferential treatment under the UAFTA.

EFFECT ON OTHER RULINGS:

NY N016004, dated September 7, 2007, is hereby modified consistent with the foregoing. In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

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

REVOCATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE APPLICABILITY OF SUBHEADING 9802.00.50, HTSUS, TO CERTAIN IMPORTED PUTTER HEADS

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

ACTION: Notice of revocation of a ruling letter and revocation of treatment relating to the applicability of subheading 9802.00.50, Harmonized Tariff Schedule of the United States (“HTSUS”), to certain imported putter heads.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), this notice advises interested parties that U.S. Customs and Border Protection (“CBP”) is revoking a ruling letter related to the applicability of subheading 9802.00.50, HTSUS, to certain imported putter heads. Based on new information submitted on behalf of the importer, CBP has determined that the ruling is in error. CBP is also revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin* on February 19, 2009. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective June 23, 2009.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch: (202) 325-0277.

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 in-

formation 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 February 19, 2009, proposing to revoke Headquarters Ruling Letter (“HQ”) H020437, dated December 10, 2007, which involved the applicability of subheading 9802.00.50, HTSUS, to certain imported putter heads. No comments were received in response to the notice.

Accordingly, pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking HQ H020437 based upon the analysis set forth in HQ H026901, attached.

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

DATED: March 31, 2009

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

Attachment



DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H026901
March 31, 2009
CLA-2 OT:RR:CTF:VS H026901 EE
CATEGORY: Marking

PATRICIA HANSON
BRAYN CAVE LLP
161 North Clark Street Suite 4300
Chicago, IL 60601-3315

RE: Revocation of HQ H020437, dated December 10, 2007; subheading 9802.00.50, HTSUS; golf putter heads

DEAR MS. HANSON:

This concerns Headquarters Ruling Letter (“HQ”) H020437, dated December 10, 2007, which was issued on behalf of Ping, Inc., concerning the applicability of subheading 9802.00.50, of the Harmonized Tariff Schedule of the United States (“HTSUS”), to putter heads which are processed in China and returned to the U.S. Upon further review of this matter, and in light of additional information that has come to our attention, we have determined that the imported putter heads are eligible for a partial duty exemption under subheading 9802.00.50, HTSUS. Therefore, HQ H020437 is revoked for the reasons set forth in this ruling.

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 HQ H020437, as described below, was published in the *Customs Bulletin* on February 19, 2009. No comments were received in response to the notice.

FACTS:

Your request to our office for a ruling, dated June 27, 2007, provided the following facts:

Ping, Inc. produces various models of Redwood putter heads that undergo manufacturing or other processing in Taiwan, the U.S., and, in certain instances, China. The putter heads are forged in Taiwan and then imported into the U.S.

In the U.S., the putter heads are milled, rough edges are smoothed, a hosel hole is drilled, and the Ping logo is engraved into the piece. You state that this results in a finished Ping putter head. After the U.S. processing, some of the finished putter heads are sold in the U.S. The remainder is exported to China for additional processing.

In China, the putter heads are coated in black nickel, painted with decorative lines, and affixed with the Ping logo. They are then re-imported into the U.S. to be assembled with other component parts into finished golf clubs.

On the basis of your submission, dated June 27, 2007, Customs held in HQ H020437 that the imported putter heads, processed in China, are not eligible for a partial duty exemption under subheading 9802.00.50, HTSUS. In support of this conclusion, Customs stated that coating the putter heads in black nickel changes the quality and adds a significant characteristic to the putter head. Thus, Customs found that the putter heads are not finished for their intended use prior to being exported from the U.S. In light of our ruling, you seek reconsideration of the application of subheading 9802.00.50, HTSUS, to the subject merchandise.

In your letters of April 17, 2008 and December 2, 2008, you claim that there was a factual error in the submission of June 27, 2007 and that application of the black nickel coating is only an aesthetic alteration and does not change the quality of the putter head and make it more anti-corrosive. To support this statement, you submit third-party laboratory tests which state that the black nickel coating does not make the putter heads any more anti-corrosive than when they are uncoated.

