

U.S. Customs and Border Protection



ACCREDITATION AND APPROVAL OF SAYBOLT LP (HOUSTON, TX) AS A COMMERCIAL GAUGER AND LABORATORY

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP (Houston, TX), 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 March 13, 2019.

DATES: Saybolt LP (Houston, TX) was approved and accredited as a commercial gauger and laboratory as of March 13, 2019. The next triennial inspection date will be scheduled for March 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services, 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 Saybolt LP, 16025-A Jacintoport Blvd., 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.

Saybolt LP (Houston, TX) 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.

API chapters	Title
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Saybolt LP (Houston, TX) 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	D 4006	Standard Test Method for Water in Crude Oil 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	D5002	Standard Test Method for Density, Relative Density, and API Gravity 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.
27-50	D 93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
N/A	D 97	Standard Test Method for Pour Point of Petroleum Products.

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 website 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: September 23, 2019.

DAVE FLUTY,
Executive Director,
Laboratories and Scientific Services
Directorate.

[Published in the Federal Register, November 5, 2019 (84 FR 59631)]



APPROVAL OF SGS NORTH AMERICA, INC. (SULPHUR, LA), AS A COMMERCIAL GAUGER

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc. (Sulphur, LA), has been approved to gauge petroleum and petroleum products for customs purposes for the next three years as of July 25, 2018.

DATES: SGS North America, Inc., was approved as a commercial gauger as of July 25, 2018. The next triennial inspection date will be scheduled for July 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Cassata, Laboratories and Scientific Services, 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 151.13, that SGS North America, Inc., 2304 East Burton St., Sulphur, LA 70663, has been approved to gauge petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurements.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website 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: September 23, 2019.

DAVE FLUTY,
Executive Director,
Laboratories and Scientific Services.

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APPROVAL OF SGS NORTH AMERICA, INC. (FREEPORT, TX), AS A COMMERCIAL GAUGER

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc. (Freeport, TX), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of April 3, 2019.

DATES: SGS North America, Inc., was approved as a commercial gauger as of April 3, 2019. The next triennial inspection date will be scheduled for April 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Cassata, Laboratories and Scientific Services, 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 151.13, that SGS North America, Inc., 1740 West 4th St., Suite 108, Freeport, TX 77541, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging

procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurements.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the website 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: September 23, 2019.

DAVE FLUTY,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, November 5, 2019 (84 FR 59629)]

ACCREDITATION AND APPROVAL OF SGS NORTH AMERICA, INC. (SEABROOK, TX), AS A COMMERCIAL GAUGER AND LABORATORY

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc. (Seabrook, TX), has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of October 24, 2018.

DATES: SGS North America, Inc., was accredited and approved as a commercial gauger and laboratory as of October 24, 2018. The next triennial inspection date will be scheduled for October 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Cassata, Laboratories and Scientific Services, 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 SGS North America, Inc., 11729 Port Road, Seabrook, TX 77586, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

SGS North America, 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
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.

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 cbp.labhq@dhs.gov. Please reference the website 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: September 23, 2019.

DAVE FLUTY,
Executive Director,
Laboratories and Scientific Services.

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ACCREDITATION AND APPROVAL OF CAMIN CARGO CONTROL, INC. (GONZALES, LA) AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc. as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Gonzales, LA), 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 April 9, 2019.

DATES: Camin Cargo Control, Inc., was accredited and approved as a commercial gauger and laboratory as of April 9, 2019. The next triennial inspection date will be scheduled for April 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Cassata, 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 Camin Cargo Control, Inc., 2137 S. Phillipe Ave., Gonzales, LA 70737, 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. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.

API chapters	Title
11	Physical Properties Data.
12	Calculations.
17	Marine Measurements.

Camin Cargo Control, 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.
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
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.
27-14	D2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-46	D5002	Density of Crude Oils by Digital Density Meter.
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	D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.
N/A	D 5453	Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence.
N/A	D 6377	Standard Test Method for Determination of Vapor Pressure of Crude Oil: VPCRx (Expansion 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 cbp.labhq@dhs.gov. Please reference the website listed below for the current CBP Approved Gaugers and Accredited Laboratories List. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

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APPROVAL OF INTERTEK USA, INC. (TAMPA, FL) AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Intertek USA, Inc. (Tampa, FL) as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Tampa, FL), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of August 8, 2018.

DATES: Intertek USA, Inc. (Tampa, FL) was approved, as a commercial gauger as of August 8, 2018. The next triennial inspection date will be scheduled for August 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, 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 151.13, that Intertek USA, Inc., 4951A East Adamo Drive, Suite 130, Tampa, FL 33605 has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA, Inc. (Tampa, FL) 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	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is 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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

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**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION (PEÑUELAS, PR) AS A
COMMERCIAL GAUGER AND LABORATORY**

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Peñuelas, PR), 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 September 26, 2018.

DATES: Inspectorate America Corporation (Peñuelas, PR) was approved and accredited as a commercial gauger and laboratory as of September 26, 2018. The next triennial inspection date will be scheduled for September 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services, 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 Inspectorate America Corporation, Road 127 Km. 19.1, Peñuelas, PR 00624, 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. Inspectorate America Corporation (Peñuelas, PR) 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.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation (Peñuelas, PR) 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.
27-04	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.

CBPL No.	ASTM	Title
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.
27-48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D 93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-54	D 1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
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 website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labsscintific/commercial-gaugers-and-laboratories>.

Dated: September 23, 2019.

DAVE FLUTY,
*Executive Director,
 Laboratories and Scientific
 Services Directorate.*

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**ACCREDITATION AND APPROVAL OF INSPECTORATE
 AMERICA CORPORATION (BEAUMONT, TX) AS A
 COMMERCIAL GAUGER AND LABORATORY**

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Beaumont, TX), 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 April 10, 2019.

DATES: Inspectorate America Corporation (Beaumont, TX) was approved and accredited as a commercial gauger and laboratory as of April 10, 2019. The next triennial inspection date will be scheduled for April 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services, 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 Inspectorate America Corporation, 6175 Hwy. 347, Beaumont, TX 77705, 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. Inspectorate America Corporation (Beaumont, TX) 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	Marine Measurement.

Inspectorate America Corporation (Beaumont, TX) 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.
27-05	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.
27-11	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.
27-14	D 2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-46	D 5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-54	D 1796	Standard Test Method for Water and Sediment in Fuel Oils 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 website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labsscific/commercial-gaugers-and-laboratories>.

Dated: September 23, 2019.

DAVE FLUTY,
*Executive Director,
 Laboratories and Scientific
 Services Directorate.*

ACCREDITATION AND APPROVAL OF INSPECTORATE AMERICA CORPORATION (ST. CROIX, USVI) AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation (St. Croix, USVI), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (St. Croix, USVI), 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 June 6, 2019.

DATES: Inspectorate America Corporation (St. Croix, USVI) was approved and accredited as a commercial gauger and laboratory as of June 6, 2019. The next triennial inspection date will be scheduled for June 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services, 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 Inspectorate America Corporation, 1 Estate Hope, St. Croix, USVI 00821, 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. Inspectorate America Corporation (St. Croix, USVI) 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	Marine Measurement.

Inspectorate America Corporation (St. Croix, USVI) 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
27-08	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.
27-48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
N/A	D 2163	Standard Test Method for Determination of Hydrocarbons in Liquefied Petroleum (LP) Gases and Propane/Propene Mixtures by Gas Chromatography.
N/A	D 2598	Standard Practice for Calculation of Certain Physical Properties of Liquefied Petroleum (LP) Gases from Compositional Analysis.

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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
 Laboratories and Scientific
 Services Directorate.*

**ACCREDITATION AND APPROVAL OF AMSPEC LLC
(TAMPA, FL) AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of AmSpec LLC (Tampa, FL), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (Tampa, FL), 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 June 18, 2019.

