

U.S. Customs and Border Protection



EXTENSION OF THE AIR CARGO ADVANCE SCREENING (ACAS) PILOT PROGRAM

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: On October 24, 2012, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** that announced the formalization and expansion of the Air Cargo Advance Screening (ACAS) pilot program that would run for six months. CBP subsequently published several notices extending the pilot period and/ or reopening the application period to new participants for limited periods. The most recent notice extended the pilot period through July 26, 2017. This document announces that CBP is extending the pilot period for an additional year. The ACAS pilot is a voluntary test in which participants submit a subset of required advance air cargo data to CBP at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States.

DATES: CBP is extending the ACAS pilot program through July 26, 2018. Comments concerning any aspect of the announced test may be submitted at any time during the test period.

ADDRESSES: Written comments concerning program, policy, and technical issues may be submitted via email to *CBPCCS@cbp.dhs.gov*. In the subject line of the email, please use "Comment on ACAS pilot".

FOR FURTHER INFORMATION CONTACT: Craig Clark, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs & Border Protection, via email at *craig.clark@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

On October 24, 2012, CBP published a general notice in the **Federal Register** (77 FR 65006, corrected in 77 FR 65395¹) that an-

¹ This **Federal Register** notice, published on October 26, 2012, corrected the email address under the **ADDRESSES** heading for submitting applications or comments. The correct email address is *CBPCCS@cbp.dhs.gov*.

nounced the formalization and expansion of the ACAS pilot. The notice provided a description of the ACAS pilot, set forth eligibility requirements for participation, and invited public comments on any aspect of the test. In brief, the ACAS pilot revises the time frame for pilot participants to transmit a subset of mandatory advance electronic information for air cargo. CBP regulations implementing the Trade Act of 2002 specify the required data elements and the time frame for submitting them to CBP. Pursuant to title 19, Code of Federal Regulations (19 CFR) 122.48a, the required advance information for air cargo must be submitted no later than the time of departure of the aircraft for the United States (from specified locations) or four hours prior to arrival in the United States for all other locations.

The ACAS pilot is a voluntary test in which participants agree to submit a subset of the required 19 CFR 122.48a data elements (ACAS data) at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States. The ACAS data is used to target high-risk air cargo. CBP intends to amend the CBP regulations to incorporate ACAS as an ongoing regulatory program. The results of the ACAS pilot will help determine the relevant data elements, the time frame within which data must be submitted to permit CBP to effectively target, identify and mitigate any risk with the least practicable impact on trade operations, and any other related procedures and policies.

Extension of the ACAS Pilot Period

The October 2012 notice announced that the ACAS pilot would run for six months. The notice provided that if CBP determined that the pilot period should be extended, CBP would publish another notice in the **Federal Register**. The October 2012 notice also stated that applications for new ACAS pilot participants would be accepted until November 23, 2012. CBP subsequently published several notices extending the pilot period and/or reopening the application period to new participants for limited periods. On December 26, 2012, CBP published a notice in the **Federal Register** (77 FR 76064) reopening the application period for new participants until January 8, 2013. On January 3, 2013, the **Federal Register** published a correction (78 FR 315) stating that the correct date of the close of the reopened application period was January 10, 2013. On April 23, 2013, CBP published a notice in the **Federal Register** (78 FR 23946) extending the ACAS pilot period through October 26, 2013, and reopening the application period through May 23, 2013. On October 23, 2013, CBP published a notice in the **Federal Register** (78 FR 63237) extending the ACAS pilot period through July 26, 2014, and reopening the application period through December 23, 2013. On July 28, 2014,

CBP published a notice in the **Federal Register** (79 FR 43766) extending the ACAS pilot period through July 26, 2015, and reopening the application period through September 26, 2014. On July 27, 2015, CBP published a notice in the **Federal Register** (80 FR 44366) extending the ACAS pilot period through July 26, 2016, and reopening the application period through October 26, 2015. Finally, on July 22, 2016, CBP published a notice in the **Federal Register** (81 FR 47812) extending the ACAS pilot period through July 26, 2017, without reopening the application period.

Each extension of the pilot period and reopening of the application period allowed for a significant increase in the diversity and number of pilot participants. The current pilot participants now represent a strong sample size of the air cargo community and new pilot participants are not being accepted.

To address air cargo security vulnerabilities, CBP intends to amend the CBP regulations to incorporate ACAS as an ongoing regulatory program. The regulation will take into account the results of the pilot and the concerns of industry. CBP would like the pilot to continue during the rulemaking process to provide continuity in the flow of advance air cargo security information and serve as a partial stop-gap security measure. CBP would also like to continue to provide pilot participants with the additional opportunity to adjust and test business procedures and operations in preparation for the forthcoming rule.

For these reasons, CBP is extending the ACAS pilot period through July 26, 2018.

Dated: July 18, 2017.

TODD C. OWEN,
*Executive Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, July 24, 2017 (82 FR 34319)]



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, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and

certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of February 15, 2017.

DATES: Intertek USA, Inc. was accredited and approved as a commercial gauger and laboratory as of February 15, 2017. The next triennial inspection date will be scheduled for February 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 4702 Westway Dr., Corpus Christi, TX 78408, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01.....	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02.....	D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.

CBPL No.	ASTM	Title
27-03.....	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04.....	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-05.....	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06.....	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08.....	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11.....	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13.....	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27-46.....	D 5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27-48.....	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-58.....	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

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, inquiries 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 CBPGaugersLabs@cbp.dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: July 13, 2017.

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

ACCREDITATION OF INTERTEK USA, INC., AS A COMMERCIAL LABORATORY

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 24, 2016.

DATES: Intertek USA, Inc., was accredited as commercial laboratory as of August 24, 2016. The next triennial inspection date will be scheduled for August 2019.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12, that Intertek USA, Inc., 1114 Seaco Avenue, Deer Park, TX 77536, has been accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12. Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01.....	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02.....	D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-03.....	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04.....	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.

CBPL No.	ASTM	Title
27-05.....	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06.....	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-07.....	D 4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
27-08.....	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-10.....	D 323	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
27-11.....	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13.....	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27-46.....	D 5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27-48.....	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-54.....	D 1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).
	D 4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

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, inquiries 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 CBPGaugersLabs@cbp.dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: July 13, 2017.

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

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, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of February 8, 2017.

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on February 8, 2017. The next triennial inspection date will be scheduled for February 2020.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 481A East Shore Parkway, New Haven, CT 06512, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
1	Vocabulary.
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum

products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01.....	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-06.....	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08.....	D86	Standard Test Method for Distillation of Petroleum Products.
27-11.....	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27-13.....	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-14.....	D2622	Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Methods).
27-48.....	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50.....	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53.....	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54.....	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27-57.....	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-58.....	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

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, inquiries 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 CBPGaugersLabs@cbp.dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited

laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: July 18, 2017.

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

[Published in the Federal Register, July 26, 2017 (82 FR 34685)]

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**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.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 5, 2016. **DATES:** Intertek USA, Inc., was accredited and approved as a commercial gauger and laboratory as of May 5, 2016. The next triennial inspection date will be scheduled for May 2019.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 16025 Jacintoport Blvd., Suite B, Houston, TX 77015, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.

API Chapters	Title
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-03.....	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04.....	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06.....	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-11.....	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27-13.....	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46.....	D5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-54.....	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
Pending.....	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method.

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, inquiries 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 CBPGaugersLabs@cbp.dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: July 18, 2017.

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

[Published in the Federal Register, July 26, 2017 (82 FR 34684)]

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**PROPOSED REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF WOODEN CORNER BLOCK
CONSTRUCTED OF TWO PIECES OF WOOD LAMINATED
TOGETHER**

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

ACTION: Notice of proposed revocation of one ruling letter and revocation of treatment relating to the tariff classification of wooden corner block constructed of two pieces of wood laminated together.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter concerning tariff classification of wooden corner block constructed of two pieces of wood laminated together under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATE: Comments must be received on or before September 8, 2017.

ADDRESS: Written comments are to be addressed to the U.S. Customs and Border Protection, Office of Trade, Regulations & Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229-1179. Submitted

comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Alben Peters, Chemicals, Petroleum, Metals and Miscellaneous Branch, Regulations & Rulings, Office of Trade, at (202) 325-0321.

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) (“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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of wooden corner block constructed of two pieces of wood laminated together. Although in this notice, CBP is specifically referring to New York Ruling Letter (“NY”) N224237, dated July 19, 2012 (Attachment A), this notice covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice

memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N224237, CBP classified the wooden corner block in heading 9401, HTSUS, specifically in subheading 9401.90, HTSUS, which provides for "Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof: Parts." CBP has reviewed NY N224237 and has determined the ruling letter to be in error. It is now CBP's position that the wooden corner block is properly classified, by operation of GRIs 1 and 6, in heading 4421, HTSUS, specifically in subheading 4421.99.94, HTSUS, which provides for "Other articles of wood: Other: Other: Other: Edge-glued lumber."

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N224237 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter ("HQ") H278497, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

Before taking this action, consideration will be given to any written comments timely received.

Dated: May 11, 2017

ALLYSON MATTANAH
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N224237

July 19, 2012

CLA-2-94:OT:RR:NC:N4:433

CATEGORY: Classification

TARIFF NO.: 9401.90

CLARE UPDIKE
CUSTOMS ANALYST
LA-Z-BOY INCORPORATED
1284 N. TELEGRAPH ROAD
MONROE, MI 48162-8668

RE: The tariff classification of an item identified as a “corner block” incorporated into an article of furniture currently manufactured in the United States.

DEAR Ms. UPDIKE:

In your letter dated May 30, 2012, you requested a tariff classification ruling.

Item 9100012-00 is a wooden corner block used in the frame assembly of a chair, couch and other similar furniture. The corner block is composed of poplar, and is a triangular prism with a hypotenuse of 5.5 centimeters and sides of 4 centimeters. These blocks are used in the frame assembly to reinforce the frame at stress points. Depending on the application, corner blocks are either glued or glued and stapled in place. Corner blocks are predominately used in the back frame subassembly.

Classification of goods under the Harmonized Tariff Schedule of the United States (HTSUS) is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.

Legal Note 1 (o) to Chapter 44 of the Harmonized Tariff Schedule of the United States (HTSUS) states, that, this chapter does not cover: Articles of chapter 94, for example, furniture, lamps and lighting fittings, and prefabricated buildings. In this instance, we find that the corner block is a dedicated part used to increase structural support in the furniture items listed above. As such, the corner block is classified as parts of other furniture in subheading 9401.90, HTSUS.

The applicable subheading for the corner block, will be 9401.90, Harmonized Tariff Schedule of the United States (HTSUS), which provides for “Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof.”

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 ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is

imported. If you have any questions regarding the ruling, contact National Import Specialist Neil H. Levy at (646) 733-3036.

Sincerely,

THOMAS J. RUSSO

Director

National Commodity Specialist Division

[ATTACHMENT B]

HQ H278497
OT:RR:CTF:CPM H278497 APP
CATEGORY: Classification
TARIFF NO.: 4421.99.94

MS. ANGIE COURTEAU
SENIOR CUSTOMS SPECIALIST
LZB MANUFACTURING, INC.
ONE LA-Z-BOY DR.
MONROE, MI 48162

RE: Revocation of NY N224237; Tariff classification of wooden corner block constructed of two pieces of wood laminated together

DEAR MS. COURTEAU:

This is in response to LZB Manufacturing, Inc.'s ("requestor" or "LZB") letter of March 7, 2016, requesting reconsideration of New York Ruling Letter ("NY") N224237, dated July 19, 2012, regarding the classification, under the Harmonized Tariff Schedule of the United States ("HTSUS"), of a wooden corner block, which was not a solid block cut from a single piece of wood. In NY N224237, U.S. Customs and Border Protection ("CBP") classified the wooden corner block in heading 9401, and more specifically in subheading 9401.90, HTSUS, which provides for "Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof: Parts." We have determined that this ruling is in error with respect to the classification of the wooden corner block. Therefore, for the reasons set forth below we hereby revoke NY N224237.

FACTS:

The instant wooden corner block is a triangular piece of wood constructed of two pieces of wood laminated together. The grains of these two pieces are not parallel.

NY N224237 described the wooden corner block as follows:

Item 91000012-00 is a wooden corner block used in the frame assembly of a chair, couch and other similar furniture. The corner block is composed of poplar, and is a triangular prism with a hypotenuse of 5.5 centimeters and sides of 4 centimeters. These blocks are used in the frame assembly to reinforce the frame at stress points. Depending on the application, corner blocks are either glued or stapled in place. Corner blocks are predominately used in the back frame subassembly.

The wooden corner block sample submitted with the request for reconsideration has the same use but is "composed of soft maple, and is in the shape of a triangular prism with a hypotenuse of 3-1/8 inches, sides of 1-1/2 inches, and a thickness of 13/16 or 1-1/16 inches." Below are photographs of the submitted sample.



ISSUE:

Whether the wooden corner block is classifiable as wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm under heading **4407**, HTSUS, or as other articles of wood under heading **4421**, HTSUS, or as part of seats under heading **9401**, HTSUS.

LAW AND ANALYSIS:

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

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes and, unless otherwise required, according to the remaining GRIs taken in order. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

GRI 6 states, in pertinent part that:

[T]he classification of goods in the subheadings of a heading shall be determined according to the terms of those subheadings and any related subheading notes and, *mutatis mutandis*, to the above rules, on the understanding that only subheadings at the same level are comparable. For the purpose of this rule, the relative section, chapter and subchapter notes also apply, unless the context otherwise requires.

AUSR 1 provides, in relevant part, that:

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

The HTSUS headings under consideration are as follows:

- 4407** Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:

4421 Other articles of wood:**9401** Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof:

Note 1(o) to Chapter 44, HTSUS, states that this chapter does not cover “**Articles** of chapter 94 (for example, furniture, lamps and lighting fittings, prefabricated buildings).” (emphasis added).

Note 2 to Chapter 94, HTSUS, states that:

The articles (other than parts) referred to in headings 9401 to 9403 are to be classified in those headings only if they are designed for placing on the floor or ground. The following are, however, to be classified in the above-mentioned headings even if they are designed to be hung, to be fixed to the wall or to stand one on the other: . . . (b) Seats and beds.

In interpreting the HTSUS, the Harmonized Commodity Description and Coding System Explanatory Notes (“ENs”) may be utilized. The ENs, though not dispositive or legally binding, provide commentary on the scope of each heading of the HTSUS, and are the official interpretation of the Harmonized System at the international level. *See* T.D. 89-80, 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989).

The general notes to EN 44 state that Chapter 44 covers, among other things:

(2) Sawn, chipped, sliced, peeled, planed, sanded, end-jointed, e.g., finger-jointed (i.e., jointed by a process whereby shorter pieces of wood are glued together end to end, with joints resembling interlaced fingers, in order to obtain a greater length of wood) and continuously shaped wood (headings 44.07 to 44.09).

The general notes to EN 44 also state that “As a general rule, building panels composed of layers of wood and plastics are classified in this Chapter. Classification of these panels depends on their external surface or surfaces which normally give them their essential character in terms of their intended uses . . . Articles of wood presented unassembled or disassembled are classified with the corresponding complete articles, provided the parts are presented together . . .”