Additionally, you state that Ping markets both black nickel coated putter heads and "starshot media"¹ coated putter heads. You state that the unfinished putter heads are more typically used by golfers on the professional tournament circuit; whereas the Redwood putters are offered at retail with either a black nickel or starshot media coating. To establish the fact that some of the putter heads are sold with just the starshot media treatment, you submit two customer order forms for orders of Redwood putters with just the starshot finish. You also provide a company report showing order quantities of putters sold with only the starshot finish during the first eight months of 2008.

ISSUE:

Whether the imported putter heads are eligible for the partial duty exemption under subheading 9802.00.50, HTSUS.

¹You state that starshot media coating consists of loose mineral abrasive grains used for surface preparation for coating on steel. All the putter heads at issue here undergo the starshot media treatment in the U.S., whether they are exported to China or not.

LAW AND ANALYSIS:

Subheading 9802.00.50, HTSUS, provides a partial duty exemption for articles that are returned to the U.S. after having been exported to be advanced in value or improved in condition by means of repairs or alterations, provided that the documentary requirements of 19 CFR § 10.8 are met. For qualifying articles, duty is assessed only on the cost or value of the foreign processing.

However, in circumstances where the operations abroad destroy the identity of the exported article or create a new or commercially different article, entitlement to subheading 9802.00.50, HTSUS, is precluded. See A.F. Burstrom v. United States, 44 CCPA 27, C.A.D. 631 (1956), aff'd C.D. 1752, 36 Cust. Ct. 46 (1956); Guardian Industries Corporation v. United States; 3 CIT 9 (1982). Additionally, entitlement to this tariff treatment is not available where the exported articles are incomplete for their intended purposes prior to their foreign processing and the foreign processing is a necessary step in the preparation or manufacture of the finished articles. Dolliff & Company, Inc. v. United States, 455 F. Supp. 618 (CIT 1978), aff'd, 599 F.2d 1015 (Fed. Cir. 1979).

At issue in Guardian Industries was the question of whether U.S.-produced annealed glass subjected to a tempering process in Canada to create sliding glass patio doors qualified as an "alteration" under item 806.20, TSUS (the precursor to subheading 9802.00.50). The court noted that glass must be tempered (i.e. strengthened) for practical safety use reasons and to conform to U.S. federal regulations before it could be marketed for use in sliding glass patio doors. The court concluded that the tempering process was not an alteration because the exported raw annealed glass was not a completed article and "completely unsuitable for their intended use."

In Dolliff & Company, Inc. v. United States, 81 Cust. Ct. 1, 455 F. Supp. 618 (1978), aff'd 66 CCPA 77, 599 F.2d 1015 (1979), the issue presented was whether certain U.S.-origin Dacron polyester fabrics which were exported to Canada as griegge goods for heat setting, chemical scouring, dyeing and treating with chemicals, were eligible for the partial duty exemption under item 806.20, TSUS, when returned to the U.S. The court found that the processing steps performed on the exported griegge goods were undertaken to produce finished fabric and could not be considered as alterations. The court stated that:

. . . repairs or alterations are made to completed articles and do not include intermediate processing operations, which are performed as a matter of course in the preparation or manufacture of finished articles.

In Amity Fabrics, Inc. v. United States, 43 Cust. Ct. 64, "pumpkin" colored fabrics were exported to Italy to be redyed black since the pumpkin color had gone out of fashion and black was a consistently good seller. The court held that the identity of the goods was not lost or destroyed by the dyeing process, and that no new article was created since there was no change in the character, quality, texture, or use of the merchandise; it was merely changed in color. The court held that such change constituted an alteration.

In Royal Bead Novelty Co. v. United States, 342 F. Supp. 1394(1972), uncoated glass beads were exported so that they could be half-coated with an Aurora Borealis finish which imparted a rainbow-like luster to the half-coated beads. The court found that the identity of the beads was not lost or destroyed in the coating process and no new article was created. Moreover,

there was no change in the beads' size, shape, or manner of use in making articles of jewelry (evidence was presented which indicated that both uncoated and half-coated beads were used interchangeably). Accordingly, the court held that the application of the finish constituted an alteration.