DATES: AmSpec LLC (Tampa, FL) was approved and accredited as a commercial gauger and laboratory as of June 18, 2019. The next triennial inspection date will be scheduled for June 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, 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 AmSpec LLC, 4951 E Adamo Dr., Suite 208, Tampa, FL 33605, 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.

AmSpec LLC (Tampa, FL) 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	Marine Measurement.

AmSpec LLC (Tampa, FL) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petro-

leum 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
27-08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D 93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

[Published in the Federal Register, November 5, 2019 (84 FR 59635)]

**APPROVAL OF INTERTEK USA, INC (FREEPORT, TX) AS A
COMMERCIAL GAUGER**

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

ACTION: Notice of approval of Intertek USA, Inc (Freeport, TX) as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc (Freeport, TX), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of May 22, 2019.

DATES: Intertek USA, Inc (Freeport, TX) was approved, as a commercial gauger as of May 22, 2019. The next triennial inspection date will be scheduled for May 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, 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 151.13, that Intertek USA, Inc, 214 N Gulf Blvd., Freeport, TX 77541 has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA, Inc (Freeport, TX) 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.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is 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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
 Laboratories and Scientific
 Services Directorate.*

ACCREDITATION AND APPROVAL OF INTERTEK USA, INC. (CHICKASAW, AL) 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. (Chickasaw, AL), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Chickasaw, AL), 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 15, 2019.

DATES: Intertek USA, Inc. (Chickasaw, AL) was approved and accredited as a commercial gauger and laboratory as of May 15, 2019. The next triennial inspection date will be scheduled for May 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, 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., 109 Sutherland Drive, Chickasaw, AL 36611, 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. (Chickasaw, AL) 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	Marine Measurement.

Intertek USA, Inc. (Chickasaw, AL) is accredited for the following laboratory analysis procedures and methods for petroleum and cer-

tain 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.
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.
27-11	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.
27-14	D 2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity 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.
27-50	D 93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53	D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54	D 1796	Standard Test Method for Water and Sediment in Fuel Oils 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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

[Published in the Federal Register, November 5, 2019 (84 FR 59636)]



ACCREDITATION AND APPROVAL OF CAMIN CARGO CONTROL, INC. (NEDERLAND, TX), AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Nederland, TX), has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of March 14, 2019.

DATES: Camin Cargo Control, Inc., was accredited and approved as a commercial gauger and laboratory as of March 14, 2019. The next triennial inspection date will be scheduled for March 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Cassata, 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 Camin Cargo Control, Inc., 1550 Industrial Park Dr., Nederland, TX 77627, has been approved to gauge 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. Camin Cargo Control, Inc., is approved for the following gauging

procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurements.

Camín Cargo Control, 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.
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.
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
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 by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-46	D5002	Density of Crude Oils by Digital Density Meter.
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.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

[Published in the Federal Register, November 5, 2019 (84 FR 59637)]



**ACCREDITATION AND APPROVAL OF CAMIN CARGO
CONTROL, INC. (KENNER, LA), AS A COMMERCIAL
GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Kenner, LA), has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 10, 2019.

DATES: Camin Cargo Control, Inc., was accredited and approved as a commercial gauger and laboratory as of April 10, 2019. The next triennial inspection date will be scheduled for April 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Cassata, 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 Camin Cargo Control, Inc., 2844 Sharon Street, Suite B, Kenner, LA 70062, has been approved to gauge 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. Camin

Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Camín Cargo Control, 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.
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
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.
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
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 by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-46	D5002	Density of Crude Oils by Digital Density Meter.
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.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

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 cbp.labhq@dhs.gov. Please reference the website listed below for the current CBP Approved Gaugers and Accredited Laboratories List. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

[Published in the Federal Register, November 5, 2019 (84 FR 59638)]



**APPROVAL OF INTERTEK USA, INC. (VALDEZ, AK) AS A
COMMERCIAL GAUGER**

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

ACTION: Notice of approval of Intertek USA, Inc. (Valdez, AK), as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Valdez, AK), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of May 17, 2018.

DATES: Intertek USA, Inc. (Valdez, AK) was approved as a commercial gauger as of May 17, 2018. The next triennial inspection date will be scheduled for May 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, 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 151.13, that Intertek USA, Inc., 354 Fairbanks St., Valdez, AK 99686, has been approved to gauge petroleum and

certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA, Inc. (Valdez, AK) 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	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is 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 website 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: September 23, 2019.

DAVE FLUTY,
*Executive Director,
Laboratories and Scientific
Services Directorate.*

[Published in the Federal Register, November 5, 2019 (84 FR 59629)]

**REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF ANTI-REFLECTION COATED
SILICON WAFERS**

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 anti-reflection coated silicon wafers.

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 Modern-

ization) 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 letter concerning tariff classification of anti-reflection coated silicon wafers under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP revokes any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the Customs Bulletin, Vol. 53, No. 31, on September 4, 2019. No comments 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 January 20, 2020.

FOR FURTHER INFORMATION CONTACT: Tom P. Beris, Electronics, Machinery, Automotive, and International Nomenclature Branch, Regulations and Rulings, Office of Trade, at (202) 325–0292.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with 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 19 U.S.C. § 1625(c)(1), a notice was published in the Customs Bulletin, Vol. 53, No. 31, on September 4, 2019, proposing to revoke a ruling letter pertaining to the tariff classification of anti-reflection coated silicon wafers. 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 19 U.S.C. § 1625(c)(2), 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 HQ 957189, dated January 11, 1995, CBP classified anti-reflection coated silicon wafers in heading 8541, HTSUS, specifically in subheading 8541.90.00, HTSUSA (Annotated), which provides for "Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells, whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof...Parts." CBP has reviewed HQ 957189 and has determined the ruling letter to be in error. It is now CBP's position that anti-reflection coated silicon wafers are properly classified, by application of General Rule of Interpretation 1, 2(a) and 6, in subheading 8541.40.60, HTSUSA (Annotated) which provides for "Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells, whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof... Other diodes."

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking HQ 957189 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter ("HQ") H301201, as 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: October 18, 2019

GREGORY CONNOR
for
MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division

Attachment

HQ H301201

October 18, 2019

CLA-2 OT:RR:CTF:EMAIN H301201 TPB

CATEGORY: Classification

TARIFF NO.: 8541.40.60

DR. BO DENYSYK
GLOBAL USA, INC.
2121 K STREET, N.W.
WASHINGTON, D.C. 20037

RE: Revocation of HQ 957189; Classification of anti-reflection coated silicon wafers

DEAR DR. DENYSYK:

On January 11, 1995, U.S. Customs and Border Protection (CBP) issued Headquarters (HQ) Ruling Letter 957189 to you, classifying anti-reflection coated silicon wafers under subheading 8541.90.00, HTSUS, as “Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof...Parts.” After reviewing HQ 957189, we have found it to be in error with respect to the tariff classification.

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 proposing to revoke HQ 957189 was published on September 4, 2019, in Volume 53, Number 31, of the Customs Bulletin. No comments were received in response to this Notice.

FACTS:

In HQ 957189, the anti-reflection silicon wafers were described as follows: “... Kyocera will import Japanese manufactured multi-crystalline silicon wafers [into the United States]. The manufacturing operation in Japan consists of:

1. silicon wafer fabrication;
2. surface treatment;
3. P/N junction formation;
4. back N type layer etching;
5. back surface field formation; and
6. anti-reflection coating.

After importation into the U.S., the anti-reflection coated silicon wafers will be further manufactured into a complete solar panel. The manufacturing operations to be performed in the U.S. entail:

1. patterning;
2. metalization;
3. solder coating;
4. cell inspection;
5. lead wiring;

6. string formation;
7. lamination;
8. curing;
9. framing;
10. joint box fixing; and
11. inspection.