EN 44.07 states, in relevant part, that:

With a few exceptions, this heading covers all wood and timber, of any length but of a thickness exceeding 6 mm, sawn or chipped along the general direction of the grain or cut by slicing or peeling. Such wood and timber includes sawn beams, planks, flitches, boards, laths, etc., and products regarded as the equivalent of sawn wood or timber, which are obtained by the use of chipping machines and which have been chipped to extremely accurate dimensions, a process which results in a surface better than that obtained by sawing and which thereby renders subsequent planing unnecessary. It also includes sheets of sliced or peeled (rotary cut) wood, and wooden blocks, strips and friezes for flooring, **other than** those which have been continuously shaped along any of their edges, ends or faces (**heading 44.09**).

It is to be noted that the wood of this heading need not necessarily be of rectangular (including square) section nor of uniform section along the length.

The products of this heading may be planed (whether or not the angle formed by two adjacent sides is slightly rounded during the planing process), sanded or end-jointed, e.g. finger-jointed (see the General Explanatory Note to this Chapter).

EN 44.21 states, in relevant part, that:

This heading covers all articles of wood manufactured by turning or by any other method, or of wood marquetry or inlaid wood, **other than** those specified or included in the preceding headings and **other than** articles of a kind classified elsewhere irrespective of their constituent material (see, for example, Chapter Note 1).

It also covers wooden parts of the articles specified or included in the preceding headings, **other than** those of **heading 44.16**.

The articles of this heading may be made of ordinary wood or of particle board or similar board, fibreboard, ***laminated wood*** or densified wood (see Note 3 to this Chapter).

The heading includes:

- (3) Theatrical scenery; joiners' benches; tables with a screw device for holding the cross threads, used in the hand sewing of books; ladders and steps; trestles; letters, road signs, figures; signs; labels for horticulture, etc.; toothpicks; trellises and fencing panels; level crossing gates; roller blinds, Venetian and other blinds; spigots; templates; rollers for spring blinds; clothes hangers; washing boards; ironing boards; clothes pegs; ***dowel pins***; oars, paddles, rudders; coffins

(emphasis added).

EN 94 (notes on parts) states, in relevant part, that:

This Chapter only covers ***parts***, whether or not in the rough, ***of the goods of headings 94.01 to 94.03 and 94.05***, when identifiable by their shape or other specific features as ***parts designed solely or principally for an article of those headings***. They are classified in this Chapter when not more specifically covered elsewhere.

(emphasis added).

EN 94.01 provides, in relevant part, that:

. . . .The heading also covers ***identifiable parts*** of chairs or other seats, such as backs, bottoms and arm-rests (whether or not upholstered with straw or cane, stuffed or sprung), and spiral springs assembled for seat upholstery

(emphasis added).

The requestor argues that by application of AUSR 1(c), the corner block is classifiable as wood sawn lengthwise under heading 4407, HTSUS and not as part of seats under heading 9401, HTSUS.¹ LZB asserts that the corner block is not drilled, notched, shaped, or otherwise worked to render itself identi-

¹ LZB cites to NY I85993, dated September 27, 2002 (panels of machined and cut to size plywood to be used as the ends of kitchen cabinets classified in Chapter 44, under heading 4412, HTSUS) and NY J80830, dated March 11, 2003 (sawn wood boards and timbers composed of lumber with a uniform rectangular cross section cut to specific lengths used in outdoor playground sets classified in heading 4407, HTSUS).

able as a part solely or principally for use as a furniture part, and is more specifically described under heading 4407, HTSUS.

Chapter 44, HTSUS, provides for, among other things, wood and articles of wood. This chapter is structured so that less processed wood appears at the beginning of the chapter followed by more advanced wood in later headings within the same chapter. For example, heading 4407, HTSUS, is a general provision for wood that has not been processed in any way, other than provided for under that heading, and heading 4421, HTSUS, is a basket provision for articles of wood that cannot be classified elsewhere in Chapter 44, HTSUS.

The terms of heading 4407, HTSUS, allow only for end-jointing of wood to increase length and do not include edge joining or other lamination to increase width or other dimensions. See the general notes to EN 44. In *Millenium Lumber Distrib. Ltd. v. United States*, 558 F.3d 1326 (Fed. Cir. 2009), the Court of Appeals for the Federal Circuit held that lumber cut to various even-foot lengths ranging from 5 to 20 feet was classifiable in heading 4407, HTSUS. The merchandise included 2x3, 2x4, and 2x6 spruce/pine/fir lumber of various grades, cut to various even-foot lengths ranging from 5 to 20 feet. Each board had a 90 degrees square-cut end. Some or all of the imported lumber required significant additional processing in order to be assembled into completed wood trusses and was not identifiable as particular pieces of any specific finished truss. In NY J80830, dated March 11, 2003, the lumber pieces had a uniform rectangular cross section and were recognizable only as sawn wood. The instant corner block is precluded from classification in heading 4407, HTSUS because unlike the lumber in *Millenium Lumber Distrib.*, *supra*, and NY J80830, the instant corner block is constructed of two pieces of wood laminated together with grains that are not parallel.

The remaining classification alternative is heading 4421, HTSUS, which provides for other articles of wood. Heading 4421, HTSUS covers “all articles of wood manufactured by turning or by any other method, or of wood marquetry or inlaid wood, **other than** those specified or included in the preceding headings and **other than** articles of a kind classified elsewhere irrespective of their constituent material.” EN 44.21. The articles of this heading may be made of ordinary wood or of particle board or similar board, fibre-board, laminated wood or densified wood. Dowel pins are among the exemplars that are listed in EN 44.21(3). The term “dowel pin” is not defined in the HTSUS. It is well-established that when a tariff term is not defined by the HTSUS or its legislative history, its correct meaning is its common or commercial meaning, which can be ascertained by reference to “dictionaries, scientific authorities, and other reliable information sources” and “lexicographic and other materials.” *Rocknell Fastener, Inc. v. United States*, 267 F.3d 1354, 1356-57 (Fed. Cir. 2001) (citations omitted). The Free Dictionary at <http://www.thefreedictionary.com> defines the term “dowel pin” as “a fastener that is inserted into holes in two adjacent pieces and holds them together.” The subject wooden corner block is akin to the wooden dowel pins enumerated in EN 44.21(3). Similar to wooden dowel pins, which are used to join all types of furniture,² the corner block is used to join and strengthen the corners of all types of furniture, not just chairs of heading 9401, HTSUS.

² See generally IEEE Engineering 360, Dowel Pins Information, at http://www.globalspec.com/learnmore/mechanical_components/mechanical_fasteners/dowel_pins (last viewed May 5, 2017).

Since the wooden corner block is made from multiple pieces glued together and is not included in any other headings of Chapter 44, HTSUS, it is classifiable under heading 4421, HTSUS.

Lastly, Chapter 94 only covers parts of heading 9401, HTSUS when identifiable by their shape or other specific features as parts “designed solely or principally” for an article of heading 9401, HTSUS. EN 94 (notes on parts). Furniture parts are classified in Chapter 94, HTSUS when not more specifically covered elsewhere. The wooden corner block is an interchangeable wooden part of general use in furniture of headings 9401 through 9403, HTSUS. It is a cut, triangular shaped block of wood that is not dedicated for a particular article of furniture such as seats of heading 9401, HTSUS.

Therefore, the instant wooden corner block is classified in heading 4421, HTSUS.

HOLDING:

By application of GRIs 1 and 6, the subject wooden corner block is classified under heading 4421, HTSUS, specifically under subheading 4421.99.94, HTSUS, which provides for “Other articles of wood: Other: Other: Other: Edge-glued lumber.”

The 2017 column one, general rate of duty is *Free*. 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 at <https://hts.usitc.gov/current>.

EFFECT ON OTHER RULINGS:

NY N224237, dated July 19, 2012, is hereby REVOKED.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division



PROPOSED REVOCATION OF ONE RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF PARALLEL REACTION STATIONS FOR ORGANIC CHEMISTRY

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

ACTION: Notice of proposed revocation of one ruling letter and revocation of treatment relating to the tariff classification of parallel reaction stations for organic chemistry.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter concerning tariff classification of parallel

reaction stations for organic chemistry under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

DATE: Comments must be received on or before September 8, 2017.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229-1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Laurance W. Frierson, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0371.

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) (“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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, this notice advises

interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of parallel reaction stations for organic chemistry. Although in this notice, CBP is specifically referring to New York Ruling Letter (“NY”) I81272, dated May 21, 2002 (Attachment A), this notice covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In ruling letter NY I81272, CBP classified four parallel reaction stations for organic chemistry in heading 8479, HTSUS, specifically in subheading 8479.82.00, HTSUS, which provides for “Machines and mechanical appliances having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and mechanical appliances: Mixing, kneading, crushing, grinding, screening, sifting, homogenizing, emulsifying or stirring machines.” CBP has reviewed NY I81272 and has determined the ruling letter to be in error. It is now CBP’s position that the parallel reaction stations for organic chemistry are properly classified, by operation of GRI 1, in heading 8419, HTSUS, specifically in subheading 8419.89.95, HTSUS, which provides for “Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 8514), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vaporizing, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, nonelectric; parts thereof: Other machinery, plant or equipment: Other: Other.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke ruling letter NY I81272 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H274139, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

Before taking this action, consideration will be given to any written comments timely received.

Dated: May 11, 2017

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

NY I81272

May 21, 2002

CLA-2-84:RR:NC:1:103 I81272

CATEGORY: Classification

TARIFF NO.: 8479.82.0040

MR. ROBERT L. SOZA, JR.
JENKINS & GILCHRIST
112 EAST PECAN, SUITE 900
SAN ANTONIO, TX 78205

RE: The tariff classification of chemical synthesizers from the United Kingdom

DEAR MR. SOZA, JR.:

In your letter dated April 29, 2002 on behalf of Genevac Inc. you requested a tariff classification ruling.

Your client will import four machines which will be used in the research and development of pharmaceutical compounds. In general, these machines will aid in the creation of novel compounds by heating, cooling, and stirring/mixing chemicals which have been placed in reaction tubes within the machines. Subsequently, these compounds will be analyzed by exposing them to biological assays in order to determine whether the compound produces a favorable effect which merits further study.

The specific machines you inquired about are:

Greenhouse Parallel Synthesizer – a bench-top machine capable of holding 24 glass reaction tubes with a volume of 0.5 ml to 3.0 ml per tube. The machine basically consists of a standard hot plate magnetic stirrer, an aluminum base to transmit the heat, a cylindrical glass enclosure in which the reaction tubes rest, 24 individual vertical stirring elements, a water-cooled aluminum reflux head with nickel condensing fingers to condense reaction vapors, an inlet/outlet for vacuum and inert gases, and a temperature/time controller. A rotating magnetic field created by the hot plate stirrer causes the stirring elements to spin at speeds up to 1100 rpm, thus uniformly stirring the chemicals (which may be heated to a maximum temperature of 150 degrees Centigrade) within each reaction tube. An optional cooling reservoir filled with a combination of a solvent and dry ice may be placed between the stirring base and the glass enclosure to assist in the production of chilled reactions to -70 degrees Centigrade. The unit is 180 millimeters tall and weighs approximately 4 kilograms.

Carousel Reaction Station – a machine similar in physical form and use to the Greenhouse Parallel Synthesizer, but capable of holding only 12 glass reaction tubes.

Syn¹⁰ Reaction Station – a machine which is also similar in function to the two units described above, but which allows the operator to apply different stirring speeds and temperatures to each of 10 individual reaction tubes simultaneously.

Metz Heater Shaker Reaction Station – a bench-top machine which heats and shakes 10 reaction tubes (rather than stirring them) in order to mix chemical solutions together to create compounds for further analysis. It features a heating range of 5° to 150° C. and a microprocessor controlled shaking action which varies from 100 to 600 rpm.

In your letter you suggested that all four of these machines may be classifiable in subheading 9027.80.8090, Harmonized Tariff Schedule of the United States (HTS), which provides for instruments and apparatus for physical or chemical analysis....other instruments and apparatus: other: other: other. However, the machines themselves perform no analysis of the compounds they are used to create; instead, all analysis of the compounds is performed by separate equipment subsequent to the synthesis operations. Thus they cannot be classified in subheading 9027.80.8090, HTS.

The applicable subheading for the Greenhouse Parallel Synthesizer, Carousel Reaction Station, Syn¹⁰ Reaction Station, and Metz Heater Shaker Reaction Station will be 8479.82.0040, HTS, which provides for machines and mechanical appliances having individual functions, not specified or included elsewhere (in chapter 84): other machines and mechanical appliances: mixing, kneading or stirring machines. The duty rate will be free.

Your inquiry does not provide enough information for us to give a classification ruling on the numerous parts and accessories for the foregoing machines mentioned in your letter. Your request for a classification ruling should include a description of the physical nature of each part or accessory, as well as its function and method of operation. Please note that any such ruling request should be limited to a maximum of 5 articles. When this information is available, you may wish to consider resubmission of your request. We are returning any related samples, exhibits, etc. If you decide to resubmit your request, please include all of the material that we have returned to you.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Alan Horowitz at 646-733-3010.

Sincerely,

ROBERT B. SWIERUPSKI
Director,
National Commodity
Specialist Division

[ATTACHMENT B]

HQ H274139
CLA-2 OT:RR:CTF:TCM H274139 LWF
CATEGORY: Classification
TARIFF NO.: 8419.89.95

MR. ROBERT L. SOZA, JR.
JACKSON WALKER LLP
112 EAST PECAN ST., SUITE 2400
SAN ANTONIO, TX 78205

Re: Revocation of New York Ruling Letter (NY) I81272, dated May 21, 2002; tariff classification of parallel reaction stations for organic chemistry

DEAR MR. SOZA:

This letter is to inform you that U.S. Customs and Border Protection (CBP) has reconsidered New York Ruling Letter (NY) I81272, dated May 21, 2002, issued to your client Genevac, Inc. ("Genevac"), concerning the tariff classification under the Harmonized Tariff Schedule of the United States (HTSUS) of certain parallel reaction stations for organic chemistry. Upon review of the ruling letter, CBP has determined the tariff classification decision set forth in NY I81272 to be in error. Accordingly, for the reasons explained below, CBP is revoking the ruling letter.

FACTS:

The merchandise at issue consists of four machines used in scientific laboratories for the study of organic chemistry for the development of pharmaceutical compounds. Genevac identifies the individual machines as the: (1) "GreenHouse Parallel Synthesiser," (2) "Carousel Reaction Station," (3) "Metz Heater Shaker," and (4) "Metz Syn¹⁰ Reaction Station." See Figs. 1-4, below.

Collectively, the machines are identified as "parallel reaction stations," because they are used by organic chemists to conduct simultaneous ("parallel") chemical reactions via the heating, cooling, and/or stirring or shaking of chemical compounds in reaction tubes within the machines. During chemical synthesis, the reaction tubes are filled with chemical compounds, and a temperature gradient is applied to the contents of the reaction tube to provoke chemical reactions, thereby creating or modifying molecules for further analysis. Common to the design of each of the four parallel reaction stations, the machines are engineered to evenly heat or cool multiple reaction tubes placed into the devices.

In ruling letter NY I81272, CBP classified each of the parallel reaction stations under heading 8479, HTSUS, which provides for "Machines and mechanical appliances having individual functions, not specified or included elsewhere in this chapter; parts thereof."