With regard to the imported putter heads, the foreign processing involves coating the putter heads in black nickel, painting with decorative lines and affixing the Ping logo. Customs found in HQ H020437 that while the painting and affixing of the logo were merely decorative, coating the putter heads in black nickel changed the quality and added a significant characteristic to the putter head. This processing affected the products' resistance to corrosion and Ping marketed these putters as having a black nickel chrome finish. Accordingly, Customs found that the putter heads were not finished for their intended use prior to being exported from the U.S. and were not eligible for a partial duty exemption under subheading 9802.00.50, HTSUS.

Based on the new information submitted, it appears that the coating of the putter heads in black nickel in China does not change the quality of the putter heads and does not add a significant characteristic to the putter heads as noted by the third-party empirical tests. In light of this new information, we find that the putter heads are finished for their intended use at the time they are exported to China and are eligible for a partial duty exemption under subheading 9802.00.50, HTSUS.

HOLDING:

On the basis of the additional facts submitted, we find that the imported putter heads, processed as described above in China, are eligible for a partial duty exemption under subheading 9802.00.50, HTSUS, provided that the documentation requirements of 19 CFR § 10.8 are met.

EFFECT ON OTHER RULINGS:

HQ H020437, dated December 10, 2007, is hereby revoked. In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

MYLES B. HARMON,

Director,

Commercial and Trade Facilitation Division.

CLA-2 OT:RR:CTF:VS
H046759.pn GOB

19 CFR PART 177

PROPOSED MODIFICATION OF RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO COUNTRY OF
ORIGIN MARKING

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

ACTION: Notice of proposed modification of ruling letter and revocation of treatment relating to country of origin marking.

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”) intends to modify a ruling letter pertaining to country of origin marking. CBP also intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATE: Comments must be received on or before May 24, 2009.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 799 9th Street, N.W., Washington, D.C. 20229. Submitted comments may be inspected at the offices of Customs and Border Protection, 799 9th Street, N.W., Washington, D.C. during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Gerry O’Brien, Valuation and Special Programs Branch Branch, (202) 325–0044.

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, as amended (19 U.S.C. 1625(c)(1)), this notice advises interested parties that CBP in-

tends to modify a ruling letter pertaining to country of origin marking.

In NY N029916, set forth as Attachment A to this notice, CBP determined, *inter alia*, that the subject goods qualified under the NAFTA preference override of 19 CFR § 102.19(b) and that therefore the country of origin for duty and marking purposes was Mexico. CBP has determined that this ruling is incorrect in that the NAFTA preference override of 19 CFR § 102.19(b) only determines the country of origin of a good for duty purposes. The country of origin for marking purposes of a good is not determined by operation of 19 CFR § 102.19(b).

Pursuant to 19 U.S.C. 1625(c)(1), and according to HQ H046759, which is Attachment B to this notice, CBP intends to modify NY N029916 and any other ruling not specifically identified in order to reflect the correct interpretation of the CBP country of origin marking regulations. 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, CBP will give consideration to any written comments timely received.

DATED: April 1, 2009

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

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,
N029916
July 1, 2008
CLA-2-39:OT:RR:E:NC:SP:237
CATEGORY: Classification
TARIFF NO.: 3909.50.5000

MR. ERIC P. ARESON
DIRECTOR of LOGISTICS
STEPHAN COMPANY
22 West Frontage Road
Northfield, Illinois 60093

RE: The tariff classification and country of origin of a polyurethane resin from Mexico.

DEAR MR. ARNESON:

In your letter dated June 2, 2008 you requested a tariff classification and country of origin ruling.

Stepanfoam RI 9736-B is described as the B-component of a two part polyurethane system used in the manufacture of rigid polyurethane foam products. Stepanfoam RI 9736-B consists of Stepanfoam RI 9736 polyurethane base material and HCFC-141b blowing agent.

Stepan Company will manufacture Stepanfoam RI 9736 polyurethane resin base material as a bulk liquid at its Chicago factory and then export it to its facility in Mexico. In Mexico, HCFC-141b blowing agent will be blended into the RI 9736 and repackaged into intermediate bulk containers for export.