The complete solar panels will then be exported to Mexico and/or Canada.”

ISSUE:

Whether the anti-reflection coated silicon wafers are classified as unfinished diodes or parts of unfinished diodes under the HTSUS.

LAW AND ANALYSIS:

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

In determining the classification of the articles at issue, HQ 957189 determined that the anti-reflection coated silicon wafers were classified under heading 8541 rather than heading 3818 by application of GRI 1. That determination is affirmed in this ruling. With regard to classification under heading 8541, HQ 957189 classified the goods under subheading 8541.40.90, a “parts” provision for photosensitive semiconductor devices. However, considering the condition the anti-reflection coated silicon wafers are in when presented to Customs, an analysis should be made as to whether these are incomplete or unfinished articles, as described by GRI 2(a), which reads:

2. (a) Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this Rule), presented unassembled or disassembled.

In this case, we must determine whether the articles, as presented to Customs, have the essential character of the complete or finished article. As described above, the articles are imported from Japan having already undergone extensive work, including P/N junction formation, back N type layer etching, back surface field formation, and the addition of the anti-reflection coating. Formation of the P/N junction is critical in the functioning of the solar cell. After the P/N junction is created, the cells can optimally gather photons and produce electricity. The essential characteristic of the solar cell

is to convert sunlight into electricity,¹ and it can do so once the P/N junction is put in place.

As such, the subject merchandise are in a state that can convert solar energy into electrical energy, which is the essential character of these goods of subheading 8541.40.60. Therefore, the articles have the essential character of a photosensitive semiconductor devices and should be classified as such, by application of GRI 2(a), under subheading 8541.40.60, HTSUS.

HOLDING:

By application of GRIs 1, 2(a) and 6, the anti-reflection coated silicon wafers are classified under heading 8541, HTSUS, and specifically under subheading 8541.40.60, HTSUS, which provides for “Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells, whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof... Other diodes.” 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*.

EFFECT ON OTHER RULINGS:

HQ 957189, dated January 11, 1995, is hereby REVOKED.

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

Sincerely,

GREGORY CONNOR

for

MYLES B. HARMON,

Director,

Commercial and Trade Facilitation Division

**PROPOSAL TO LIMIT THE DECISIONS OF THE COURT OF
INTERNATIONAL TRADE AND THE COURT OF APPEALS
FOR THE FEDERAL CIRCUIT IN IRWIN INDUSTRIAL
TOOL COMPANY V. UNITED STATES**

**222 F. Supp. 3d 1210 (CIT 2017), *affirmed in* 920 F. 3d 1356
(Fed. Cir. 2019)**

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

¹ See Crystalline Silicon Photovoltaic Cells (Whether or not Partially or Fully Assembled into Other Products), Inv. No. TA-20 1-75 , USITC Pub. 4739, 1-11 (Nov. 2017) (Final), and Crystalline Silicon Photovoltaic Cells and Modules from China, Inv. Nos. 701-TA-481 and 73 I-T A-1190, 9 (Nov. 2012) (Final).

ACTION: Notice of Customs and Border Protection’s proposal to limit the application of the decisions of the Court of Appeals for the Federal Circuit and the Court of International Trade (“CIT”) in the case of *Irwin Industrial Tool Company v. United States*, 222 F. Supp. 3d 1210 (CIT 2017) (“*Irwin I*”), motion for reconsideration *denied in* 269 F. Supp. 3d 1294 (2017) (“*Irwin II*”), affirmed *in* 920 F. 3d 1356 (Fed. Cir. 2019), to the entries before the courts in that litigation (“*Irwin III*”).

SUMMARY: Pursuant to section 625(d), Tariff Act of 1930 (19 U.S.C. § 1625(d)), as amended (19 U.S.C. § 1625(d)), and § 177.10(f) of the Customs Regulations (19 C.F.R. § 177.10(d)), this notice advises interested parties that Customs and Border Protection (“CBP”) proposes to limit the application of the decisions of the Court of International Trade and the Court of Appeals for the Federal Circuit in *Irwin Industrial Tool Company v. United States* to the merchandise in the specific entries before the Court and to locking pliers identical in all material respects to the merchandise in those entries before the Court. Comments are invited on this proposed action.

DATE: Comments must be received on or before December 20, 2019.

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 Street 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: Reema Bogin, Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325–7703.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with 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 19 U.S.C. § 1625(d), this notice advises interested parties that CBP proposes to limit the application of the decisions in *Irwin Industrial Tool Company v. United States* (“*Irwin*”) to the merchandise in the specific entries before the Court and to locking pliers identical in all material respects to the merchandise in those entries before the Court.

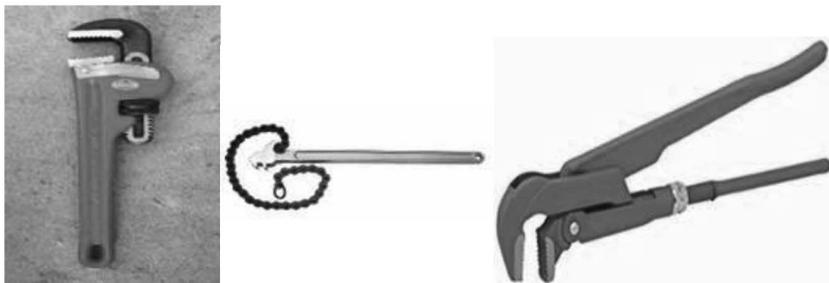
Irwin involved the classification of several styles of hand tools, including straight jaw locking pliers, large jaw locking pliers, curved jaw locking pliers with and without wire cutters, and long nose locking pliers with wire cutters. Based on the function they perform and the manner in which they operate, CBP classified these tools as “wrenches” under heading 8204 of the Harmonized Tariff Schedule of the United States (“HTSUS”), and denied each of Irwin Tool Company’s (“*Irwin*”) protests to classify them as “pliers” under heading 8203, HTSUS. Irwin then filed suit in the CIT, challenging CBP’s classification of the merchandise. The CIT denied CBP’s motion for summary judgment that the tools are properly classified as wrenches under heading 8204, HTSUS, and granted Irwin’s motion for summary judgment that the tools are properly classified as pliers under heading 8203, HTSUS.

At the CIT, CBP relied on dictionary definitions in support of its argument that a wrench is a “tool used to grasp an object and then turn or twist it (*i.e.*, apply torque).” See *Irwin III*, 920 F. 3d 1356, 1358 (citing Appellant’s Br. 17). The CIT found that although a wrench may be designed for a particular use, nothing about the tariff term for “wrenches” suggests a type of use such that the court should declare the tariff term one controlled by use. *Irwin I*, 222 F. Supp. 3d at 1220. Therefore, the CIT concluded that “wrench” is an *eo nomine* term, not one controlled by use. *Id.* It rejected CBP’s proffered definition and defined a wrench referring only to its physical attributes as a “hand tool that has a head with jaws or socks having surfaces adapted to snugly or exactly fit and engage the head of a fastener (as a bolt-head or nut) and a singular handle with which to leverage hand pressure to turn the fastener without damaging the fastener’s head.” *Id.* at 1221.

The CIT held that the products under consideration were not wrenches because they incorporate two handles and jaws that do not necessarily snugly fit the head of a fastener. The CIT specifically noted that the “Defendant has not established that Plaintiff’s tools

have a head with jaws having surfaces adapted to snugly or exactly fit and engage the head of a fastener (such as a bolt-head or nut). Defendant has not established that Plaintiff's tools have a singular handle with which to exert pressure to turn a fastener without damaging the fastener's head." *Irwin I*, 222 F. Supp. 3d. at 1226–27. Instead, the CIT found that the merchandise is classified as pliers under heading 8203, HTSUS, because the tools "1) are versatile hand tools, 2) have two handles, and 3) have two jaws that are flat or serrated and on a pivot, which can be squeezed together to enable the tools to grasp an object." *Irwin II*, 269 F. Supp. 3d 1302.