Fig. 1: GreenHouse Parallel Synthesiser



Fig. 2: Carousel Reaction Station



Fig. 3: Metz Heater Shaker



Fig. 4: Metz Syn¹⁰ Reaction Station

Fig. 1: GreenHouse Parallel Synthesiser

The GreenHouse Parallel Synthesiser holds 24 reaction tubes and allows chemists to perform 24 reactions in parallel, with a reaction volume of 0.5 to 3ml per reaction tube. The base of the machine consists of a magnetic stirring hotplate, upon which is mounted an aluminum base and glass enclosure for 24 reaction tubes. The top of the machine features 24 individual, magnetically-driven vertical stirring elements, a water-cooled aluminum reflux head with nickel condensing fingers to condense reaction vapors, an inlet/outlet for vacuum and inert gasses, and a temperature/time controller. The stirring hotplate is capable of creating a magnetic field that spins the vertical stirring elements at speeds of up to 1,100 RPM, and the machine's heating element (and removable cooling reservoir) allows the GreenHouse Parallel Synthesiser to warm or cool reaction samples between -70°C and 150°C. The aluminum base evenly conducts heat to and way from all reaction tubes, and the machine is capable of controlling temperature uniformity with an accuracy of $\pm 0.5^\circ\text{C}$.

Fig. 2: Carousel Reaction Station

The Carousel Reaction Station is a machine identified by similar form and function to that of the GreenHouse Parallel Synthesiser. The Carousel Reaction Station is capable of holding 12 reaction tubes.

Fig. 3: Metz Heater Shaker

The Metz Heater Shaker is a parallel reaction station that is designed to evenly heat reaction tubes within a range of 5°C and 150°C. Unlike the GreenHouse Parallel Synthesiser, Carousel Reaction Stations, and Metz Syn¹⁰ Reaction Station, the Metz Heater Shaker is not equipped with a stirring mechanism, but instead features a microprocessor-controlled shaking action that is capable of operating between 100 to 600rpm.

Fig. 4: Metz Syn¹⁰ Reaction Station

The Metz Syn¹⁰ Reaction Station is a machine identified by similar form and function to that of the GreenHouse Parallel Synthesiser and Carousel Reaction Station. However, unlike the other parallel reaction stations, the design of the Metz Syn¹⁰ Reaction Station allows an operator to apply different temperatures and/or stirring speeds to each of the individual reaction tubes that are placed within the machine.

ISSUE:

Whether the parallel reaction stations are classifiable under heading 8419, as laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature, or heading 8479, as machines and mechanical appliances having individual functions, not specified or included elsewhere in Chapter 84.

LAW AND ANALYSIS:

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provision of law for all purposes. GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes and, unless otherwise required, according to the remaining GRIs taken in their appropriate order.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are generally indicative of the proper interpretation of the heading. *See* T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

With respect to the tariff classification of the parallel reactions stations, the relevant HTSUS provisions state, as follows:

- 8419 Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 8514), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vaporizing, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, nonelectric; parts thereof
- 8479 Machines and mechanical appliances having individual functions, not specified or included elsewhere in this chapter; parts thereof

* * * * *

Note 2 to Chapter 84, HTSUS, states, in relevant part:

2. Subject to the operation of Note 3 to Section XVI and subject to Note 9 to this chapter, a machine or appliance which answers to a description in one or more of the headings 8401 to 8424, or heading 8486 and at the same time to a description in one or more of the headings 8425 to 8480 is to be classified under the appropriate heading of the former group or under heading 8486, as the case may be, and not the latter group.

Heading 8419 does not, however, cover:

[...]

- (e) Machinery, plant or laboratory equipment, designed for mechanical operation, in which a change of temperature, even if necessary, is subsidiary.

* * * * *

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System at the international level. While not legally binding, the ENs provide a commentary on the scope of each heading of the HTS and are thus useful in ascertaining the proper classification of merchandise. It is CBP's practice to follow, whenever possible the terms of the ENs when interpreting the HTSUS. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The EN to heading 84.19, HS, provides, in relevant part, as follows:

[T]he heading covers machinery and plant designed to submit materials (solid, liquid or gaseous) to a heating or cooling process in order to cause a simple change of temperature, or to cause a transformation of the materials resulting principally from the temperature change (e.g., heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling processes). But the heading **excludes** machinery and plant in which the heating or cooling, even if essential, is merely a secondary function designed to facilitate the main mechanical function of the machine or plant, e.g., machines for coating biscuits, etc., with chocolate, and conches (**heading 84.38**), washing machines (**heading 84.50** or **84.51**), machines for spreading and tamping bituminous road-surfacing materials (**heading 84.79**).

The machinery and plant classified in this heading may or may not incorporate mechanical equipment.

[...]

(VII) MACHINERY FOR LIQUEFYING AIR; SPECIAL LABORATORY APPARATUS AND EQUIPMENT

The heading includes **machines of the Linde or Claude type used for the liquefaction of air.**

The heading further includes **pecially designed laboratory apparatus and equipment**, generally small in size (autoclaves, distilling, sterilising or steaming apparatus, dryers, etc.), but it **excludes** demonstrational apparatus of **heading 90.23**, and measuring, checking, etc.,

apparatus more specifically covered by **Chapter 90**. (Emphasis original.)

* * * * *

Heading 8419, HTSUS, provides for “machinery, plant or laboratory equipment... for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, [...] or cooling[.]” However, Note 2(e) to Chapter 84, HTSUS, states that, “the heading excludes machinery, plant or laboratory equipment in which a change of temperature, even if necessary, is subsidiary. *See also* EN 84.19, HS (“But the heading **excludes** machinery and plant in which the heating or cooling, even if essential, is merely a secondary function designed to facilitate the main mechanical function of the machine or plant[.]”). Consequently, while the text of heading 8419, HTSUS, requires only that laboratory equipment of heading involve a change of temperature, Note 2(e) to the Chapter instructs that the heating or cooling function serve as a non-subsidary purpose of such machines.

CBP has previously examined the classification of laboratory equipment under heading 8419, HTSUS. Specifically, in Headquarters Ruling Letter (HQ) 965366, dated September 24, 2002, CBP classified a polymerase chain reaction (PCR) machine used to duplicate DNA or RNA under heading 8419, HTSUS, because it found that the machine’s ability to heat samples to a precise temperature was of principal importance to the function of the PCR machine. There, the first step of the PCR process involved precisely heating a DNA or RNA sample material to 94-96°C to facilitate the separation of the sample’s helix strands. Absent this temperature change, the remaining steps of the PCR process cannot take place and duplication of the genetic material within the machine would be impossible. CBP therefore determined that the PCR machine’s temperature function resulted in a non-subsidary treatment of material (i.e. the separation of DNA or RNA helix strands), as described under heading 8419, HTSUS, and Note 2(e) to Chapter 84. The United States Court of International Trade (CIT) affirmed CBP’s conclusions in ruling letter HQ 965366, holding that the treatment of DNA and RNA materials by a change in temperature was central to the function of the PCR machine and that “the specialized nature of the [PCR machine] does not preclude its classification under HTSUS heading 8419.” *Applied Biosystems v. United States*, 34 C.I.T. 769, 777 (Ct. Int’l Trade 2010).³

By contrast, where the control of temperature is not essential to the function of laboratory equipment, the CIT has held that such machines fall outside the scope of heading 8419, HTSUS. For example, in *Applikon Biotechnology, Inc. v. United States*, 807 F. Supp. 2d 1323 (Ct. Int’l Trade 2011), the CIT found that the regulation of temperature was not essential to a machine’s primary purpose of growing cells, concluding in alternative that the machine’s heating function was “subsidiary to the cell growth function [...] in the same manner that the water heating circuit in a washing machine is subsidiary to its function of cleaning clothes.” *Applikon Biotechnology, Inc. v. United States*, 807 F. Supp. 2d 1323, 1331 (classifying under heading 8479, HTSUS, a machine designed to maintain, via a mixing function, an aseptic and homogenous environment in which to culture cells).

³ CBP notes that although the CIT in *Applied Biosystems*, 34 C.I.T. 769 (Ct. Int’l Trade 2010), stated that the PCR machine “does not stir” the DNA or RNA sample, the Court did not affirmatively state that the presence of such a stirring function would exclude the machine from heading 8419, HTSUS. *See Applied Biosystems*, 34 C.I.T. 769, 777.

Upon consideration of CBP's prior analysis in HQ 965366 and the CIT's guidance concerning the scope of heading 8419, HTSUS, CBP finds that the instant parallel reaction stations feature a non-subsidary temperature control function that is essential to the overall function of the machines. Specifically, the ability of the machines to precisely and evenly heat or cool chemical compounds is necessary to provoke chemical reactions within the machines' reaction tubes. Without the ability to apply a temperature gradient to the reaction tubes, the machine would not function. Moreover, the facts do not indicate that the stirring or shaking functions of the machines are essential to the parallel reaction stations' primary purpose of synthesizing organic chemical compounds.

Based on the above facts, CBP finds that the parallel reaction stations are fully described by the text of heading 8419, HTSUS, because the heating and cooling functions of the machines are designed to catalyze chemical reactions within the devices' reaction tubes. Similarly, the machines satisfy the requirements of Note 2(e) to Chapter 84, because the temperature functions are necessary to facilitate the overall function of the machines and are not subsidiary to the stirring or shaking capabilities of the devices. CBP therefore concludes that the parallel reaction stations are classifiable under heading 8419, HTSUS, specifically in subheading 8419.89.95, as laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature.

In closing, CBP notes that the Harmonized System Committee (HSC) of the World Customs Organization (WCO) has also examined the tariff classification of a machine similar to the instant parallel reaction stations and concluded that the machine—a "dissolution testing unit" equipped with an electrical coil for the heating and testing of pharmaceutical drugs—was properly classified under subheading 8419.89, HS. *See* Annex G/2 to Doc. NC1760E1b (HSC/49/March 2012). As stated in T.D. 89-90, CBP accords HSC opinions the same weight as that of Explanatory Notes, i.e., while neither legally dispositive or binding, classification decisions of the HSC are generally indicative of the proper interpretation of HS headings. Accordingly, CBP observes that the conclusions reached in this ruling are consistent with the HSC's classification of the "dissolution testing unit," as reflected in the WCO Compendium of Classification Opinions (C.O.) at C.O. 8419.89/3.

HOLDING:

By application of GRI 1, the parallel reaction stations are classified under heading 8419, HTSUS. Specifically, they are classifiable in subheading 8419.89.95, HTSUS, which provides for, "Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 8514), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vaporizing, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, nonelectric; parts thereof: Other machinery, plant or equipment: Other: Other." The 2017 column one, general rate of duty for subheading 8419.89.95, HTSUS, is 4.2% *ad valorem*.

EFFECT ON OTHER RULINGS:

In accordance with the analysis set forth above, ruling letter NY I81272, dated May 21, 2002, is hereby REVOKED.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division


19 CFR PART 177**MODIFICATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF A LANYARD OF GLASS
BEADS**

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

ACTION: Notice of modification of one ruling letter and of revocation of treatment relating to the tariff classification of a lanyard of glass beads.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is modifying one ruling letter concerning tariff classification of a lanyard of glass beads under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 9, 2017.

FOR FURTHER INFORMATION CONTACT: Grace A. Kim, Food, Textiles and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-7941.

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) (“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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017, proposing to modify one ruling letter pertaining to the tariff classification of a lanyard of glass beads. As stated in the notice, this action will cover New York Ruling Letter (“NY”) N034500, dated August 25, 2008, as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise

issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N034500, CBP classified a lanyard of glass beads in heading 7018, HTSUS, specifically in subheading 7018.10.50, HTSUS, which provides for “Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass smallwares and articles thereof other than imitation jewelry: Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass smallwares: Other.” CBP has reviewed NY N034500 and has determined the ruling letter to be in error. It is now CBP’s position that the lanyard of glass beads is properly classified, by operation of GRI 1, in heading 7018, HTSUS, specifically in subheading 7018.90.50, HTSUS, which provides for “Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass smallwares and articles thereof other than imitation jewelry: Other: Other.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is modifying NY N034500 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter (“HQ”) H269055, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: May 24, 2017

IEVA K. O’ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachment

HQ H269055

May 24, 2017

CLA-2 OT:RR:CTF:FTM H269055 GaK

CATEGORY: Classification

TARIFF NO: 7018.90.50

MS. MELANIE GEIER
OFFICE MAX
263 SHUMAN BOULEVARD
NAPERVILLE, IL 60563

RE: Modification of NY N034500; Classification of a lanyard of glass beads

DEAR MS. GEIER:

This letter is to inform you that U.S. Customs and Border Protection (“CBP”) has reconsidered New York Ruling Letter (“NY”) N034500, which was issued to Office Max on August 25, 2008. In NY N034500, CBP classified, among other items, a glass bead lanyard under subheading 7018.10.50, Harmonized Tariff Schedule of the United States (“HTSUS”), which provides for: “Glass beads...: Glass beads...: Other.” We have reviewed NY N034500 and found it to be incorrect with regard to the classification of the glass bead lanyard. For the reasons set forth below, we are modifying this ruling.

On April 12, 2017, pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1), as amended by section 623 of Title VI, notice of the proposed action was published in the Customs Bulletin Vol. 51, No. 15. No comments were received in response to this notice.

FACTS:

In NY N034500, the merchandise was described as follows:

[A] necklace lanyard with attached plastic identification holder...Item number W-080012400...[is] a glass bead necklace which is pink in color...[It is] 35 inches long and feature a clear PVC name badge holder, measuring 4 inches by 5 inches.

ISSUE:

Is the glass bead lanyard classified under subheading 7018.10.50, HTSUS, as glass beads, or under subheading 7018.90.50, HTSUS, as an article of glass beads?

LAW AND ANALYSIS:

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (“GRIs”) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law for all purposes. GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The 2017 HTSUS subheadings at issue are as follows:

7018	Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass smallwares and articles thereof other than imitation jewelry; glass eyes other than prosthetic articles; statuettes and other ornaments of lamp-worked glass, other than imitation jewelry; glass microspheres not exceeding 1 mm in diameter:
7018.10	Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass smallwares:
7018.10.50	Other.
	* * *
7018.90	Other:
7018.90.50	Other.

In NY N034500, CBP classified the glass bead lanyard as “glass beads” under subheading 7018.10.50, HTSUS. However, the instant merchandise does not consist of loose glass beads. Rather, it is a finished lanyard comprised of glass beads.

CBP has consistently classified articles of glass beads in subheading 7018.90.50, HTSUS. In Headquarters Ruling Letter (“HQ”) 966663, dated March 31, 2004, CBP classified plastic grapes covered with glass beads under subheading 7018.90.50, HTSUS. *See also* NY J87611, dated August 20, 2003 (lanyard article of glass beads with a plastic badge holder attached, classified under subheading 7018.90.50, HTSUS); HQ 966664, dated March 31, 2004 (beaded berry wreath in which the berries were “completely covered” with glass beads, classified under subheading 7018.90.50, HTSUS); HQ 084748, dated August 22, 1989 (“fully glass beaded handbag” classified under subheading 7018.90.50, HTSUS); and NY 888300, dated May 5, 1993 (two trinket boxes, the exterior of which were “completely covered” with glass beads, classified under subheading 7018.90.50, HTSUS).