The applicable subheading for Stepanfoam RI 9736-B polyurethane resin will be 3909.50.5000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for other polyurethanes, in primary forms. The rate of duty will be 6.3% ad valorem.

Stepanfoam RI 9736-B, being wholly obtained or produced entirely in the territory of the United States and Mexico, will meet the requirements of HTSUS General Note 12(b)(i), and will therefore be entitled to a free rate of duty under the North American Free Trade Agreement (NAFTA) upon compliance with all applicable laws, regulations, and agreements.

Based on the information provided, the goods described above qualify under the NAFTA Preference Override in Section 102.19(b) of the Customs Regulations (19CFR102). Therefore, the country of origin for Customs duty and marking purposes will be Mexico, which is the last NAFTA country in which the goods were advanced in value or improved in condition. In accordance with the Country of Origin Marking requirements of Part 134 of the Customs Regulations (19CFR134) the intermediate bulk containers shall be legibly, indelibly and permanently marked in a conspicuous place: "Made in Mexico".

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

This merchandise may be subject to the requirements of the Toxic Substances Control Act (TSCA) administered by the U.S. Environmental Protection Agency (EPA). Additionally, Stepanfoam RI 9736-B contains HCFC-141b, which is a Class II ozone depleting substance subject to controls under Title VI of the clean Air Act. For further information on the TSCA and HCFC-141b import prohibitions, you may contact the EPA located at 402 M Street S.W., Washington, D.C. 20460, at telephone number 202-554-1404.

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 control number shown 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 Frank Cantone at 646-733-3038.

ROBERT SWIERUPSKI

Director,

National Commodity Specialist Division



[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H046759
OT-RR:CTF:VS H046759 GOB
CATEGORY: Marking

ERIC P. ARENESON
DIRECTOR of LOGISTICS
STEPHAN COMPANY
22 West Frontage Road
Northfield, IL 60093

RE: Modification of NY N029916; Country of Origin Marking; Polyurethane Resin

DEAR MR. ARNESON:

In NY N029916, dated July 1, 2008, the National Commodity Specialist Division of U.S. Customs and Border Protection ("CBP") responded to your ruling request. We have reexamined NY N029916 and have determined that it needs to be modified. Our modification follows.

FACTS:

In your letter of June 2, 2008, you requested a tariff classification and country of origin ruling with respect to Stepanfoam RI 9736-B, which is described as the B-component of a two-part polyurethane system used in the manufacture of rigid polyurethane foam products. Stepan Company will manufacture Stepanfoam RI 9736 polyurethane resin base material as a bulk liquid at its Chicago factory and then export it to its facility in Mexico, where HCFC-141b blowing agent will be blended into the Stepanfoam RI 9736. The Stepanfoam RI 9736-B will be repackaged into intermediate bulk containers for export.

In NY N029916, the National Commodity Specialist Division stated in pertinent part as follows:

Based on the information provided, the goods described above qualify under the NAFTA Preference Override in Section 102.19(b) of the Customs Regulations (19CFR102). Therefore, the country of origin for Customs duty and marking purposes will be Mexico, which is the last NAFTA country in which the goods were advanced in value or improved in condition. In accordance with the Country of Origin Marking requirements of Part 134 of the Customs Regulations (19CFR134) the intermediate bulk containers shall be legibly, indelibly and permanently marked in a conspicuous place: "Made in Mexico."

We believe that this determination is incorrect with respect to country of origin marking.

ISSUE:

What is the country of origin for marking purposes of the Stepanfoam RI 9736-B?

LAW AND ANALYSIS:

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. § 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly,

and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Part 134, CBP Regulations implements the country of origin marking requirements and exceptions of 19 U.S.C. § 1304.

Section 102.19(b), CBP Regulations (19 CFR § 102.19(b)), provides as follows:

If, under any other provision of this part, the country of origin of a good which is originating within the meaning of section 181.1(q) of this chapter is determined to be the United States and that good has been exported from, and returned to, the United States after having been advanced in value or improved in condition in another NAFTA country, the country of origin of such good for Customs duty purposes is the last NAFTA country in which that good was advanced in value or improved in condition before its return to the United States. [Emphasis added.]