CBP appealed the decision of the CIT, urging, among other things, that the definition of a wrench proffered therein was too narrow. The definition would not include chain wrenches or oil wrenches, which do not have jaws at all, or pipe wrenches, which sometimes have two handles and have serrated jaws not designed for use on a fastener, or wrenches containing a second lever to lock the jaws around the pipe or fastener. Below are pictures of some of the wrenches the court's definition would exclude:



Furthermore, the description of a wrench in merely physical terms ignores the key difference between a wrench and pliers: the wrench's greater ability to apply torque to the grasped object. However, the Court of Appeals for the Federal Circuit ("CAFC") affirmed the trial court's definition of the term "wrenches" in heading 8204 and held that the tools at issue were properly classified as pliers.

The authority of CBP to limit the application of court decisions involving the classification of imported merchandise has been recognized by the United States Supreme Court and by the U.S. Congress. In *United States v. Stone & Downer*, 274 U.S. 225, 71 L. Ed. 1013, 47 S Ct. 616 (1927), the Supreme Court recognized that the principle of *res judicata* does not apply to judicial decisions involving customs classification of merchandise. In *Stone & Downer*, the Court stated, in relevant part:

The effect of adjudicated controversies arising over classification of importations may well be distinguished from the irrevocable effect of ordinary tax litigation tried in the regular courts. There of course should be an end of litigation as well in customs matters as in other tax cases; but circumstances justify limiting the finality of the conclusion in customs controversies to the identical importation. . . The evidence which may be presented in one case may be much varied in the next. The importance of a classification and its far-reaching effect may not have been fully understood or clearly known when the first litigation was carried through.

Stone & Downer, 274 U.S. at 235.

The CAFC in *Schott Optical Glass, Inc. v. United States*, 750 F. 2d 62, 64 (1984), citing *Stone & Downer*, acknowledged “that in customs classification cases a determination of fact or law with respect to one importation is not *res judicata* as to another importation of the same merchandise by the same parties. The opportunity to relitigate applies to questions of construction of the classifying statute as well as to questions of fact as to the merchandise.”

CBP and Legacy Customs have a long history of limiting the application of certain judicial decisions adverse to the government when it was decided that the same issues should be relitigated in regards to merchandise not identical to those in a particular judicial decision. Congress specifically recognized Customs’ authority by enacting 19 U.S.C. § 1625(d), which states:

(d) Publication of customs decisions that limit court decisions

A decision that proposes to limit the application of a court decision shall be published in the Customs Bulletin together with notice of opportunity for public comment thereon prior to a final decision.

In addition, the CBP Regulations provide at 19 C.F.R. § 177.10(d):

Limiting rulings. A published ruling may limit the application of a court decision to the specific article under litigation, or to an article of a specific class or kind of such merchandise, or to the particular circumstances or entries which were the subject of the litigation.

For the reasons set forth above, CBP believes that the definition applied by the court unduly limits the scope of the term wrench and precludes articles that function as wrenches and are commonly and commercially known as wrenches from classification as wrenches.

Accordingly, CBP proposes to limit the application of the decisions of the Court of International Trade and the Court of Appeals for the Federal Circuit in the case of *Irwin Industrial Tool Company v. United States* to the merchandise in the specific entries before the courts and to locking pliers identical in all material respects to those in *Irwin*. In all other cases, CBP will continue to define a wrench as a tool with a special ability to fixedly grasp an object and allow the user to exert a twisting or wrenching force. A wrench usually contains fixed and adapted jaws or sockets or adjustable jaws, one of which is fixed at the end of a lever for holding or turning a bolt, pipe, or other object. A wrench may have a second handle or lever which serves to lock and release the moveable jaw. Once locked, no force is needed to compress the handles. In the case of a chain pipe wrench or oil wrench, no jaws are necessary.

Before making this decision final, consideration will be given to any written comments timely received on this matter.

Dated: October 24, 2019

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division



**MODIFICATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
COUNTRY OF ORIGIN FOR MARKING PURPOSES OF A
PILL CASE**

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

ACTION: Notice of modification of one ruling letter, and revocation of treatment relating to the country of origin for marking purposes of a pill case.

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 country of origin for marking purposes of a pill case. 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. 53, No. 34, on September 25, 2019. 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 January 20, 2020.

FOR FURTHER INFORMATION CONTACT: Parisa J. Ghazi, Food, Textiles and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0272.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with 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 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 53, No. 34, on September 25, 2019, proposing to modify one ruling letter pertaining to the country of origin for marking purposes of a pill case. 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 19 U.S.C. § 1625(c)(2), 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 New York Ruling Letter ("NY") N153956, dated April 14, 2011, classified a pill case made of cellular plastic sheeting in 4202.32.2000,

HTSUSA. CBP also determined that “the ultimate purchaser of the [pill] case is the consumer who receives the case with the pills” and “[e]ach pill case must be marked” to meet the requirements of 19 U.S.C. § 1304 and 19 C.F.R. part 134.

CBP has reviewed NY N153956 and has determined the ruling letter to be in error with regard to the country of origin marking determinations. It is now CBP’s position that, in accordance with 19 C.F.R. § 134.24(b), it is acceptable to mark the outermost container of the pill cases that will be received by the ultimate purchaser, specifically, the pharmaceutical company, because the pill cases are disposable and they are packed and sold to the pharmaceutical company in multiple units.

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is modifying NY N153956 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter (“HQ”) H303064, 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: October 29, 2019

YULIYA GULIA
for
MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division

Attachment

HQ H303064

October 29, 2019

OT:RR:CTF:FTM H303064 PJG

CATEGORY: Marking

MR. RANDALL GARCIA
JAIME MADURO LLC CUSTOMS BROKERS
STATE ROAD #165 KM. 2.4 CENTRO MERCANTIL INTL.
ADM BLDG. LOCAL 1-03
GUAYNABO, PUERTO RICO 00965

RE: Modification of NY N153956; country of origin marking of a pill case

DEAR MR. GARCIA:

This letter pertains to New York Ruling Letter (“NY”) N153956, dated April 14, 2011, which concerns the country of origin marking and tariff classification under the Harmonized Tariff Schedule of the United States (“HTSUS”) of a pill case. For the reasons set forth below, we are modifying NY N153956 only insofar as to change the country of origin marking determination made in that ruling.¹

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. No. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed action was published on September 25, 2019, in Volume 53, Number 34, of the *Customs Bulletin*. No comments were received in response to this notice.

FACTS:

In NY N153956, the pill case was described as follows:

The item is a pill case; similar in design to a business card case. It is constructed of a [cellular] plastic sheeting material that is not reinforced with a textile material. The case has an interior storage compartment and is designed to provide portability, protection, organization and storage to contraceptive pills. It measures approximately 3.75” (W) x 4.5” (L). The case is of a durable construction and suitable for repetitive use... .

You state in your letter that at the time of importation the outer shipping carton of the pill cases will be marked “Made in China”. After importation the importer will inspect the products and then will send the articles to a pharmaceutical company at which time they will be placed in a package with the pills. You have requested an exception from marking requirements because the articles will not be sold at retail but rather as packing for the pills.

In NY N153956, CBP determined that “the ultimate purchaser of the [pill] case is the consumer who receives the case with the pills” and “[e]ach pill case must be marked” to meet the requirements of 19 U.S.C. § 1304 and 19 C.F.R. part 134.

¹ In Headquarters Ruling Letter (“HQ”) H187695, dated March 6, 2019, we affirmed the tariff classification of the subject merchandise in NY N153956.

ISSUE:

Who is the ultimate purchaser of the pill case and is it acceptable to provide the country of origin marking on the outermost container of the pill cases?