Therefore, we find that under GRI 1, the glass bead lanyard is classified in subheading 7018.90.50, HTSUS, which provides for articles of glass beads.

HOLDING:

Under the authority of GRI 1, the glass bead lanyard is provided for in heading 7018, HTSUS, specifically in subheading 7018.90.50, HTSUS, which provides for, “Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass smallwares and articles thereof other than imitation jewelry...Other: Other.” The 2017 column one general rate of duty is 6.6% *ad valorem*.

EFFECT ON OTHER RULINGS:

NY N034500, dated August 25, 2008, is hereby MODIFIED with regard to the classification of the glass bead lanyard.

Sincerely,
IEVA K. O'ROURKE
for
MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division



MODIFICATION OF TWO RULING LETTERS AND REVOCAION OF TREATMENT RELATING TO THE NAFTA ELIGIBILITY OF CERTAIN LIQUID SUGAR PRODUCTS

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

ACTION: Modification of two ruling letters and revocation of treatment relating to the NAFTA eligibility of certain liquid sugar products.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is modifying two ruling letters concerning the eligibility for preferential tariff treatment of certain liquid sugar products under the North American Free Trade Agreement (NAFTA). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 9, 2017.

FOR FURTHER INFORMATION CONTACT: Cynthia Reese, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325-0046.

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) ("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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017, proposing to modify two ruling letters concerning the eligibility for preferential tariff treatment of certain liquid sugar products under the NAFTA. As stated in the proposed notice, this action will cover New York Ruling Letter (NY) NY N271090, dated July 12, 2016, and NY N271047, dated June 23, 2016, as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the two identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N271090, CBP classified certain pure cane flavored syrups in subheading 2106.90.9997, HTSUS, which provides for “Food preparations not elsewhere specified or included: . . .Other . . .Other. . . Other: Containing sugar derived from sugar cane and/or sugar

beets.” The ruling also determined that the flavored syrups did not qualify for preferential tariff treatment under the NAFTA. In NY N271047, CBP classified certain pure cane unflavored syrups in sub-heading 1702.90.9000, HTSUS, which provides for “Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel: Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 percent by weight of fructose: Other: Other: Other.” We note the ruling contained a typo identifying the subheading as 1702.90.9090, HTSUS. The ruling determined that the unflavored syrups qualified for preferential tariff treatment under the NAFTA. CBP has reviewed the decisions in NY N271090 and NY N271047 and has determined the decisions erred with regard to the NAFTA eligibility determinations.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY N271090 and NY N271047 and modifying or revoking any other ruling not specifically identified on the NAFTA eligibility of flavored and unflavored syrups similarly processed, to reflect the analysis contained in Headquarters Ruling Letter (HQ) H281296 and HQ H282979, respectively, set forth as Attachments “A” and “B” to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: May 23, 2017

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

HQ H281296
May 23, 2017
OT:RR:CTF:VS H281296 CMR
CATEGORY: Classification
TARIFF NO: 2106.90.9897

DANIEL E. WALTZ, ESQ.
SQUIRE PATTON BOGGS (US) LLP
2550 M STREET, N.W.
WASHINGTON, D.C. 20037

RE: Request for Reconsideration of New York Ruling Letter (NY) N271090;
NAFTA eligibility of flavored sugar syrups

DEAR MR. WALTZ:

This is in response to your request, dated November 22, 2016, on behalf of your client, Redpath Sugar, requesting this office reconsider the decision in New York Ruling Letter (NY) N271090, dated July 12, 2016, denying preferential tariff treatment under the North American Free Trade Agreement (NAFTA) to four flavored sugar syrups your client produces in Canada. NY N271090 dealt with the classification of the flavored sugar syrups, as well as the NAFTA eligibility for preferential tariff treatment. We reviewed the decision only with regard to the question of the eligibility of the products for preferential tariff treatment under the NAFTA and are modifying it as set forth herein.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed modification was published on April 12, 2017, in the *Customs Bulletin*, Volume 51, No. 15. CBP received no comments in response to the notice.

FACTS:

In NY N271090, Customs and Border Protection (CBP) classified four flavored sugar syrups in subheading 2106.90.9997, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for “Food preparations not elsewhere specified or included: Other . . . : Other, Other: Containing sugar derived from sugar cane and/or sugar beets.” You do not take issue with the classification in the ruling.

The ruling describes the four flavored syrups as follows:

The products are said to be pure cane syrups flavored as caramel, hazelnut, vanilla (higher brix formula), and vanilla (lower brix formula). They are all said to contain liquid sucrose, medium invert syrup, filtered water, and trace amounts of caramel color, Foamdoctor A10FG (anti-foaming agent), potassium sorbate, and citric acid. The syrups will be both of United States and foreign ingredients blended in Canada, and imported into the U.S. in two bottle sizes, 375 ml and 750 ml, net weight, for sale to food service and retail customers. The flavored syrups will be used via pump dispensers to sweeten beverages of consumers’ choice such as coffee, teas, cocktails, etc.

We reviewed your initial ruling request, which contained ingredient breakdowns, product specifications, and a description of the processing to produce the liquid sucrose and invert syrup used in the production of the flavored

syrups. You indicate in the request that the liquid sucrose and medium invert syrup contained in these flavored syrups are derived from “world” raw sugar, *i.e.*, sugar sourced from multiple countries, which is refined by your client in Canada. The anti-foaming agent, Foamdoctor A10FG, potassium sorbate and citric acid are sourced from outside the NAFTA parties.

You have submitted additional information with regard to the *de minimis* value of the Foamdoctor A10FG which is a non-originating ingredient¹ found in the flavored sugar syrups at issue. Also, you have informed us that some, though not all, of the syrups contain more than 65 percent by dry weight of sugar. Finally, you provided arguments as to why the flavored sugar syrups should qualify to be marked as goods of Canada under the NAFTA Marking Regulations.

ISSUE:

Whether the four flavored syrups at issue qualify for preferential tariff treatment under the NAFTA.

LAW AND ANALYSIS:

The NAFTA is implemented in General Note (GN) 12 of the HTSUS. GN 12(a)(i) states that goods are eligible for the NAFTA rate of duty if they originate in the territory of a NAFTA party and qualify to be marked as goods of Canada. GN 12(b) sets forth the various methods for determining whether a good originates in the territory of a NAFTA party. Specifically, these provisions provide, in relevant part, as follows:

- (a) Goods originating in the territory of a party to the North American Free Trade Agreement (NAFTA) are subject to duty as provided herein. For the purposes of this note—
 - (i) Goods that originate in the territory of a NAFTA party under the terms of subdivision (b) of this note and that qualify to be marked as goods of Canada under the terms of the marking rules set forth in regulations issued by the Secretary of the Treasury (without regard to whether the goods are marked), and goods enumerated in subdivision (u) of this note, when such goods are imported into the customs territory of the United States and are entered under a subheading for which a rate of duty appears in the “Special” subcolumn followed by the symbol “CA” in parentheses, are eligible for such duty rate, in accordance with section 201 of the North American Free Trade Agreement Implementation Act.

* * *

- (b) For the purposes of this note, goods imported into the customs territory of the United States are eligible for the tariff treatment and quantitative limitations set forth in the tariff schedule as “goods originating in the territory of a NAFTA party” only if—
 - (i) they are goods wholly obtained or produced entirely in the territory Canada, Mexico and/or the United States; or

¹ We note, you indicate your client considers this product to be a processing aid, not an ingredient.

- (ii) they have been transformed in the territory of Canada, Mexico and/or the United States so that—
 - (A) except as provided in subdivision (f) of this note, each of the non-originating materials used in the production of such goods undergoes a change in tariff classification described in subdivision (r), (s) and (t) of this note or the rules set forth therein, or
 - (B) the goods otherwise satisfy the applicable requirements of subdivision (r), (s) and (t) where no change in tariff classification is required, and the goods satisfy all other requirements of this note; or
- (iii) they are goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials; ...

As described in NY N271090, the flavored syrups are produced in Canada from U.S. and foreign (non-NAFTA party) ingredients. As such, the production in Canada must cause the non-originating ingredients to meet the requisite tariff shift rule set forth in GN 12(t). As the flavored syrups at issue are classified in subheading 2106.90.99, HTSUS, the applicable tariff shift rule is “A change to heading 2106 from any other chapter.”

Only the non-originating ingredients, *i.e.*, the raw “world” sugar, Foamdoctor A10FG, potassium sorbate and citric acid need to meet the tariff shift change requirement. Raw sugar is classified in heading 1701, HTSUS, which provides for “Cane or beet sugar and chemically pure sucrose, in solid form.” The potassium sorbate and citric acid are classified in provisions within Chapter 29, HTSUS, which provides for organic chemicals. We do not have sufficient information with regard to the Foamdoctor A10FG to determine whether it may be classifiable in Chapter 21 as an “other food preparation not elsewhere specified or included” or classifiable outside of Chapter 21. However, counsel for the importer submits that the Foamdoctor A10FG falls within the *de minimis* exception of GN 12. GN 12(f)(i) provides, in relevant part:

... a good shall be considered to be an originating good if the value of all non-originating materials used in the production of the good that do not undergo an applicable change in tariff classification set out in subdivision (t) of this note is not more than 7 percent of the transaction value of the good, adjusted to a F.O.B. basis, or, if the transaction value is unacceptable under section 402(b) of the Tariff Act of 1930, as amended, the value of all such non-originating materials is not more than 7 percent of the total cost of the good, provided that—

- (A) if the good is subject to a regional value-content requirement, the value of such non-originating materials shall be taken into account in calculating the regional value content of the good; and
- (B) the good satisfies all other applicable requirements of this note.

Counsel has submitted information to support the *de minimis* claim showing that the value of the Foamdoctor A10FG is not more than 7 percent of the transaction value of the flavored syrups. Therefore, we need not determine the classification of the Foamdoctor A10FG because even if it is classifiable within Chapter 21, it is *de minimis* under GN 12(f).

As the non-originating ingredients make the requisite tariff shift to heading 2106 from outside of chapter 21 due to the processing in Canada, and the Foamdoctor A10FG falls within the *de minimis* exception, the flavored syrups will qualify for preferential tariff treatment under the NAFTA if they also qualify to be marked as goods of Canada in accordance with GN 12(a)(i).

The NAFTA Marking Rules are contained in 19 CFR Part 102 of the CBP Regulations. Section 102.11 sets forth the General Rules for determining the country of origin of imported merchandise, with the exception of textile goods which are subject to the provisions of § 102.21. Section 102.11(a)(3) provides that the country of origin of a good is the country in which:

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.

“Foreign material” is defined in § 102.1(e) 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 102.13 provides for a *de minimis* exception for foreign materials that do not undergo the applicable change in tariff classification required in § 102.20. Section 102.13(a) provides:

Except as otherwise provided in paragraphs (b) and (c) of this section, foreign materials that do not undergo the applicable change in tariff classification set out in § 102.20 or satisfy the other applicable requirements of that section when incorporated into a good shall be disregarded in determining the country of origin of the good if the value of those materials is no more than 7 percent of the value of the good or 10 percent of the value of a good of Chapter 22, Harmonized System.

Based on the information provided, the value of the Foamdoctor A10FG, the citric acid and the potassium sorbate, is no more than 7 percent of the value of the flavored sugar syrups. Therefore, these non-originating ingredients are *de minimis* under § 102.13(a) and may be disregarded in applying the tariff shift requirement of § 102.20. The applicable tariff shift requirements in § 102.20 for the flavored syrups at issue are:

A change to a good of subheading 2106.90, other than to compound alcoholic preparations, from any other subheading, except from Chapter 4, Chapter 17, heading 2009, subheading 1901.90 or subheading 2202.90; or

* * *

A change to subheading 2106.90 from Chapter 17, provided that the good contains less than 65 percent by dry weight of sugar.

* * *

For those flavored sugar syrups containing less than 65 percent by dry weight of sugar, the applicable tariff shift requirement set forth in § 102.20, *i.e.*, a change from Chapter 17 to subheading 2106.90, is met. These flavored sugar syrups are goods of Canada and should be marked as such. For those flavored sugar syrups containing 65 percent or more by dry weight of sugar, we must continue the application of the NAFTA Marking Regulations as those syrups do not meet the applicable alternative rule in § 102.20.

Section 102.11(b) provides, in relevant part:

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[.]

* * *

With regard to “essential character,” § 102.18(b) provides:

- (1) For purposes of identifying the material that imparts the essential character of a good under § 102.11, the only materials that shall be taken into consideration are those domestic or foreign materials that are 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. For purposes of this paragraph (b)(1):
- (i) The materials to be considered must be classified in a tariff provision from which a change in tariff classification is not allowed under the specific rule or other requirements applicable to the good under consideration. . . .

As the rule in § 102.20, which is applicable to the flavored sugar syrups containing 65 percent or more by dry weight of sugar, does not allow a change in tariff classification from Chapter 17, the raw sugar is the ingredient that imparts the essential character to the flavored sugar syrups. Therefore, in accordance with § 102.11(b)(1), the countries of origin of the flavored sugar syrups are the countries of origin of the raw sugar.

However, § 102.19(a) provides, in relevant part:

. . . if a good which is originating within the meaning of § 181.1(q) of this chapter is not determined under § 102.11(a) or (b) or § 102.21 to be a good of a single NAFTA country, the country of origin of such good is the last NAFTA country in which that good underwent production other than minor processing, provided that a Certificate of Origin . . . has been completed and signed for the good.

Therefore, the flavored sugar syrups containing 65 percent or more by dry weight of sugar are also goods of Canada and should be marked as such.

As we have determined that the flavored sugar syrups qualify as NAFTA originating goods under GN 12(b) of the HTSUS, they meet the definition of originating within the meaning of § 181.1(q). In addition, the processing which occurs in Canada is more than minor processing as defined in § 102.1(m). Therefore, the flavored sugar syrups qualify to be marked as goods of Canada as required by GN 12(a)(i).

HOLDING:

The flavored sugar syrups qualify for preferential tariff treatment under the NAFTA and should be marked as goods of Canada. NY N271090, dated July 12, 2016, is hereby modified in accordance with this decision. In accordance with 19 U.S.C.

§ 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

[ATTACHMENT B]

HQ H282979

May 23, 2017

OT:RR:CTF:VS H282979 CMR

CATEGORY: Classification

TARIFF NO.: 1702.90.9000

DANIEL E. WALTZ, Esq.
SQUIRE PATTON BOGGS (US) LLP
2550 M STREET, N.W.
WASHINGTON, D.C. 20037

RE: Reconsideration of New York Ruling Letter (NY) N271047; NAFTA eligibility of certain liquid sugar products

DEAR MR. WALTZ:

On June 23, 2016, our New York office issued New York Ruling Letter (NY) N271047 to you in response to a ruling request submitted on behalf of your client, Redpath Sugar. The ruling dealt with the classification of two types of liquid sugars, which are also known as sugar syrups, and the eligibility of the sugar syrups for preferential tariff treatment under the North American Free Trade Agreement (NAFTA). We have had occasion to review this decision and have determined there is an error with regard to the eligibility of the products for preferential tariff treatment under the NAFTA. Therefore, we are modifying NY N271047 as set forth herein.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed modification was published on April 12, 2017, in the *Customs Bulletin*, Volume 51, No. 15. CBP received no comments in response to the notice.