Pursuant to 19 CFR § 102.19(b), the country of origin of the Stepanfoam RI 9736 for duty purposes is Mexico. However, 19 CFR § 102.19(b) has no effect on the country of origin for marking purposes. See, for example, HQ 562020, dated May 16, 2001.

Section 134.1(b), CBP Regulations, provides:

“Country of origin” means the country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the “country of origin” within the meaning of this part; however for a good of a NAFTA country, the NAFTA Marking Rules will determine the country of origin.

Section 134.1(j), CBP Regulations, provides that “[t]he ‘NAFTA Marking Rules’ are the rules promulgated for purposes of determining whether a good is a good of a NAFTA country.” Section 134.1(g), CBP Regulations, defines a “good of a NAFTA country” as “an article for which the country of origin is Canada, Mexico, or the United States as determined under the NAFTA Marking Rules.”

Section 102.11, CBP Regulations, sets forth the required hierarchy for determining whether a good is a good of a NAFTA country for marking purposes. Section 102.11 provides in pertinent part that the country of origin of a good is the country in which:

- (a) The country of origin of a good is the country in which:
 - (1) The good is wholly obtained or produced;
 - (2) The good is produced exclusively from domestic materials; or
 - (3) Each foreign material incorporated in that good undergoes an applicable change in tariff classification set out in § 102.20 and satisfies any other applicable requirements of that section, and all other applicable requirements of these rules are satisfied.
- (b) Except for a good that is specifically described in the Harmonized System as a set, or is classified as a set pursuant to General Rule of Interpretation 3, where the country of origin cannot be determined under paragraph (a) of this section:

- (1) The country of origin of the good is the country or countries of origin of the single material that imparts the essential character to the good . . .

Because the Stepanfoam RI 9736-B is manufactured in the U.S. and blended with a blowing agent in Mexico, it is neither wholly obtained or produced (19 CFR § 102.11(a)(1)), nor produced exclusively from domestic materials (19 CFR § 102.11(a)(2)).

We next examine the tariff shift rule of 19 CFR § 102.11(a)(3). The Stepanfoam RI 9736-B is classified in subheading 3909.50.50, Harmonized Tariff Schedule of the United States (“HTSUS”). The Stepanfoam RI 9736-B is a mixture of U.S.-origin polyurethane, classified in subheading 3909.50.50, HTSUS, and Mexican-origin dichlorofluoroethane, classified in subheading 2903.49.60, HTSUS. The U.S. origin polyurethane is the “foreign material” referenced in 19 CFR § 102.11(a)(3). *See* the definition of “foreign material” in 19 CFR § 102.1(e). The applicable tariff shift rule in 19 CFR § 102.20 provides: “A change to heading 3901 through 3915 from any other heading, including another heading within that group, provided that the domestic polymer content is no less than 40 percent by weight of the total polymer content.” In this instance, the tariff shift rule is not satisfied.

Therefore we look to the rule of 19 CFR § 102.11(b)(1) involving essential character. Section 102.18(b)(1)(iii), CBP Regulations provides:

If there is only one material that is classified in a tariff provision from which a change in tariff classification is not allowed under the § 102.20 specific rule or other requirements applicable to the good, then that material will represent the single material that imparts the essential character to the good under § 102.11.

The only material considered for the tariff shift of 19 CFR § 102.11(a)(3) is the U.S.-origin polyurethane. As stated above, the applicable tariff shift rule is not satisfied. Therefore, pursuant to 19 CFR § 102.18(b)(1)(iii), the essential character of the Stepanfoam RI 9736-B is imparted by the U.S.-origin polyurethane. Accordingly, pursuant to 19 CFR § 102.11(b)(1), the country of origin for marking purposes of the Stepanfoam RI 9736-B is the United States. The Stepanfoam RI 9736-B is not required to be marked.

HOLDING:

The country of origin for marking purposes of the Stepanfoam RI 9736-B is the United States. The Stepanfoam RI 9736-B is not required to be marked.

EFFECT ON OTHER RULINGS:

NY N029916 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*.

MYLES B. HARMON,

Director,

Commercial and Trade Facilitation Division.