LAW AND ANALYSIS:

The marking statute, Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. § 1304(a)), provides that unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. § 1304 was “that the ultimate purchaser should be able to know by an inspection of the marking on imported goods the country of which the goods is the product. The evident purpose is to mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will.” *United States v. Friedlaender & Co.*, 27 C.C.P.A. 297, 302 (1940).

Part 134 of Title 19 of the Code of Federal Regulations (19 C.F.R. Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. § 1304. Section 134.1(d) (19 C.F.R. § 134.1(d)) provides, in pertinent part, as follows:

- (d) *Ultimate purchaser.* The “ultimate purchaser” is generally the last person in the United States who will receive the article in the form in which it was imported; however, for a good of a NAFTA country, the “ultimate purchaser” is the last person in the United States who purchases the good in the form in which it was imported. It is not feasible to state who will be the “ultimate purchaser” in every circumstance.

The marking requirements include provisions for reusable and disposable containers. Section 134.23 (19 C.F.R. § 134.23) provides the country of origin marking requirements for reusable containers, and we have previously “explained that the type of reusable containers described in section 134.23 fall into two classes: articles such as steel drums, tanks, and other storage or transportation containers; and, containers or holders which have a lasting value or decorative use, such as decorative mustard jars, shaving mugs and cologne bottles.” See HQ H007770 (May 21, 2007). Specifically, 19 C.F.R. § 134.23 provides as follows:

- (a) *Usual and ordinary reusable containers or holders.* Except for goods of a NAFTA country which are usual containers, containers or holders designed for or capable of reuse after the contents have been consumed, whether imported full or empty, must be individually marked to indicate the country of their own origin with a marking such as, “Container Made in (name of country).” Examples of the containers or holders contemplated are heavy duty steel drums, tanks, and other similar shipping, storage, transportation containers or holders capable of reuse. These containers or holders are subject to the treatment specified in General Rule of Interpretation 5(b), Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

- (b) *Other reusable containers or holders.* Containers or holders which give the whole importation its essential character, as described in General Rule of Interpretation 5(a) (19 U.S.C. 1202), must be individually marked to clearly indicate their own origin with a marking such as, "Container made in (name of country)." Examples of the containers contemplated are mustard jars reusable as beer mugs; shaving soap containers reusable as shaving mugs; fancy cologne bottles reusable as flower vases, and other containers which have a lasting value or decorative use.

Section 134.24 (19 C.F.R. § 134.24) provides the country of origin marking requirements for disposable containers. Specifically, 19 C.F.R. § 134.23(a) and (b) provides as follows:

- (a) *Containers ordinarily discarded after use.* Disposable containers or holders subject to the provisions of this section are the usual ordinary types of containers or holders, including cans, bottles, paper or polyethylene bags, paperboard boxes, and similar containers or holders which are ordinarily discarded after the contents have been consumed.
- (b) *Imported empty.* Disposable containers or holders imported for distribution or sale are subject to treatment as imported articles in accordance with the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), and shall be marked to indicate clearly the country of their own origin. However, when the containers are packed and sold in multiple units (dozens, gross, etc.), this requirement ordinarily may be met by marking the outermost container which reaches the ultimate purchaser.

In HQ 731318, dated August 12, 1988, CBP considered the country of origin for marking purposes of vinyl cases that were imported in bulk. The pill cases were to be sold to a pharmaceutical company to be filled with one packet of birth control pills for distribution to the consumer by resale or free distribution. CBP indicated that the pill cases were "quite thin and flimsy in nature and measure approximately 4 ½ inches x 3 ¾ inches." CBP determined that the pill cases were "disposable containers within the meaning of 19 CFR 134.24 since they are an ordinary type of packaging which in most cases would be discarded after the pills have been consumed" and "[u]nlike the reusable containers mentioned in 19 CFR 134.23, the vinyl containers are flimsy and have no lasting value or decorative use." In HQ 731318, CBP decided that "it is acceptable to mark the outermost package which reaches the ultimate purchaser," which CBP identified as the pharmaceutical company.

In NY N153956, CBP determined that the subject pill "case is of a durable construction and suitable for repetitive use." Upon further consideration and review of a sample of the subject merchandise, we disagree. The instant pill case constructed of plastic sheeting material is substantially similar to the merchandise at issue in HQ 731318. Both products are constructed of plastic, and are of a thin, flimsy nature, with "no lasting value or decorative use" and likely to be discarded after the pills contained therein have been consumed. See HQ 731318 (Aug. 12, 1988). Moreover, the subject pill cases are not similar to the two classes of reusable containers provided for in 19 C.F.R. § 134.23, specifically, "shipping, storage, transportation containers or holders

capable of reuse” and “containers which have a lasting value or decorative use.” See also HQ H007770 (May 21, 2007).

The country of origin marking of the instant pill cases is governed by 19 C.F.R. § 134.24, which provides the marking requirements for disposable containers. Pursuant to 19 C.F.R. § 134.24(b), when disposable “containers are packed and sold in multiple units,” as in the instant case, the “outermost container which reaches the ultimate purchaser” may be marked to meet the requirements of 19 U.S.C. § 1304. Consistent with 19 C.F.R. § 134.1(d), the ultimate purchaser of the instant pill cases is the pharmaceutical company because they are “the last person in the United States who will receive the article in the form in which it was imported.” See HQ 731318 (Aug. 12, 1988). Therefore, it is acceptable to mark the outermost container of the pill cases that will be packed and sold to the pharmaceutical company with the country of origin. See 19 C.F.R. § 134.24(b).

HOLDING:

In accordance with 19 C.F.R. § 134.24(b), it is acceptable to mark the outermost container of the pill cases that will be received by the ultimate purchaser, specifically, the pharmaceutical company, because the pill cases are disposable and they are packed and sold to the pharmaceutical company in multiple units.

EFFECT ON OTHER RULINGS:

NY N153956, dated April 14, 2011, is hereby MODIFIED.

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

**REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
COUNTRY OF ORIGIN OF STEEL TUBING**

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 country of origin of steel tubing.

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

tubing. 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. 53, No. 34, on September 25, 2019. 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 January 20, 2020.

FOR FURTHER INFORMATION CONTACT: Parisa J. Ghazi, Food, Textiles and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0272.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with 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 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 53, No. 34, on September 25, 2019, proposing to revoke one ruling letter pertaining to the country of origin of steel tubing. 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 19 U.S.C. § 1625(c)(2), 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 New York Ruling Letter (“NY”) N298549, dated July 31, 2018, applied the NAFTA Marking Rules to determine the country of origin of the steel tubing subject to Section 232 duties. CBP has reviewed NY N298549 and has determined the ruling letter to be in error. It is CBP’s position that a determination of country of origin of steel tubing subject to Section 232 duties requires a substantial transformation analysis.

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking NY N298549 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter (“HQ”) H301494, 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: October 29, 2019

YULIYA GULIA
for
MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division

Attachment

HQ H301494

October 29, 2019

OT:RR:CTF:FTM H301494 PJG

CATEGORY: Origin

MR. ALEX ROMERO
A.F. ROMERO Co.
1749 STERGIOS ROAD
CALEXICO, CA 92231

RE: Revocation of NY N298549; Country of origin of steel tubing from Mexico; 2018 Section 232 trade remedy; Subheading 9903.80.01, HTSUS

DEAR MR. ROMERO:

This letter is to inform you that U.S. Customs and Border Protection (“CBP”) has reconsidered New York Ruling Letter (“NY”) N298549, which was issued to you, on behalf of Merchant Metals Inc., on July 31, 2018. In NY N298549, CBP considered the country of origin of steel tubing, classified under subheading 7306.61.50, Harmonized Tariff Schedule of the United States (“HTSUS”), which provides for “[o]ther tubes, pipes and hollow profiles (for example, open seamed or welded, riveted or similarly closed), of iron or steel: Other, welded, of noncircular cross section: Of square or rectangular cross section: Having a wall thickness of less than 4mm: Of iron or nonalloy steel.” CBP determined the country of origin of the product is the United States pursuant to 19 C.F.R. Part 102. We have reviewed NY N298549 and found it to be incorrect. For the reasons set forth below, we are revoking NY N298549.