FACTS:

The products at issue are described in NY N271047 as follows:

“The subject matter consists of two types of liquid sugar produced in Canada. Pure Cane Classic Syrup (Lower Brix Formula) is said to contain 81.481 percent liquid sucrose #1, 18.439 percent filtered water, and 0.04 percent potassium sorbate and 0.04 percent citric acid. The liquid sugar consists of raw cane sugar originating in Mexico, Brazil, Guatemala, Costa Rica, Honduras, El Salvador or Nicaragua and is refined in Canada. The potassium sorbate is a product of China and the citric acid is a product of Brazil. Pure Cane Classic Syrup (Higher Brix Formula) is said to contain 77.185 percent liquid sucrose #1, 20 percent medium invert syrup, 2.81 percent filtered water, 0.004 percent potassium sorbate and 0.002 percent citric acid. The liquid sugar consists of raw cane sugar originating in Mexico, Brazil, Guatemala, Costa Rica, Honduras, El Salvador or Nicaragua and is refined in Canada. The medium invert syrup is a product of the United States. The potassium sorbate is a product of China and the citric acid is a product of Brazil.

The syrups will not be further processed upon arrival in the United States (they will not be incorporated in another product in the United States or further refined). They will be shipped packaged (not in bulk). There will be two bottle sizes (750 ml and 375 ml). The syrups (in both sizes) will be sold to food service industry and the retail market. These syrups will be

used for beverage sweetening (e.g. coffee, teas). They will be sold in pump dispensers and the consumer will add the flavored syrups to the beverage of the consumer's choice.

According to Customs Laboratory Report no. NY20152232, dated May 13, 2016, Pure Cane Classic Syrup (Lower Brix Formula) "contains a clear, low viscosity liquid. The sample has a moisture content of 45.2 percent, and a sugar content on a dry basis of 1.6 percent fructose, 3.1 percent glucose and 87.2 percent sucrose. No flavoring, coloring compound or non-sugar soluble solids were detected." Pure Cane Classic Syrup (Higher Brix Formula) "contains a viscous yellow colored liquid. The sample has a moisture content of 33.536 percent, and a sugar content on a dry basis of 6.6 percent fructose, 6.6 percent glucose and 85.0 percent sucrose. No flavorings, coloring compound or non-sugar solids were detected."

The sugar syrups were classified in subheading 1702.90.9000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel: Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 percent by weight of fructose: Other: Other: Other."

NY N271047 discussed the NAFTA eligibility of the sugar syrups and concluded that they met the requirements of General Note (GN) 12(b)(ii)(A) and GN 12(t)/17.1. The ruling concluded that the sugar syrups qualified for preferential tariff treatment under the NAFTA.

ISSUE:

Whether the sugar syrups described in NY N271047 qualify for preferential tariff treatment under the NAFTA.

LAW AND ANALYSIS:

The NAFTA is implemented in General Note (GN) 12 of the HTSUS. GN 12(a)(i) states that goods are eligible for the NAFTA rate of duty if they originate in the territory of a NAFTA party and qualify to be marked as goods of Canada. GN 12(b) sets forth the various methods for determining whether a good originates in the territory of a NAFTA party. Specifically, these provisions provide, in relevant part, as follows:

- (a) Goods originating in the territory of a party to the North American Free Trade Agreement (NAFTA) are subject to duty as provided herein. For the purposes of this note—
 - (i) Goods that originate in the territory of a NAFTA party under the terms of subdivision (b) of this note and that qualify to be marked as goods of Canada under the terms of the marking rules set forth in regulations issued by the Secretary of the Treasury (without regard to whether the goods are marked), and goods enumerated in subdivision (u) of this note, when such goods are imported into the customs territory of the United States and are entered under a subheading for which a rate of duty appears in the "Special" subcolumn followed by the symbol "CA" in parentheses, are eligible for such duty rate,

in accordance with section 201 of the North American Free Trade Agreement Implementation Act.

* * *

- (b) For the purposes of this note, goods imported into the customs territory of the United States are eligible for the tariff treatment and quantitative limitations set forth in the tariff schedule as “goods originating in the territory of a NAFTA party” only if—
- (i) they are goods wholly obtained or produced entirely in the territory Canada, Mexico and/or the United States; or
 - (ii) they have been transformed in the territory of Canada, Mexico and/or the United States so that—
 - (A) except as provided in subdivision (f) of this note, each of the non-originating materials used in the production of such goods undergoes a change in tariff classification described in subdivision (r), (s) and (t) of this note or the rules set forth therein, or
 - (B) the goods otherwise satisfy the applicable requirements of subdivision (r), (s) and (t) where no change in tariff classification is required, and the goods satisfy all other requirements of this note; or
 - (iii) they are goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials;

The sugar syrups are produced in Canada from U.S. or Mexico ingredients and foreign (non-NAFTA party) ingredients. As such, the production in Canada must cause the non-originating ingredients to meet the requisite tariff shift rule set forth in GN 12(t). As the sugar syrups at issue are classified in subheading 1702.90.9000, HTSUS, the applicable tariff shift rule is “A change to headings 1701 through 1703 from any other chapter.”

The raw cane sugar used in producing both syrups includes raw cane sugar originating from non-NAFTA parties, *i.e.*, Brazil, Guatemala, Costa Rica, Honduras, El Salvador or Nicaragua. Raw cane sugar is classified in heading 1701, HTSUS, which provides for “Cane or beet sugar and chemically pure sucrose, in solid form.” As the finished sugar syrups are classified in heading 1702, HTSUS, and the non-originating raw cane sugar is classified in 1701, HTSUS, the non-originating raw cane sugar fails to meet the requisite tariff shift and the finished sugar syrups do not qualify for preferential tariff treatment under the NAFTA.

HOLDING:

The sugar syrups described herein do not qualify for preferential tariff treatment under the NAFTA. NY N271047, dated June 23, 2016, is hereby modified in accordance with this decision. In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**REVOCAION OF TWO RULING LETTERS AND
MODIFICATION OF ONE RULING LETTER, AND
REVOCAION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF FOOTBALL GIRDLES AND
PANTS**

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

ACTION: Notice of revocation of two ruling letters and modification of one ruling letter, and revocation of treatment relating to the tariff classification of football girdles and pants.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking two ruling letters and modifying one ruling letter concerning the tariff classification of football girdles and pants under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017. One comment opposing the proposed action was received on May 11, 2017, and one comment opposing the proposed action was received on May 12, 2017.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 9, 2017.

FOR FURTHER INFORMATION CONTACT: Tatiana Salnik Matherne, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0351.

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) (“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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017, proposing to revoke two ruling letters and modify one ruling letter pertaining to the tariff classification of football girdles and pants. As stated in the notice, this action will cover New York Ruling Letter (NY) N007196, dated February 27, 2007, NY N052472, dated March 6, 2009, and NY M80510, dated March 21, 2006, as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the three identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N007196, NY N052472 and NY M80510, CBP classified the football girdles and pants at issue in heading 9506, HTSUS, specifically in subheading 9506.99.20, HTSUS, which provides for "Articles and equipment for general physical exercise, gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified

or included elsewhere in this chapter; swimming pools and wading pools; parts and accessories thereof: Other: Other: Football, soccer and polo articles and equipment, except balls, and parts and accessories thereof.” CBP has reviewed NY N007196, NY N052472 and NY M80510, and has determined the ruling letters to be in error. It is now CBP’s position that the subject football girdles and pants are properly classified, by operation of GRI 1, in heading 6114, HTSUS. Specifically, the football pants and girdles at issue are classified in subheading 6114.30.30, HTSUS, which provides for “Other garments, knitted or crocheted: Of man-made fibers: Other.”

Pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking NY N007196 and NY N052472, modifying NY M80510, and revoking or modifying any other ruling not specifically identified, to reflect the analysis contained in the Headquarters Ruling Letter (“HQ”) H274971, set forth as an Attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: May 22, 2017

ELIZABETH JUNIOR

For

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachment

HQ H274971

May 22, 2017

CLA-2 OT:RR:CTF:TCM H274971 TSM

CATEGORY: Classification

TARIFF NO.: 6114.30.30

CARLOS MALDONADO
NORMAN KRIEGER, INC.
921 W. ARTESIA BLVD.
RANCHO DOMINGUEZ, CA 90220

RE: Revocation of NY N007196 and NY N052472; Modification of NY M80510; Tariff Classification of football girdles and pants.

DEAR MR. MALDONADO:

This is in reference to New York Ruling Letter (NY) N007196, issued to Wind Enterprises, Inc. on February 27, 2007, concerning the tariff classification of football girdles. This is also in reference to NY M80510, issued to Morningstar Corporation on March 21, 2006, and NY N052472, issued to Under Armour on March 6, 2009. In those rulings, U.S. Customs and Border Protection (“CBP”) classified the subject merchandise under heading 9506, HTSUS, which provides for “Articles and equipment for general physical exercise, gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified or included elsewhere in this chapter; swimming pools and wading pools; parts and accessories thereof.” Upon additional review, we have found this classification to be incorrect. For the reasons set forth below we hereby revoke NY N007196, NY N052472 and modify NY M80510.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625 (c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), a notice was published in the *Customs Bulletin*, Volume 51, No. 15, on April 12, 2017, proposing to revoke NY N007196 and NY N052472, modify NY M80510, and to revoke any treatment accorded to substantially identical transactions. One comment opposing the proposed action was received on May 11, 2017, and one comment opposing the proposed action was received on May 12, 2017. The two comments received are addressed below.

FACTS:

NY N007196, describes the subject merchandise as follows:

The sample merchandise is a youth seven-pad full-length football girdle. The girdle is constructed of Polypropylene sheet with seven EVA foam pads sewn into polyester pockets.

NY M80510, describes the subject merchandise as follows:

Style Padding Pants Football Garment is constructed of knit 92% polyester, 8% spandex fabric. The pant extends to just below the knee and features a double D-ring closure and tunnel elastic leg openings. The

garment has seven (7) permanent non-textile protective pads of thick rubber or rubber and hard plastic that protect the tailbone, hips, front of the thighs and knees.¹

NY N052472, describes the subject merchandise as follows:

Style 1002481 is the MPZ Touchdown Pant made in China. It is a boy's football pant made of 92% polyester and 8% elastane that extends to just below the knee. It contains six permanent protective pads of thick foam and hard plastic that protect the hips, front of the thighs and knees. One specially fitted thick foam pad used to protect the tailbone is removable. These pads are designed for protection against injury with their sole function of directly absorbing impacts, blows or collisions while playing football.

ISSUE:

What is the tariff classification of the subject football girdles and pants?

LAW AND ANALYSIS:

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

The HTSUS provisions under consideration are as follows:

6114	Other garments, knitted or crocheted
	* * *
9506	Articles and equipment for general physical exercise, gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified or included elsewhere in this chapter; swimming pools and wading pools; parts and accessories thereof
	* * *

Section XI Note 1(t) states that “[t]his section does not cover: Articles of chapter 95 (for example, toys, games, sports requisites and nets).” Section XI includes chapter 61, HTSUS. Therefore, by operation of Note 1(t), if the subject merchandise is properly classifiable in chapter 95, HTSUS, then it is precluded from classification in chapter 61, unless it is covered by Note 1(e) to Chapter 95, which excludes “Sports clothing or fancy dress, of textiles, of chapter 61 or 62.”

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

¹ We note that NY M80510 also addressed classification of merchandise style numbers F2545, FTitanium and F4534, which are not at issue here.

The EN to 95.06 states in relevant part:

This heading covers:

* * *

(B) Requisites for other sports and outdoor games ...

* * *

(13) Protective equipment for sports or games, e.g., fencing masks and breast plates, elbow and knee pads, cricket pads, shin-guards, ice hockey pants with built-in guards and pads.

It goes on:

This heading **excludes**:

* * *

(e) Sports clothing of textiles, of **Chapter 61 or 62**, whether or not incorporating incidentally protective components such as pads or padding in the elbow, knee or groin area (e.g., fencing clothing or soccer goalkeeper jerseys).

* * *

The Court of Appeals for the Federal Circuit (CAFC) has issued several opinions considering the tariff term “sports equipment.” The framework crafted in those opinions guides CBP’s analysis and ruling here.

In *Bauer Nike Hockey USA, Inc. v. United States*, 393 F.3d 1236 (Fed. Cir. 2004), the CAFC addressed the classification of padded sports pants that not only were “specially designed and intended for use only while playing ice hockey,” it “protected the wearer from injury by absorbing and deflecting blows, collisions, and flying objects in areas where serious injury may occur,” because it included “an interior assembly of...hard plastic guards and soft...foam padding” that collectively accounted for “about 80% of the total weight of the hockey pants.” *Id.* at 1248. Thereafter, and in light of the *Bauer* decision to classify the hockey pants as “sports equipment” of heading 9506, HTSUS, rather than as sports clothing of chapter 61 or 62, CBP began to evaluate padded sports clothing on a case-by-case basis.

The CAFC revisited these two headings when considering motocross outerwear, jerseys, pants, and jackets, in *LeMans Corp. v. United States*, 660 F.3d 1311 (Fed. Cir. 2011). There the Court observed that while the merchandise was “designed exclusively for use in a particular sport,” *id.* at 1319, and it contained padding that accounted for up to 50% of the total weight of the jerseys, pants, or jackets, ultimately the motocross merchandise was not akin to the exemplars contained in the ENs, which “are almost exclusively used for protection and would complement, or be worn in addition to, apparel worn for a particular sport.” *Id.* at 1322. In crafting a standard moving forward, the CAFC concluded, “to the extent ‘sports equipment’ encompasses articles worn by a user, [the exemplars in the EN] **are not apparel-like** and are almost exclusively protective in nature.” *Id.* at 1320. [Emphasis added]

Most recently, the CAFC applied the combined standards of the above noted cases to football jerseys, pants, and girdles, in *Riddell, Inc. v. United States*, 754 F.3d 1375 (Fed. Cir. 2014). Specifically, the pants and girdles at issue in *Riddell* were described as follows:

The pants, made of polyester and spandex, end just below the knee and have elastic leg openings. They contain four interior pockets to hold

protective pads - two thigh pads and two knee pads. In tandem with a girdle, the pants also help secure three additional pads around a player's waist - two hip pads and one tail pad. The pants are tailored to wear with the protective pads.

The girdles, made of polyester, are worn beneath football pants and extend from the waist to the thigh. They have several internal pockets to hold hip and tail pads. They function, together with the pants, to hold padding in place.

The merchandise in *Riddell* lacked the “transformative elements that were key in *Bauer*.” *Id.* at 1380. Given this deficiency, the products had not lost their character as clothing as it is ordinarily understood. Relevant to this analysis, we emphasize that the CAFC noted an exception, stating, “A narrow exception exists for an item that, as imported, contains a **character-transforming** amount of material not ordinarily found in mere body-covering clothing that functions to provide forms of protection not inherent in common body coverings, e.g., protection against impacts that readily propagate beneath the skin.” *Riddell, supra* at 1380.