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. No. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed action was published on September 25, 2019, in Volume 53, Number 34, of the *Customs Bulletin*. No comments were received in response to this notice.

FACTS:

In NY N298549, the product was described as a “steel tubing/pipe for use as fence posts in ornamental fence panels.” The steel tubing was manufactured in the United States, exported to Mexico for powder painting, iron phosphate treatment to inhibit rust, and chemical etching. The steel tubing was then imported back into the United States. You state that the steel tubing is classified under subheading 7306.61.50, HTSUS, when it is exported to Mexico and when it is imported back into the United States.

CBP issued NY N298549 in response to your request for a country of origin determination for the purposes of application of subheading 9903.80.01 HTSUS, which provides for “[p]roducts of iron or steel provided for in the tariff headings or subheadings enumerated in note 16 to this subchapter, except products of Australia, of Argentina, of South Korea, of Brazil, of Turkey or any exclusions that may be determined and announced by the Department of Commerce” and which applies an additional 25 percent *ad valorem* rate of duty to the column one general rate of duty in the applicable subheading.

ISSUE:

What is the country of origin of the steel tubing imported from Mexico for purposes of application of the 2018 Section 232 trade remedy for goods under subheading 9903.80.01, HTSUS?

LAW AND ANALYSIS:

Effective March 23, 2018, the Department of Commerce imposed an additional tariff on certain steel articles classified in the subheadings enumerated in Section XXII, Chapter 99, Subchapter III, U.S. Note 16, HTSUS. For additional information, see the Federal Register Notice entitled “Adjusting Imports of Steel Into the United States.” 83 Fed. Reg. 11625 (March 15, 2018). Certain steel articles classified in the subheadings enumerated in Section XXII, Chapter 99, Subchapter III, U.S. Note 16, HTSUS, referenced in subheading 9903.80.01, HTSUS, shall continue to be subject to antidumping, countervailing, or other duties and charges that apply to such products. In particular, products classified in subheading 7306.61.50, HTSUS, are subject to the additional tariff under subheading 9903.80.01, HTSUS.

Subheading 9903.80.01, HTSUS¹, provides for an additional duty of 25 percent *ad valorem*, in addition to the duty provided in the applicable subheading. Subheading 9903.80.01, HTSUS, is applicable to “[p]roducts of iron or steel provided for in the tariff headings or subheadings enumerated in note 16 to this subchapter, except products of Australia, of Argentina, of South Korea, of Brazil, of Turkey or any exclusions that may be determined and announced by the Department of Commerce.”

U.S. Note 16 to Chapter 99, Subchapter III, Section XXII, HTSUS, provides, in pertinent part:

- (a) This note and the tariff provisions referred to herein set forth the ordinary customs duty treatment applicable to all entries of the iron or steel products of all countries other than of the United States, when such iron or steel products are classifiable in the headings or subheadings enumerated in subdivision (b) of this note. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed, except as may be expressly provided herein.

...

- (b) The rates of duty set forth in headings 9903.80.01 and subheadings 9903.80.05 through 9903.80.58, inclusive, apply to all imported products of iron or steel classifiable in the provisions enumerated in this subdivision:

...

- (iii) tubes, pipes and hollow profiles provided for in heading 7304 or 7306; tubes and pipes provided for in heading 7305;

...

Any reference above to iron or steel products classifiable in any heading or subheading of chapter 72 or 73, as the case may be, shall mean that any good provided for in the article description of such heading or subheading

¹ In this ruling, we are applying the 2019 Revision 6 version of the HTSUS.

and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.

When determining the country of origin for purposes of applying current trade remedies under Section 301,² Section 232,³ and Section 201,⁴ the substantial transformation analysis is applicable. See HQ H301619 (Nov. 6, 2018); see also HQ 563205 (June 28, 2006); and *Belcrest Linens v. United States*, 741 F.2d 1368, 1370–71 (Fed. Cir. 1984) (stating that “the term ‘product of’ at the least includes manufactured articles of such country or area” and that substantial transformation “is essentially the test used...in determining whether an article is a manufacture of a given country”). In accordance with 19 C.F.R. § 102.0, the 102 marking rules are applicable for the limited purposes of: country of origin marking specified in paragraph 1 of Annex 311 of the North American Free Trade Agreement (“NAFTA”), as implemented under the NAFTA Implementation Act, Pub. L. 103–182, 107 Stat. 2057 (December 8, 1993); determining the rate of duty and staging category applicable to originating textile and apparel products as set out in Section 2 (Tariff Elimination) of Annex 300–B (Textile and Apparel Goods); and determining the rate of duty and staging category applicable to an originating good as set out in Annex 302.2 (Tariff Elimination). As stated above, the Part 102 rules do, however, continue to be applicable for purposes of country of origin marking of NAFTA goods, as defined in 19 C.F.R. § 134.1. See HQ H301619 (Nov. 6, 2018); and HQ H302252 (Feb. 27, 2019).

The test for determining whether a substantial transformation will occur is whether an article emerges from a process with a new name, character or use, different from that possessed by the article prior to processing. See *Texas Instruments Inc. v. United States*, 69 C.C.P.A. 151 (1982). This determination is based on the totality of the evidence. See *National Hand Tool Corp. v. United States*, 16 Ct. Int’l Trade 308 (1992), aff’d, 989 F.2d 1201 (Fed. Cir. 1993).

In *National Hand Tool Corp. v. United States*, the court held that hand tool components imported from Taiwan and used to make flex sockets, speeder handles, and flex handles were not substantially transformed in the United States. *Id.* at 313. The court focused on the fact that the components had been cold-formed or hot-forged into their final shape before importation and their use was predetermined at the time of importation. *Id.* at 311–312. The court stated that the fact that there was only one predetermined use of the imported articles did not preclude the finding of substantial transformation but that the finding would be based on a “totality of the evidence.” *Id.* at 312.

In this case, the steel tubing is manufactured in the United States and exported to Mexico for powder painting, iron phosphate treatment, and

² See Notice of Action and Request for Public Comment Concerning Proposed Determination of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation, 83 Fed. Reg. 28710 (Jun. 20, 2018).

³ See Adjusting Imports of Aluminum Into the United States, 83 Fed. Reg. 11619 (Mar. 15, 2018); and Adjusting Imports of Steel Into the United States, 83 Fed. Reg. 11625 (Mar. 15, 2018).

⁴ See To Facilitate Positive Adjustment to Competition From Imports of Certain Crystalline Silicon Photovoltaic Cells (Whether or Not Partially or Fully Assembled Into Other Products) and for Other Purposes, 83 Fed. Reg. 3541, (Jan. 25, 2018); and To Facilitate Positive Adjustment to Competition From Imports of Large Residential Washers, 83 Fed. Reg. 3553 (Jan. 25, 2018).

chemical etching. Similar to *National Hand Tool Corp. v. United States*, the steel tubing did not undergo a change in name, character, or use due to the processing performed in Mexico. Based on the information provided, the processing performed in Mexico is akin to finishing operations and the steel tubing is not substantially transformed. *See id.*; *see also* HQ H302252 (Feb. 27, 2019) (CBP determined that the U.S.-origin steel tube was not substantially transformed after undergoing assembly operations in Mexico, which “involve[d] welding a flange to the bottom of the tube, powder coating the tube and flange, and soldering a steel cap on the end of the tube”).

As the steel tubing of U.S. origin is not substantially transformed in Mexico, the steel tubing remains a product of the United States. Therefore, in accordance with U.S. Note 16 to Chapter 99, Subchapter III, Section XXII, the steel tubing is not subject to the additional 25 percent *ad valorem* rate of duty under subheading 9903.80.01, HTSUS, because it is a steel product of the United States.

HOLDING:

The country of origin of the steel tubing for purposes of the 2018 Section 232 trade remedy is the United States. Therefore, the steel tubing is not subject to the Section 232 trade remedy measures and the additional 25 percent *ad valorem* rate of duty under subheading 9903.80.01, HTSUS, will not apply.

EFFECT ON OTHER RULINGS:

NY N298549, dated July 31, 2018, is hereby REVOKED.

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

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

◆◆◆◆◆

**PROPOSED REVOCATION OR MODIFICATION OF THREE
RULING LETTERS AND PROPOSED REVOCATION OF
TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF PUMP DISPENSERS**

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

ACTION: Notice of proposed revocation or modification of three ruling letters and proposed revocation of treatment relating to the tariff classification of pump dispensers.

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) intends to revoke two ruling letters and modify one ruling letter concerning tariff classification of pump dispensers 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 December 20, 2019.

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: Dwayne Rawlings, Electronics, Machinery, Automotive and International Nomenclature Branch, Regulations and Rulings, Office of Trade, at (202) 325-0025.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with 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 19 U.S.C. § 1625(c)(1), this notice advises interested parties that CBP is proposing to revoke two ruling letters and modify one ruling letter pertaining to the tariff classification of pump dispensers. Although in this notice, CBP is specifically referring to New York Ruling Letters ("NY") N249630 (February 4, 2014), NY N299353 (August 20, 2018) and NY N298787 (August 1, 2018) (Attachments A,

B and C), this notice also 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 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 advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), 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 comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N249630, NY N299353 and NY N298787, CBP classified pump dispensers in heading 8424, HTSUS, specifically in subheading 8424.20.10, HTSUS, which provides for "Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders: ... parts thereof: Spray guns and similar appliances: Simple piston pump sprays and powder bellows." CBP has reviewed NY N249630, NY N299353 and NY N298787, and has determined the ruling letters to be in error. With respect to the classification of the pump dispensers, it is now CBP's position that the pump dispensers are properly classified, in heading 8424, HTSUS, specifically in subheading 8424.89.90, HTSUS, which provides for "Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders: ... parts thereof: Other appliances: Other."

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to revoke or modify NY N249630, NY N299353 and NY N298787, and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter ("HQ") H305296, set forth as Attachment D 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: October 30, 2019

GREGORY CONNOR
for
MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division

Attachments

ATTACHMENT A

N249630

February 4, 2014
CLA-2-84:OT:RR:NC:N1:106
CATEGORY: Classification
TARIFF NO.: 8424.20.1000

TED CONLON, OPERATIONS MANAGER
FOURSTAR GROUP USA, INC.
189 MAIN STREET, SUITE 31
MILFORD, MA 01757-2627

RE: The tariff classification of soap pump dispensers from China

DEAR MR. CONLON,

In your letter dated January 17, 2014, you requested a tariff classification ruling.

The items being considered have been identified as a Glass Mason Jar Style Hand Soap Pump Dispenser (Item # 61150284) and a Plastic Mason Jar Style Hand Soap Pump Dispenser (Item # 61119598). From the photographs included in your ruling request, the liquid soap is dispensed by hand activation of a piston pump mechanism which is attached to the top of, and inserted into the reservoir which holds the liquid soap.

The applicable classification subheading for the Glass Mason Jar Style Hand Soap Pump Dispenser (Item # 61150284) and a Plastic Mason Jar Style Hand Soap Pump Dispenser (Item # 61119598) will be *8424.20.1000*, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; ... parts thereof: Spray guns and similar appliances: Simple piston pump sprays and powder bellows." The general rate of duty will be 2.9%.

Duty rates are provided for your convenience and are subject to change. The text of the most recent Harmonized Tariff Schedule of the United States and the accompanying duty rates are provided on the 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 this ruling, please contact National Import Specialist Matthew Sullivan at 646-733-3013.

Sincerely,

GWENN KLEIN KIRSCHNER
Acting Director

National Commodity Specialist Division

ATTACHMENT B

N299353

August 20, 2018
CLA-2-84:OT:RR:NC:N1:105
CATEGORY: Classification
TARIFF NO.: 8424.20.1000

RAJ BUDHRANI
CHF INDUSTRIES, INC.
ONE PARK AVENUE, 9TH FLOOR
NEW YORK, NY 10016

RE: The tariff classification of pump dispensers from China

DEAR MR. BUDHRANI:

In your letter received July 24, 2018, you requested a tariff classification ruling. Samples were provided.

The merchandise at issue consists of four types of pump dispensers imported with their reservoirs. The dispensers, identified as Items A through D, largely resemble one another in form and function, though their reservoirs are made of different materials. Item A features a reservoir made of ceramic material, Item B has a reservoir made of resin material, Item C's reservoir is made of glass, while Item D's reservoir is made of aluminum. The pump dispensers are designed to dispense the contents of the reservoir when the pump mechanism is manually actuated. In this respect, the dispensers at issue resemble the soap pump dispensers described in New York Ruling Request *N249630*, dated February 4, 2014.

The applicable subheading for the the pump dispensers will be *8424.20.1000*, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar; steam or sand blasting machines and similar jet projecting machines; parts thereof: Spray guns and similar appliances: Simple piston pump sprays and powder bellows. The rate of duty will be 2.9% ad valorem.

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

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 Evan Conceicao at evan.m.conceicao@cbp.dhs.gov.

Sincerely,

STEVEN A. MACK

Director

National Commodity Specialist Division

ATTACHMENT C

N298787

August 1, 2018

CLA-2-84:OT:RR:NC:N1:105

CATEGORY: Classification

TARIFF NO.: 8413.20.0000, 8424.20.1000

TAMI MOSLEY
SALLY BEAUTY HOLDINGS
3001 COLORADO BLVD
DENTON, TX 76210

RE: The tariff classification cosmetic dispensers and pumps from China

DEAR Ms. MOSLEY:

In your letter dated June 20, 2018, you requested a tariff classification ruling. Samples were provided.

Your submission concerns five plastic bottles with attached spray or pump dispensers, and two pump dispensers without a reservoir.

Items 1 and 2 are plastic pump dispensers with nozzles. The products are constructed largely of plastic and consist of a nozzle dispenser, a metal spring, and a feed tube. Both pump dispensers are intended to be used with plastic bottles to dispense liquids such as shampoo, conditioner, or cosmetic preparations. The two articles are imported separately from the bottles with which they will used.

Items 3 and 4 are described as plastic bottles with attached plastic pump action heads. Each pump actuator head has three small holes through which the contents of the bottle can be dispensed. Both pump actuators utilize a spring piston to create suction, and when depressed, dispense the contents of the plastic bottle.

Items 5, 6 and 7 are plastic bottles that are imported with the pump dispensers already installed. These products are intended to dispense liquids such as shampoo, conditioner, etc. They operate in a matter similar to that of the soap pump dispensers described in New York Ruling Letter *N249630*, dated February 4, 2014. You suggest classification of the products covered by your submission in subheading *8424.20.1000*, Harmonized Tariff Schedule of the United States (HTSUS), which covers simple piston pump sprays and powder bellows. Headquarters Ruling Letter *H237855*, dated December 31, 2013, determined that pump dispensers imported without the reservoirs with which they are used are not classified in heading 8424. Consequently, the articles identified as Items 1 and 2 in your submission would not be classified in subheading *8424.20.1000*.

The applicable subheading for Items 1 and 2 will be subheading *8413.20.0000*, HTSUS, which provides for pumps for liquids, whether or not fitted with a measuring device;...hand pumps, other than those of subheading 8413.11 or 8413.19. The rate of duty will be free.