We note that the instant football pants are different from the pants in *Riddell* because these pants have pads which are permanently sewn in. We further acknowledge that the protective pants and girdles at issue are specially designed and manufactured to protect against targeted blows and abrasions to the body specific to the sport of football. However, the merchandise considered in *LeMans Corp. v United States, supra*, which included motocross jerseys, motocross jackets and motocross pants, were also found to be designed exclusively for use in a particular sport, *Id.* at 1319. The CAFC held that the merchandise was prima facie classifiable as apparel, and further, chapters 61 and 62 “do not distinguish between apparel designed for general or specific uses,” which is indicated by its inclusion of “track suits, ski-suits[,] and swimwear.” *Id.* at 1317.

While the material and location of the padding may lend the instant pants and girdles to a particular use, for example, while playing football, it does not cause them to be something other than apparel. They have not been so transformed as to lose their character as “apparel.”

This analysis is consistent with the ENs to 95.06, specifically the protective exemplars in the EN 95.06(B) which includes therein, fencing masks, breast plates, elbow and knee pads, cricket pads, shin-guards, ice hockey pants with built-in guards and pads. These exemplars refer to items worn by a user almost exclusively for protection. They do not include articles that are apparel-like; rather, they are articles that have minimal textile components. They are distinguishable from the protective pants and girdles at issue here, and for these reasons, the pants and girdles at issue are not “sports equipment” within the scope of heading 9506, HTSUS.

Therefore, as the subject protective pants and girdles are covered by Note 1(e) to Chapter 95, they are excluded from classification as sports equipment of heading 9506, HTSUS. They are properly classified as “other garments” of heading 6114, HTSUS. See HQ H251142, dated May 29, 2015.

As noted above, we received two comments opposing the proposed revocation of NY N007196, NY N052472 and modification of NY M80510. One commenter argued that the football girdles and pants at issue should be classified in subheading 9506.99.20, HTSUS, as protective sports equipment,

since they are most similar to the hockey pants at issue in *Bauer Nike*. In support of its position, the commenter argued that the football girdles and pants at issue are more similar to hockey pants than to motocross apparel with isolated padding or non-padded football pants, are predominantly of non-textile padding throughout, and have a character-transforming amount of material for protection beyond typical apparel. In this regard, we note that there is no evidence that the protective pads, found in the garments at issue in the above-referenced rulings, comprise about 80% of the total weight of the garments as was the case in *Bauer Nike*. Moreover, consistent with the above analysis, we do not find that the amount of protective padding material found in the garments at issue is sufficient to transform its character from “apparel” to “protective sports equipment.”

One other commenter argued that the pants at issue in NY M80510 should be classified in heading 9506, HTSUS, since they are clearly distinguishable from the motocross pants, jackets, and shirts at issue in *LeMans*. The commenter further contended that it is not the case that the exemplars referenced in the ENs to heading 9506, HTSUS, do not cover pants that are “apparel-like,” since “ice hockey pants with built-in guards and pads” are specifically included in the ENs. In this regard, we note that although we agree that the pants at issue in NY M80510 are different from those at issue in *Lemans*, as stated above we do not find that they have been transformed into “protective sports equipment.” With regard to the “ice hockey pants with built-in guards and pads” specifically referenced in the ENs to heading 9506, HTSUS, we note that this exemplar covers hockey pants that have been transformed from “apparel” to “protective sports equipment,” such as the hockey pants at issue in *Bauer Nike*.

HOLDING:

By application of GRI 1 (Note 1(e) to Chapter 95), we find that the subject merchandise is properly classified under heading 6114, HTSUS. Specifically, it is classified in subheading 6114.30.30, HTSUS, which provides for “Other garments, knitted or crocheted: Of man-made fibers: Other.” The 2017 column one, general rate of duty is 14.9% *ad valorem*.

EFFECT ON OTHER RULINGS:

NY N007196, dated February 27, 2007, and NY N052472, dated March 6, 2009, are hereby REVOKED; NY M80510, dated March 21, 2006, is hereby MODIFIED with regard to the Padding Pants Football Garment.

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

Sincerely,

ELIZABETH JUNIOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**REVOCAION OF A RULING LETTER AND REVOCAION
OF TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF WAFER CATALYSTS**

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 tariff classification of wafer catalysts.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (“CBP”) is revoking a ruling concerning the classification of wafer catalysts, under the Harmonized Tariff Schedule of the United States (“HTSUS”). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 9, 2017.

FOR FURTHER INFORMATION CONTACT: Anthony L. Shurn, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0218.

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) (“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 public and CBP share responsibility in carrying

out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 51, No. 15, on April 12, 2017, proposing to revoke a ruling letter pertaining to the tariff classification of subject merchandise. As stated in the proposed notice, this action will cover CBP Ruling NY N244307 (August 16, 2013), as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ruling identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N244307, CBP classified wafer catalysts in heading 3815, HTSUS, specifically in subheading 3815.12.0000, HTSUS, which provides for "Reaction initiators, reaction accelerators and catalytic preparations, not elsewhere specified or included; Supported catalysts: With precious metal or precious metal compounds as the active substance..." CBP has reviewed N244307 and has determined the ruling letter to be in error. It is now CBP's position that the wafer catalysts are properly classified, by operation of HTSUS General Rule of Interpretation 1, in heading 7115, HTSUS, specifically in subheading 7115.90.60, HTSUS, which provides for "Other articles of precious metal or of metal clad with precious metal: Other: Other: Other..."

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY N244307 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in HQ H249645, set forth as attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: May 22, 2017

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachment

HQ H249645

May 22, 2017

CLA-2 OT:RR:CTF:TCM H249645 ALS

CATEGORY: Classification

TARIFF NO.: 7115.90.60

MS. BIRGIT MOLLER

TAX, CUSTOMS AND EXPORT CONTROL

*HERAEUS HOLDING GMBH**HERAEUSSTRASSE 12-14**D-63450 HANAU, HESSEN, GERMANY*

RE: Revocation of CBP Ruling NY N244307 (August 16, 2013); Tariff Classification of Wafer Catalysts; Harmonized Tariff Schedule of the United States subheading 7115.90.60

DEAR Ms. MOLLER:

This letter responds to your November 13, 2013 request for reconsideration of Customs and Border Protection (CBP) Ruling NY N244307 (August 16, 2013). The request concerns the legal tariff classification under the Harmonized Tariff Schedule of the United States (“HTSUS”) of Wafer Catalysts. Our decision is set forth below.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625 (c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), a notice was published in the CUSTOMS BULLETIN, Vol. 51, No. 15, on April 12, 2017, proposing to revoke CBP Ruling NY N244307 (August 16, 2013), and revoke any treatment accorded to substantially identical transactions. No comments were received in response to the notice.

FACTS:

The facts as stated in NY N244307 are as follows:

The instant product consists of a fiber alloy of precious metals sintered onto a gauze wafer. The fibers are attached to the wafer using a patented sintering process. The metal alloys which make up the active catalytic portion are in pertinent part, a platinum-rhodium complex. Various combinations of Rhodium, Platinum and Palladium are indicated as potential formulations. The wafers are imported as single layers, and are combined after importation, in various thicknesses, based on customer needs. The individual wafers are approximately 1 meter square and in a circular shape. The thickness of the wafers are approximately between 0.5 and 3 mm. Information provided by you in a follow up letter indicate that the wafers are used in the production of Nitric Acid.

In your request for reconsideration, you state that the Wafer Catalysts are “platinum-rhodium non-woven no-grill fabric plate[s]” and they “[consist] of Platinum metal group alloy fibers, sintered together.” You further state that the Wafer Catalysts are intermediate products, with the finished product, “tailor-made ready-to-use catalyst gauze,” being made in the United States. The imported product has no substrate, only platinum fibers that are sintered and non-woven.

You request reconsideration of NY N244307 because you argue that the subject Wafer Catalyst “is not a ‘catalytic preparation’ described in Chapter

38 as it is similar to platinum grill (woven gauze – Chapter 71) *and* there is no substrate (prerequisite for 3815 – ‘Supported catalysts: - With precious metal or precious metal compounds as the active substance’) but the merchandise consists of pure platinum alloy.” CBP ruled in NY N244307 that the wafer catalysts are classified under subheading 3815.12.0000, HTSUS, as “Reaction initiators, reaction accelerators and catalytic preparations, not elsewhere specified or included; Supported catalysts: With precious metal or precious metal compounds as the active substance...”

ISSUE:

Are the Wafer Catalysts, as described above, properly classified under HTSUS heading 3815 as “Reaction initiators, reaction accelerators and catalytic preparations, not elsewhere specified or included”, or under HTSUS heading 7115 as “Other articles of precious metal or of metal clad with precious metal.”

LAW AND ANALYSIS:

Classification under the HTSUS is determined in accordance with the General Rules of Interpretation and, in the absence of special language or context which otherwise requires, by the Additional U.S. Rules of Interpretation (“ARI”). GRI 1 provides that the classification of goods shall be “determined according to the terms of the headings and any relative section or chapter notes.” In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, GRIs 2 through 6 may be applied in order. GRI 6 states that [f]or legal purposes, the classification of goods in the subheadings of a heading shall be determined according to the terms of those subheadings and any related subheading notes and, *mutatis mutandis*, to the above rules, on the understanding that only subheadings at the same level are comparable. For the purposes of this rule, the relative section, chapter and subchapter notes also apply, unless the context otherwise requires.

The HTSUS provisions at issue are as follows:

- 3815 Reaction initiators, reaction accelerators and catalytic preparations, not elsewhere specified or included:
- 3815.90 Other:
- 3815.90.30 Other...
- * * *
- 7115 Other articles of precious metal or of metal clad with precious metal
- 7115.10.00 Catalysts in the form of wire cloth or grill, of platinum...

You state that the Wafer Catalysts are “not a ‘catalytic preparation’ described in Chapter 38 [of the HTSUS] as it is similar to [a] platinum grill (woven gauze – Chapter 71 [, HTSUS]) *and* there is no substrate (prerequisite for 3815 – ‘Supported catalysts: - with precious metal compounds as the active substance’) but the merchandise consists of pure platinum alloy.” [*Emphasis* in original.]

However, note 3(d) of Chapter 71, HTSUS, provides that the chapter does not cover “Supported catalysts (heading 3815).” Additionally, note 1(e) of Chapter 38, HTSUS, provides in pertinent part that “[t]his chapter does not cover... catalysts consisting of metals or metal alloys in the form of, for example, finely divided powder or woven gauze (section XIV or XV).” Accordingly, catalysts of metals or metal alloys in the form, for example, woven gauze, are excluded from Chapter 38 unless they are “supported catalysts” as specifically provided for in Heading 3815. Given the description of the Wafer Catalysts, particularly that there is no substrate or any other kind of supporting substance, we find that that Note 3(d) is not applicable in this case. Note 1(b) of Chapter 71, HTSUS, provides that all articles of precious metal or of metal clad with precious metal are to be classified in Chapter 71. Note 4(b) of Chapter 71 defines Platinum, Rhodium, and Palladium as “platinum.” Note 4(a) of Chapter 71 defines “precious metal” in pertinent part as “platinum.” Thus, the Platinum, Rhodium, and Palladium that comprise the Wafer Catalysts are precious metals for the purposes of Chapter 71.

Heading 3815, HTSUS, provides for, among other things, catalytic preparations, not elsewhere specified or included. Heading 7115, HTSUS, specifically provides for “other articles of precious metal or of metal clad with precious metal.” Having established that the Wafer Catalysts are not supported (which does not exclude them from chapter 71) and that they are comprised of precious metal, we find that they are properly classified under Heading 7115. Specifically, the Wafer Catalysts are classified under subheading 7115.90.60 as “Other articles of precious metal or of metal clad with precious metal: Other: Other: Other...” Subheading 7115.10.00 is not applicable in this case because it has not been established that the Wafer Catalysts are in the form of wire cloth or grill.

HOLDING:

By application of GRI 1, the Wafer Catalysts are properly classified under Heading 7115. Specifically, the Wafer Catalysts are classified under subheading 7115.90.60 as “Other articles of precious metal or of metal clad with precious metal: Other: Other: Other...” The general column one rate of duty, for merchandise classified under this subheading is 4%.

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

EFFECT ON OTHER RULINGS:

CBP Ruling NY N244307 (August 16, 2013) 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.

Sincerely,

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**PROPOSED REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF AN ORNAMENTAL CERAMIC
ARTICLE**

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

ACTION: Notice of proposed revocation of one ruling letter and revocation of treatment relating to the tariff classification of an ornamental ceramic article.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter concerning tariff classification of an ornamental ceramic article under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

DATE: Comments must be received on or before September 8, 2017.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229-1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Suzanne Kingsbury, Electronics, Machinery, Automotives and International Nomenclature Branch, Regulations and Rulings, Office of Trade, at (202) 325-0113.

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) (“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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of an ornamental ceramic article. Although in this notice, CBP is specifically referring to New York Ruling Letter (NY) N201236, dated February 7, 2012 (Attachment A), this notice covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N201236, CBP classified an ornamental ceramic article marketed as the “Majestic Pride Elephant & Baby Tea Light Holder” in

heading 9405, HTSUS, specifically in subheading 9405.50.40, HTSUS, which provides for “other non-electric lamps and lighting fittings.” CBP has reviewed NY N201236 and has determined the ruling letter to be in error. It is now CBP’s position that the “Majestic Pride Elephant & Baby Tea Light Holder” is properly classified, by operation of GRI 1, in heading 6913, HTSUS, specifically in subheading 6913.90.50, HTSUS, which provides for “other ornamental ceramic articles.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N201236 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H274832, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

Before taking this action, consideration will be given to any written comments timely received.

Dated: May 26, 2017

ALLYSON MATTANAH
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N201236

February 7, 2012

CLA-2-94:OT:RR:NC:1:110

CATEGORY: Classification

TARIFF NO.: 9405.50.4000

Ms. DONNA ROBBINS
PARTYLITE WORLDWIDE, INC.
59 ARMSTRONG ROAD
PLYMOUTH, MA 02360

RE: The tariff classification of a ceramic tea light candle holder from China.

DEAR Ms. ROBBINS:

In your letter dated January 20, 2012, you requested a tariff classification ruling.

The merchandise under consideration is identified as the Majestic Pride Elephant & Baby Tea Light Holder. A sample of the item was submitted with your ruling request.

Based on the submitted sample and information that you have provided, the Majestic Pride Elephant & Baby Tea Light Holder is a tea light candle lamp made of ceramic. It features a rectangular base measuring approximately 9 inches wide by 4 inches deep by $\frac{3}{4}$ inches tall with two ceramic elephants. A circular receptacle specifically designed for a standard tea light candle is located at one corner of the base away from the elephants. This location provides unobstructed light to most of the surrounding area. At the opposite end of the base are two elephants glazed in a shiny metallic bronze finish measuring approximately 5 inches tall and 3 inches tall. The tea light candle lamp is designed for placement onto any flat surface.

The applicable subheading for the Majestic Pride Elephant & Baby Tea Light Holder will be 9405.50.4000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Lamps and lighting fittings...: Non-electrical lamps and lighting fittings: Other: Other." The general rate of duty will be 6 percent ad valorem.

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

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Thomas Campanelli at (646) 733-3016.

Sincerely,

THOMAS J. RUSSO

Director

National Commodity Specialist Division

[ATTACHMENT B]

HQ H274832
CLA-2 OT:RR:CTF:CPM H274832 SKK
CATEGORY: Classification
TARIFF NO.: 6913.90.50

Ms. DONNA ROBBINS
PARTYLITE WORLDWIDE, INC.
59 ARMSTRONG ROAD
PLYMOUTH, MA 02360

RE: Reconsideration and revocation of NY N201236; tariff classification of Majestic Pride Elephant and Baby Tea Light Holder; ornamental ceramic article.