The applicable subheading Items 3 through 7 will be subheading *8424.20.1000*, HTSUS, which provides for Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar; steam or sand blasting machines and similar jet projecting machines; parts thereof: Spray guns and similar appliances: Simple piston pump sprays and powder bellows. The rate of duty will be 2.9% 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 <https://hts.usitc.gov/current>.

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 Evan Conceicao at evan.m.conceicao@cbp.dhs.gov.

Sincerely,

STEVEN A. MACK

Director

National Commodity Specialist Division

ATTACHMENT D

HQ H305296
CLA-2 OT:RR:CTF:EMAIN H305296 DSR
CATEGORY: Classification
TARIFF NO.: 8424.89.90

TED CONLON, OPERATIONS MANAGER
FOURSTAR GROUP USA, INC.
189 MAIN STREET, SUITE 31
MILFORD, MA 01757-2627

RAJ BUDHRANI
CHF INDUSTRIES, INC.
ONE PARK AVENUE, 9TH FLOOR
NEW YORK, NY 10016

TAMI MOSLEY
SALLY BEAUTY HOLDINGS
3001 COLORADO BLVD.
DENTON, TX 76210

RE: Revocation of NY N249630 and NY N299353; Modification of NY N298787; Classification of pump dispensers

DEAR MR. CONLON, MR. BUDHRANI AND MS. MOSLEY:

In New York Ruling Letters (“NY”) N249630 (February 4, 2014), NY N299353 (August 20, 2018) and NY N298787 (August 1, 2018), U.S. Customs and Border Protection (“CBP”) classified pump dispensers under subheading 8424.20.1000, of the Harmonized Tariff Schedule of the United States (“HTSUS”), which provides for “Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids . . . : Spray guns and similar appliances: Simple piston pump sprays and powder bellows.” CBP has reviewed those rulings and determined that the classification provided for the pump dispensers is incorrect and, therefore, those rulings must be revoked or modified for the reasons set forth in this ruling.

FACTS:

In NY N249630, the merchandise is described as a Glass Mason Jar Style Hand Soap Pump Dispenser (Item # 61150284) and a Plastic Mason Jar Style Hand Soap Pump Dispenser (Item # 61119598). The liquid soap is dispensed by hand activation of a piston pump mechanism which is attached to the top of, and inserted into the reservoir which holds the liquid soap.

In NY N299353, the merchandise is described as four types of pump dispensers imported with their reservoirs. The dispensers, identified as Items A through D, largely resemble one another in form and function, though their reservoirs are made of different materials. Item A features a reservoir made of ceramic material, Item B has a reservoir made of resin material, Item C’s reservoir is made of glass, while Item D’s reservoir is made of aluminum. The pump dispensers are designed to dispense the contents of the reservoir when the pump mechanism is manually actuated. The ruling notes that in this respect, the dispensers at issue resemble the soap pump dispensers described in New York Ruling Request N249630, *supra*.

In N298787, the relevant merchandise is identified as Items 3 through 7. Items 3 and 4 are described as plastic bottles with attached plastic pump

action heads. Each pump actuator head has three small holes through which the contents of the bottle can be dispensed. Both pump actuators utilize a spring piston to create suction, and when depressed, dispense the contents of the plastic bottle. Items 5, 6 and 7 are plastic bottles that are imported with the pump dispensers already installed. These products are intended to dispense liquids such as shampoo, conditioner, etc. The ruling notes that, in this respect, the items resemble the soap pump dispensers described in New York Ruling Request N249630, *supra*.

ISSUE:

Whether the pump dispensers are classifiable as other mechanical appliances for projecting, dispersing or spraying liquids under subheading 8424.89.90, HTSUS, or as spray guns and similar appliances under subheading 8424.20.10, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is governed by 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. The HTSUS provisions under consideration in this case are as follows:

8424	Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; . . .
	* * *
8424.20	Spray guns and similar appliances:
8424.20.10	Simple piston pump sprays and powder bellows
	* * *
	Other appliances:
	* * *
8424.89.90	Other
	* * * *

There is no dispute that the subject items are classified in heading 8424, HTSUS. At issue is the proper 6-digit subheading. GRI 6 states:

For 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 Harmonized Commodity Description and Coding System Explanatory Notes (“ENs”) constitute the official interpretation of the Harmonized Tariff System. While not 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 (Aug. 23, 1989).

The subheading ENs state that subheading 8424.20 covers the appliances described in Part (B) of the EN to heading 84.24. The EN 84.24(B) provides:

Spray guns and similar hand controlled appliances are usually designed for attaching to compressed air or steam lines, and are also connected,

either directly or through a conduit, with a reservoir of the material to be projected. They are fitted with triggers or other valves for controlling the flow through the nozzle, which is usually adjustable to give a jet or more or less divergent spray. They are used for spraying paint or distemper, varnishes, oils, plastics, cement, metallic powders, textile dust . . . projecting a powerful jet of compressed air or steam for cleaning stonework in buildings, statuary, etc.. They may also be used for projecting a powerful jet of compressed air or steam for cleaning stonework in buildings, statuary, etc.

This group also includes separately presented hand controlled “anti-smudge” spraying devices for fitting to printing machines, and hand controlled metal spraying pistols operating either on the principle of a blow pipe, or by the combined effect of an electric heating device and a jet of compressed air.

Hand controlled spray guns with self-contained electric motor, incorporating a pump and a container for the material to be sprayed (paint, varnish, etc.), are also covered by the heading.

The HTSUS does not define the term “spray gun.” The common meaning of a term is generally afforded deference when determining its proper interpretation for tariff purposes. *See Toyota Motor Sales (U.S.A.), Inc. v. United States*, 7 C.I.T. 178, 182, 585 F. Supp. 649, 653 (1984), *aff’d*, 753 F.2d 1061 (Fed. Cir. 1985); *Nippon Kogaku (USA), Inc. v. United States*, 69 C.C.P.A. 89, 92, 673 F.2d 380, 382 (1982). Dictionaries and other lexicographic authorities may be utilized to determine a term’s common meaning. *See Mast Indus., Inc. v. United States*, 9 C.I.T. 549 (1985), *aff’d*, 786 F.2d 1144 (Fed. Cir. 1986). The compact Oxford English Dictionary defines spray gun as “a device resembling a gun which is used to spray a liquid such as paint under pressure.” As described in the ENs, spray guns are usually designed for attaching to compressed air or steam lines, are connected with a reservoir with the material to be projected, and are fitted with a trigger or valve to control the flow through the nozzle. x, and do not fall within the description of subheading 8424.20, HTSUS.

Subheading 8424.89.90, HTSUS, provides for other mechanical appliances for projecting or dispersing liquids. We have previously determined that hand-operated pump dispensers that operate in a manner similar to the instant items are classified in subheading 8424.89, HTSUS. *See* HQ H070635 (July 13, 2010); HQ H012731 (March 27, 2008); HQ 956522 (August 29, 1994); HQ 956530 (August 29, 1994). Accordingly, we conclude that the subject pump dispensers hand pump are classified in subheading 8424.89, HTSUS.

HOLDING:

Pursuant to GRIs 1 and 6, the pump dispensers of NY N249630, NY N299353 and NY N298787 are classifiable under subheading 8424.89.90, HTSUS, which covers “Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids . . . : Other appliances: Other.” The column one, general rate of duty is 1.8% *ad valorem*. Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the Internet at *www.usitc.gov*.

EFFECT ON OTHER RULINGS:

NY N249630 (February 4, 2014), NY N299353 (August 20, 2018) are revoked in accordance with this decision. NY N298787 (August 1, 2018) is modified.

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

Sincerely,

MYLES B. HARMON,

Director,

Commercial and Trade Facilitation Division