DEAR Ms. ROBBINS:

This is to inform you that U.S. Customs and Border Protection (CBP) has reconsidered the tariff classification under the Harmonized Tariff Schedule of the United States (HSTUS) set forth in a ruling, referenced New York Ruling Letter (NY) N201236, that was issued to you on February 7, 2012. At issue in NY N201236 was the classification of a ceramic article described as the "Majestic Pride Elephant & Baby Tea Light Holder" which CBP determined was classifiable under subheading 9405.50.40, HTSUS, as other non-electric lamps and lighting fittings.

FACTS:

The subject article is comprised of a rectangular base measuring approximately 9 inches wide by 4 inches deep by 0.5 inches tall featuring two ceramic elephants. A circular indentation measuring approximately 1.5 inches in diameter is located at the lower right corner of the base. The two ceramic elephants are finished with a metallic bronze glaze and respectively measure approximately 5 inches tall and 3 inches tall. The article is designed for placement onto a flat surface.

ISSUE:

Whether the subject article is classifiable as other non-electrical lamps and lighting fittings of subheading 9405.50.40, HTSUS, or as an ornamental ceramic article of subheading 6913.90.10, HTSUS?

LAW AND ANALYSIS:

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

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. *See* T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The two headings under consideration are, in pertinent part, as follows:

- 6913 Statuettes and other ornamental ceramic articles:
- 9405 Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:

Note 1(l) to Chapter 94 excludes “decorations (other than electric garlands) such as Chinese lanterns (heading 9505)” from the chapter.

The EN to 94.05 provides, in pertinent part:

**(I) LAMPS AND LIGHTING FITTINGS,
NOT ELSEWHERE SPECIFIED OR INCLUDED**

“[L]amps and lighting fittings of this group can be constituted of any material (**excluding** those materials described in Note 1 to Chapter 71) and use any source of light (candles, oil, petrol, paraffin (or kerosene), gas, acetylene, electricity, etc.). Electrical lamps and lighting fittings of this heading may be equipped with lamp-holders, switches, flex and plugs, transformers, etc., or, as in the case of fluorescent strip fixtures, a starter or a ballast.

This heading covers in particular:

(1) Lamps and lighting fittings normally used for the illumination of rooms, e.g.: hanging lamps; bowl lamps; ceiling lamps; chandeliers; wall lamps; standard lamps; table lamps; bedside lamps; desk lamps; night lamps; water-tight lamps.

* * *
* * * *

Note 2(ij) to Chapter 69 provides that this chapter does not cover “[A]rticles of chapter 94 (for example, furniture, lamps and lighting fittings, prefabricated buildings;... .” Therefore, the initial determination is whether the subject article is classifiable under heading 9405, HTSUS, as a lamp or lighting fitting.

Heading 9405, HTSUS, is an *eo nomine* provision that generally includes all forms of the named articles. As noted above, the EN to heading 9405 includes “[L]amps and lighting fittings *normally* used for the illumination of rooms” [emphasis added]. The EN to heading 9405 also defines “lamps and lighting fittings” to include items that “use any source of light” including “candles.” Heading 9405 therefore includes non-electrical lamps and lighting fittings such as those that use candles for illuminations.

CBP does not view the subject article as *prima facie* classifiable in heading 9405, HTSUS. While the article does feature a circular indentation in its base, no form of illumination is provided with the good. Any article of the size and shape of the indentation, including a narrow vase, other container, or tea light, could be placed in the indentation. Were a tea light placed in the indentation, it would primarily light the decorative article itself, enhancing the decorative nature of the article. Hence, the Majestic Pride Elephant & Baby Tea Light Holder is a decorative article with little utility or ability to illuminate a room in its condition as imported. As such, the subject merchandise is precluded from classification in Chapter 94 by Note 1(l) which excludes decorations.

It is further noted that in Headquarters Ruling Letter (HQ) H015087, dated October 26, 2007, CBP classified an article similar in construction to the subject merchandise, described as a Pilgrim Votive Holder made of calcium carbonate derived from stone material and agglomerated with plastics, as an article of cement. In that ruling, CBP determined that the lighting characteristics of the article simply enhanced the decorative nature of the article.

The subject article is an ornamental ceramic article. In the original submission from the importer in NY N201236, there was no claim that the article was made from porcelain or bone china, nor does it appear from a photograph that the article featured a reddish-colored earthenware body. Accordingly, the article is classifiable under heading 6913.90.50, HTSUS, which provides for “[S]tatuettes and other ornamental ceramic articles: Other: Other: Other... .”

HOLDING:

The classification of the Majestic Pride Elephant & Baby Tea Light Holder is revoked. The item is classifiable under subheading 6913.90.50, HTSUS, which provides for “[S]tatuettes and other ornamental ceramic articles: Other: Other: Other... .” The rate of duty is 6% *ad valorem*.

Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY N201236, dated February 7, 2012, is hereby revoked.

Sincerely,

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division



19 CFR PART 177

**REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF DECORATIVE PLUSH
FIGURES**

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

ACTION: Notice of revocation of one ruling letter and revocation of treatment relating to the tariff classification of decorative plush figures.

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 inter-

ested parties that U.S. Customs and Border Protection (CBP) revoking one ruling letter concerning tariff classification of decorative plush figures under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 50, No. 45, on November 9, 2016. One comment supporting the proposed revocation was received in response to that notice. On November 9, 2016, pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1), as amended by section 623 of Title VI, notice of the proposed action was published in the *Customs Bulletin* Vol. 50, No. 45. On December 9, 2016, a comment in support of this revocation was received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 9, 2017.

FOR FURTHER INFORMATION CONTACT: Michelle Garcia, Chemicals, Petroleum, Metals and Miscellaneous Branch, Regulations and Rulings, Office of Trade at (202) 325-1115.

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) (“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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 50, No. 45, on November 9, 2016, proposing to revoke one ruling letter pertaining to the classification of decorative plush figures. As stated in the proposed notice, this action will New York Ruling Letter (“NY”) N264243, dated May 22, 2015, as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N264243, CBP classified two examples, the “Halloween Mickey Mouse (#63692)” and “Halloween Minnie Mouse (#59937)” in heading 6307, HTSUS, specifically in subheading 6307.90.9889, HTSUSA, (Annotated), which provides for “Other made up textile articles, including dress patterns: Other: Other: Other: Other: Other.” CBP has reviewed NY N264243 and has determined the ruling letter to be in error. It is now CBP’s position that the decorative plush figures are properly classified, by operation of GRI 1, in heading 9503, HTSUS, specifically in subheading 9503.00.00, HTSUS, which provides for “toys.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking other ruling not specifically identified to reflect the tariff classification of the subject merchandise according to the analysis contained in HQ H275175, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days

Dated: May 22, 2017

Sincerely,
ALLYSON MATTANAH
for
MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachment

HQ H275175

May 22, 2017

CLA-2 OT: RR: CTF: CPM H275175 MG

CATEGORY: CLASSIFICATION

TARIFF NO.: 9503.00.0090

MR. DAVID PRATA
OHL INTERNATIONAL
CVS HEALTH MAIL CODE 1049
1 CVS DRIVE
WOONSOCKET, RI 02895

RE: Revocation of NY N264243; Tariff Classification of decorative plush figures

DEAR MR. PRATA:

U.S. Customs and Border Protection (CBP) issued CVS/Pharmacy New York Ruling Letter (NY) N264243 on May 22, 2015. NY N264243 pertains to the tariff classification under the Harmonized Tariff Schedule of the United States (HTSUS) of decorative plush figures in two styles: Mickey Mouse and Minnie Mouse. We have since reviewed the tariff classification of the subject decorative plush figures and find it to be in error.

In arriving at this conclusion, this office took into consideration additional product information and marketing materials, which were provided by the manufacturer of the merchandise at issue in NY N264243. Two samples were provided to this office from the manufacturer. One depicted Buzz Lightyear, a character from the movie "Toy Story", and the other depicted the Japanese animated cat "Hello Kitty" holding a jack-o-lantern. NY N264243 classified the two examples, Mickey and Minnie Mouse, from this larger product line, collectively referred to by the manufacturer and counsel as "Greeters". The instant ruling classifies the entire "Greeters" product line, each of which are substantially similar to one another. The Greeters are manufactured by Gemmy Industries (HK) Limited and imported by Gemmy US.

On November 9, 2016, pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed action was published in the *Customs Bulletin* Vol. 50, No. 45. On December 9, 2016, a comment in support of this revocation was received in response to that notice.

FACTS:

NY N264243 states the following:

You have submitted two samples of item number 932257 which you describe as "Halloween Greeters." The Halloween Greeters are plush, decorative figures which will be imported in two styles: Mickey Mouse (#63692) and Minnie Mouse (#59937). Both Halloween Greeters are approximately 22" tall and have textile heads, stuffed hands and firm torsos. The legs have paperboard dowels which extend through the torso and the feet are filled with stone powder to keep the figure upright. You state the material composition of each figure is 55 percent textile, 30 percent stone powder and 15 percent paper.

You state in your letter that the supplier has proposed to classify the items under subheading 9503.00.0073, Harmonized Tariff Schedule of the

United States, (HTSUS), which provides for toys. However, the Halloween Greeters are not toys principally designed for amusement. Rather, they are household decorative articles designed and intended to be used as display items near one's door to greet trick-or-treaters. Moreover, the items will be sold in the seasonal aisle of CVS/pharmacy stores. In addition, the item's construction, stone powder in the feet along with hard pillars for legs to maintain an upright position, also distinguish these items from a class or kind of goods classifiable as toys.

Alternatively, you suggest in your letter that the correct classification of these items may be subheading 9505.90.6000, HTSUS, which provides for festive articles. Although you state the figures will be sold during the Halloween selling season, a commonplace pirate motif, assuming these figures can be recognized as such, is not closely associated with a specific festive occasion, nor is the physical appearance of a generic pirate so intrinsically linked to a specific festive occasion that its use at other times would be considered aberrant.

The applicable subheading for the Mickey Mouse (style #63692) and Minnie Mouse (style #59937) decorative Halloween Greeters, item number 932257, will be 6307.90.9889, HTSUS, which provides for "Other made up textile articles, including dress patterns: Other: Other: Other: Other: Other." The rate of duty will be 7 percent ad valorem.

ISSUE:

Whether the subject Greeters are classified in the textile provision for other made up articles, in heading 6307, HTSUS, or whether they are classified as toys, of heading 9503, HTSUS, or whether they are classified as festive articles of heading 9505, HTSUS.

LAW AND ANALYSIS:

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

The HTSUS headings under consideration are the following:

- | | |
|------|---|
| 6307 | Other made up articles, including dress patterns: |
| 9503 | Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls, other toys; reduced-scale ("scale") models and similar recreational models, working or not; puzzles of all kinds; parts and accessories thereof: |
| 9505 | Festive, carnival or other entertainment articles, including magic tricks and practical joke articles; parts and accessories thereof: |

Note 1(t) to Section XI, which covers textile articles of heading 6307, HTSUS states:

1. This section does not cover:

- (t) Articles of chapter 95 (for example, toys, games, sports requisites and nets)

The Explanatory Notes (ENs) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings at the international level. *See* T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The EN 95.03 states the following, in relevant part:

This heading covers:

(D) Other toys

This group covers toys intended essentially for the amusement of persons (children or adults). ...

These include:

- (i) Toys representing animals or non-human creatures even if possessing predominantly human physical characteristics (e.g., angels, robots, devils, monsters), including those for use in marionette shows.

Note 1(t) to Section XI, which covers Chapter 63, specifically heading 6307, HTSUS, provides that if the subject merchandise is described as an article of Chapter 95, such as a doll or a toy, or a festive article, then it is excluded from Section XI. Therefore, our analysis begins with the scope of heading 9503, HTSUS, and heading 9505, HTSUS, respectively.

The tariff term “toy” is not statutorily defined. The courts and CBP construe statutorily undefined terms in accordance with their common and commercial meaning, which is presumed to be the same. *See E.M. Chems. v. United States*, 920 F.3d 910, 913 (Fed. Cir. 1990). However, the courts, through a series of decisions, have crafted a framework for “toys” of heading 9503, HTSUS, which guides CBP in the instant case.

In *Springs Creative Products Group v. United States*, 35 I.T.R.D. (BNA) 1955, Slip Op. 13-107 (Ct. Int’l Trade Aug. 16, 2013), the Court opined on the tariff classification of a child’s craft kit for making a fleece blanket. In its analysis, the CIT consulted dictionaries, and other reliable sources regarding the meaning of the word “toy.” *See Medline Indus. v. United States*, 62 F.3d 1407, 1409 (Fed. Cir. 1995) (“tariff terms are construed in accordance with their common and popular meaning, and in construing such terms the court may rely upon its own understanding, dictionaries and other reliable sources.”)(citations omitted).

First, the Court consulted *Webster’s Third New International Dictionary of the English Language Unabridged* (1981), at 2419, which provides, in relevant part that “toys” are:

- 3a: something designed for amusement or diversion rather than practical use
 b: an article for the playtime use of a child either representational (as persons, creatures, or implements) and intended esp. to stimulate imagination, mimetic activity, or manipulative skill or nonrepresentational (as balls, tops, jump ropes) and muscular dexterity and group integration.

Next, the Court cited *Merriam Webster's Collegiate Dictionary* (1998) at page 41, which defines "amusement" in relevant part as, "3: a pleasurable diversion." Thus, taken together "[t]his common meaning of toy – an object primarily designed and used for pleasurable diversion – is consistent with its judicial interpretation." *Springs Creative Products Group v. United States*, *supra* at page 15, citing *Processed Plastic Co. v. United States*, 473 F.3d 1164, 1170 (Fed. Cir. 2006) (noting that the principal use of a "toy" is amusement, diversion, or play value rather than practicality); *Minnetonka Brands, Inc. v. United States*, 24 CIT 645, 651 ¶ 37, 110 F. Supp. 2d 1020, 1026 (2000) (noting that for purposes of Chapter 95, HTSUS, "an object is a toy only if it is designed and used for amusement, diversion, or play, rather than practicality").

Factoring in the above, heading 9503, HTSUS, is a "principal use" provision governed by Additional U.S. Rule of Interpretation 1 (a), HTSUS, which provides that: In the absence of special language or context which otherwise requires—a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of goods of that class or kind to which the imported goods belong, and the controlling use is the principal use. *Group Italglass, U.S.A., Inc. v. United States*, 17 CIT 1177, 839 F. Supp. 866 (1993). The Court in *Group Italglass* stressed "that it is the principal use of the class or kind of good to which the imports belong and not the principal use of the specific imports that is controlling under the Rules of Interpretation." *Group Italglass*, 839 F. Supp. at 867. Principal use is defined as the use "which exceeds any other single use." *Automatic Plastic Molding, Inc., v. United States*, 26 CIT 1201, 1205 (2002).

The courts have provided factors, which are indicative but not conclusive, to apply when determining whether merchandise is classifiable under a particular "principal use" tariff provision. These include: general physical characteristics, the expectation of the ultimate purchaser, channels of trade, environment of sale (accompanying accessories, manner of advertisement and display), use in the same manner as merchandise which defines the class, economic practicality of so using the import, and recognition in the trade of this use. See *United States v. Carborundum Company*, 63 CCPA 98, C.A.D. 1172, 536 F. 2d 373 (1976), cert. denied, 429 U.S. 979 (1976). While these factors were developed under the Tariff Schedule of the United States (the predecessor to the HTSUS), the courts, and this office have applied and continue to apply them to the HTSUS. See, e.g., *Minnetonka Brands v. United States*, *supra*; *Aromont USA, Inc. v. United States*, 671 F.3d 1310 (Fed. Cir. 2012), and see *Essex Mfg., Inc. v. United States*, 30 C.I.T. 1 (2006).

The Greeters at issue here are in the shape and form of recognizable licensed animated characters which appeal to children, e.g., Buzz Lightyear, Hello Kitty, Mickey and Minnie Mouse, Snoopy and Charlie Brown, and various Star Wars characters. Full-bodied plush figures, whether or not decorative, have limited utilitarian or practical function. Further, products featuring licensed animated characters which have amusing appearances or manipulative play value belong to a class or kind of merchandise that are principally designed for amusement. See NY N257974, dated October 30, 2014 (classifying "Soft Lites" Squish Toys, and other illumination toys) and NY N059599, dated May 12, 2009 (classifying various stuffed animals). The subject Greeters differ slightly from each other in their individual characteristics, such as limb articulation, and they are relatively large in comparison

to smaller hand-held stuffed animals. However, neither of these factors is dispositive and on balance, the Greeters' physical characteristics are that of a plush article of amusement.

The expectation of the ultimate purchaser, the channels of trade, and the environment of sale also weigh in favor of the Greeter's classification as a toy. The Greeters are sold to myriad retailers that also sell toys, and their displayed location in the stores is alongside other toys. They are pleasing to the eye, provide amusement to onlookers, and would be a normal addition in a child's bedroom or in a daycare environment.

Gemmy does not sell the subject merchandise direct to consumers, rather, Gemmy sells the Greeters to various retailers for sale to customers. On Gemmy's website the Greeters are alternatively listed under the subcategory "Gifts" or "Décor." However, their decorative function is subservient to their play value. Also, being decorative in nature does not preclude the products' classification as a "toy," as some large dolls are also stiff and decorative in nature.

In information provided to this office, Gemmy stated that the subject Greeters are tested and are in compliance with the Consumer Products Safety Improvement Act of 2008 (CPSIA), which mandates certain texting and certification requirements on imports of products for children. Though the considerations or findings of another agency's statutes, regulations, or administrative interpretations are not binding on CBP for tariff classification purposes, they may be valuable, informative, and persuasive. *See Inabata Specialty Chems. v. United States*, 29 C.I.T. 419, 414 (Ct. Int'l Trade 005), citing *Marubeni Am. Corp. v. United States*, 17 C.I.T. 360, 821 F. Supp. 1521, 1528-29 (1993), *aff'd*, 35 F. 3d 530 (Fed. Cir 1994) (vehicle regulated as a "truck" by other agencies classified for tariff purposes as passenger vehicles). *See also Sabritas v. United States*, 22 C.I.T. 59 (Ct. Int'l Trade 1998). Here, the subject Greeters have been tested and determined to be safe pursuant to multiple tests which include lead content, phthalates content, or bisphenol-A (BPA) content. As the goods are sold in channels of trade which include other toys, (i.e., drug stores or other multi-purpose big box retailers), this is good news as a consumer would expect that the Greeters would be safe because they are tested in a similar manner to other toys for sale nearby¹.

It is worth noting that not every product which depicts a recognizable licensed animated character is a "toy" for tariff classification purposes. If the product does not promote pretend and role play, stimulate imagination, combat a child's ennui, promote mimetic activity or provide the opportunity for children to develop manipulative skill or muscular dexterity, then it is not considered a "toy." *See Springs Creative Prods. Group v. United States*, *supra*, at *18, citing *Webster's Third New International Dictionary of the English Language Unabridged* (1981) at 2419.

Further, not all goods which have some level of plush or soft interior are "toys" for tariff classification purposes. Products which are household decorations, but have some element of plush in them will not be classified as toys.

¹ That said, Gemmy also argues that the tariff's citation to 15 U.S.C. § 2052, the statutory definition of "Children's products", means that the Greeters are classified as "toys." But that statutory citation occurs at the statistical 10-digit subheading level. CBP must first determine whether an item is a toy at the heading level, following the GRIs, the Additional Rules of Interpretation, relevant case law and precedent rulings. Only then would a statistical determination at the ten-digit level be made.

See NY N243235, dated July 15, 2013 (classifying the textile Dancing Minnie Lighted Lawn Ornament); NY N207258, dated March 16, 2012 (classifying a textile decorative Mickey Mouse scarecrow, CBP determined that the article was not a toy principally designed for amusement, does not depict a human likeness, and thus is a household decorative article); NY N210135, dated April 6, 2012 (classifying a Bunny Lawn Stake, a woven textile fabric with straw coming out of its arms and legs, deemed not a festival, carnival or other entertainment article); NY M80260, dated February 8, 2006 (classifying textile standing bears). Pursuant to the above analysis, the subject Greeters are *eo nomine* “toys” under a GRI 1 analysis.

That said, some of the Greeters are dressed or adorned with details that indicate specific holidays (i.e., the Yoda Valentine Greeter which features the Jedi Master holding a heart that says “Yoda One For Me,” and a Chewbacca Valentine Greeter, with the Wookiee holding a heart that says “Chewy Loves You”. Also, the Mickey and Minnie Mouse Greeters at issue in NY N264243 were dressed in a manner purportedly depicting a Halloween motif). This indicates that the products could be displayed only seasonally or during a specific holiday in order to promote a festive environment in the home or at a business. Pursuant to GRI 3(a), when goods are *prima facie* classifiable under two or more headings, classification shall be that which provides the most specific description. This is preferred to headings providing a more general description. “Under this so-called rule of relative specificity, we look to the provision with requirements that are more difficult to satisfy and that describe the articles with the greatest degree of accuracy and certainty.” *Orlando Food Corp. v. United States*, 140 F.3d 1437, 1441 (Fed. Cir. 1998).

Here, “toys” are more specific than the “festive articles” heading because the provision for toys covers a narrower set of items. “Toys” is limited to those items which have no utilitarian value, and which promote pretend play for children. “Festive articles” however, need only be closely associated with and used or displayed during a festive occasion. See *Russ Berrie & Company, Inc. v. United States*, 381 F.3d 1334, 1338 (Fed. Cir. 2004).

Because heading 9505, HTSUS, covers a far broader range of items than heading 9503, HTSUS, the latter is more specific than the former. It is also more specific because it describes items by name (“toys”) rather than by class (“festive articles”). *Id.* It therefore follows that the subject Greeters are classifiable under heading 9503, HTSUS.

For all of the aforementioned reasons, the subject decorative plush figures are classified in heading 9503, HTSUS, as toys. This is consistent with CBP rulings of other plush toys, which feature some models depicting holiday motifs. See NY N009125, dated April 13, 2007.

As the subject Greeters are classifiable in heading 9503, HTSUS, then they are excluded from classification in heading 6307, HTSUS, pursuant to the exclusionary language found in Note 1(t) to Section XI, which covers Chapter 63.

HOLDING:

By application of GRI 3(a) and GRI 1, the subject “Greeters” are classified in subheading 9503.00.0090, HTSUSA (Annotated), which provides for, “Tricycles, scooters, pedal cars and similar wheeled toys; dolls’ carriages; dolls, other toys; reduced scale (“scale”) models and similar recreational models, working or not; puzzles of all kinds; parts and accessories thereof: Other.” The column one, general rate of duty is free.

Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided at www.usitc.gov/tata/hts/.

EFFECT ON OTHER RULINGS:

NY N264243, dated May 22, 2015, is hereby REVOKED, as regards the tariff classification of the decorative plush figures.

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

Sincerely,

ALLYSON MATTANAH

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

AGENCY INFORMATION COLLECTION ACTIVITIES:

**Generic Clearance for the Collection of Qualitative
Feedback on Agency Service Delivery**

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

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than September 25, 2017 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0136 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: CBP_PRA@cbp.dhs.gov.

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1651-0136.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change).

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that

yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Affected Public: Individuals and businesses.

Type of Collection: Comment cards.

Estimated Number of Respondents: 10,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 10,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 500 hours.

Type of Collection: Customer Surveys.

Estimated Number of Respondents: 50,000.

Estimated Numbers of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, July 27, 2017 (82 FR 34965)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Application for Waiver of Passport and/or Visa

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

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than September 25, 2017) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0107 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: CBPPRA@cbp.dhs.gov.

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Waiver of Passport and/or Visa.

OMB Number: 1651-0107.

Form Number: DHS Form I-193.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected on Form I-193.

Type of Review: Extension (without change).

Abstract: The data collected on DHS Form I-193, Application for Waiver of Passport and/or Visa, is used by CBP to determine an applicant's identity, alienage, and claim to legal status in the United States, and eligibility to enter the United States. DHS Form I-193 is an application submitted by a nonimmigrant alien seeking admission to the United States requesting a waiver of passport and/or visa requirements due to an unforeseen emergency. It is also an application submitted by an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad requesting a waiver of documentary requirements for good cause. The waiver of the documentary requirements and the information collected on DHS Form I-193 is authorized by Sections 212(a)(7), 212(d)(4), and 212(k) of the Immigration and Nationality Act, as amended, and 8 CFR 103.7(b)(1)(i)(Q), 211.1(b)(3), and 212.1(g). This form is accessible at <https://www.uscis.gov/i-193>.

Affected Public: Individuals.

Estimated Number of Respondents: 25,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,150.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, July 27, 2017 (82 FR 34962)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Notice of Detention

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

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

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email *CBP_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regarding this notice. Individuals

seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 20902) on May 4, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Notice of Detention.

OMB Number: 1651-0073.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Customs and Border Protection (CBP) may detain merchandise when it has reasonable suspicion that the subject merchandise may be inadmissible but requires more information to make a positive determination. If CBP decides to detain merchandise, a Notice of Detention is sent to the importer or to the importer's broker/agent no later than 5 business days from the date of examination stating that merchandise has been

detained, the reason for the detention, and the anticipated length of the detention. The recipient of this notice may respond by providing information to CBP in order to facilitate the determination for admissibility, or may ask for an extension of time to bring the merchandise into compliance. The information provided assists CBP in making a determination whether to seize, deny entry of, or release detained goods into the commerce. Notice of Detention is authorized by 19 U.S.C. 1499 and provided for in 19 CFR 151.16, 133.21, 133.25, and 133.43.

Estimated Number of Respondents: 1,350.

Estimated Number of Total Annual Responses: 1,350.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 2,700.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, July 27, 2017 (82 FR 34963)]



AGENCY INFORMATION COLLECTION ACTIVITIES:

Application for Exportation of Articles Under Special Bond

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

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 20901) on May 4, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Exportation of Articles Under Special Bond.

OMB Number: 1651-0004.

Form Number: CBP Form 3495.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 3495, *Application for Exportation of Articles Under Special Bond*, is an application for exportation of articles entered under temporary bond pursuant to 19 U.S.C. 1202, Chapter 98, subchapter XIII, Harmonized Tariff Schedule of the United States, and 19 CFR 10.38. CBP Form 3495 is used by importers to notify CBP that the importer intends to export goods that were subject to a duty exemption based on a temporary stay in this country. It also serves as a permit to export in order to satisfy the importer's obligation to export the same goods and thereby get a duty exemption. This form is accessible at: <https://www.cbp.gov/newsroom/publications/forms?title=3495&=Apply>.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 30.

Estimated Total Annual Responses: 15,000.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 2,000.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, July 27, 2017 (82 FR 34962)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Entry of Articles for Exhibition

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

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

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email *CBP_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 20371) on May 1, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry of Articles for Exhibition.

OMB Number: 1651-0037.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Goods entered for exhibit at fairs, or for constructing, installing, or maintaining foreign exhibits at a fair, may be free of duty under 19 U.S.C. 1752. In order to substantiate that goods qualify for duty-free treatment, the consignee of the merchandise must provide information to CBP about the imported goods, which is specified in 19 CFR 147.11(c).

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 50.

Estimated Number of Total Annual Responses: 2,500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 832.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, July 27, 2017 (82 FR 34965)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Declaration of Unaccompanied Articles

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

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Bud-

get. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to dhsdeskofficer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 20901) on May 4, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Declaration of Unaccompanied Articles.

OMB Number: 1651-0030.

Form Number: CBP Form 255.

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or the information being collected.

Type of Review: Extension (without change).

Affected Public: Individuals.

Abstract: CBP Form 255, Declaration of Unaccompanied Articles, is completed by travelers arriving in the United States with a parcel or container which is to be sent from an insular possession at a later date. It is the only means whereby the CBP officer, when the person arrives, can apply the exemptions or five percent flat rate of duty to all of the traveler's purchases.

A person purchasing articles in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States receives a sales slip, invoice, or other evidence of purchase which is presented to the CBP officer along with CBP Form 255, which is prepared in triplicate. The CBP officer verifies the information, indicates on the form whether the article or articles were free of duty, or dutiable at the flat rate. Two copies of the form are returned to the traveler, who sends one form to the vendor. Upon receipt of the form the vendor places it in an envelope, affixed to the outside of the package, and clearly marks the package "Unaccompanied Tourist Shipment," and sends the package to the traveler, generally via mail, although it could be sent by other means. If sent through the mail, the package would be examined by CBP and forwarded to the Postal Service for delivery. Any duties due would be collected by the mail carrier. If the shipment arrives other than through the mail, the traveler would be notified by the carrier when the article arrives. Entry would be made by the carrier or the traveler at the customhouse. Any duties due would be collected at that time.

CBP Form 255 is authorized by 19 U.S.C. 1202 (Chapter 98, Subchapters IV and XVI) and provided for by 19 CFR 145.12, 145.43, 148.110, 148.113, 148.114, 148.115 and 148.116. A sample of this form may be viewed at: <https://www.cbp.gov/newsroom/publications/forms?title=255&=Apply>.

Estimated Number of Respondents: 7,500.

Estimated Number of Responses: 15,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 1,250.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

AGENCY INFORMATION COLLECTION ACTIVITIES:**Ship's Store Declaration**

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

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oira_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (## FR ####) on Month ##, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper

performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Ship's Stores Declaration.

OMB Number: 1651-0018.

Form Number: CBP Form 1303.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours. There is no change to the information collected or CBP Form 1303.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 1303, Ship's Stores Declaration, is used by the carriers to declare articles to be retained on board the vessel, such as sea stores, ship's stores (*e.g.*, alcohol and tobacco products), controlled narcotic drugs or bunker fuel in a format that can be readily audited and checked by CBP. This form collects information about the ship, the ports of arrival and departure, and the articles on the ship. CBP Form 1303 form is provided for by 19 CFR 4.7, 4.7a, 4.81, 4.85 and 4.87 and is accessible at: <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201303.pdf>.

Estimated Number of Respondents: 8,000.

Estimated Number of Responses per Respondent: 13.

Estimated Number of Total Annual Responses: 104,000.

Estimated Total Annual Burden Hours: 26,000.

Dated: July 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

