

U.S. Customs and Border Protection



GENERAL NOTICE

19 CFR PART 177

WITHDRAWAL OF PROPOSED MODIFICATION AND REVOCATION OF RULING LETTERS

RELATING TO THE CUSTOMS POSITION ON THE APPLICATION OF THE JONES ACT TO THE TRANSPORTATION OF CERTAIN MERCHANDISE AND EQUIPMENT BETWEEN COASTWISE POINTS

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

ACTION: Notice withdrawing the July 17, 2009, proposed notice of modification and revocation of headquarters' ruling letters relating to U.S. Customs and Border Protection's ("CBP") position regarding the application of the coastwise laws to certain merchandise and vessel equipment that are transported between coastwise points.

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) and the regulations promulgated under the authority of 19 U.S.C. § 1625, 19 C.F.R. § 177.12, on July 17, 2009, CBP published a notice in which it proposed modifying its position regarding how it determines what constitutes "vessel equipment" as defined in T.D. 49815(4) and the application of T.D. 49815(4) in cases involving the transportation of merchandise under 46 U.S.C. § 55102 and its position regarding which merchandise may be transported between coastwise points without violating 46 U.S.C. § 55102, and accordingly, its interpretation of T.D. 78-387 (Oct. 7, 1976). One Hundred and Forty One comments were received in response to the July 17, 2009, notice. This notice is withdrawing the July 17, 2009, notice.

DATES: This notice is effective October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Lisa L. Burley, Cargo Security, Carriers, and Immigration Branch, at (202) 325-0215.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, and the regulations promulgated thereunder, 19 C.F.R. § 177.12, notice proposing to modify its position regarding which merchandise may be transported between coastwise points without violating 46 U.S.C. § 55102, and its position regarding how it determines what constitutes “vessel equipment” under T.D. 49815(4) (Mar. 13, 1939) and the application of T.D. 49815(4) in cases involving the transportation of merchandise under 46 U.S.C. § 55102 was published *Customs Bulletin*, Vol. 43, Number 28, July 17, 2009. One hundred and forty one comments were received in response to the notice.

Based on several substantive comments CBP received, both supporting and opposing the proposed action, and CBP’s further research on the issue, we conclude that CBP’s interpretation of T.D. 78-387 and T.D. 49815(4) and its application to the rulings cited within the proposed action should be reconsidered. Accordingly, CBP is withdrawing for consideration its proposed action relating to its interpretation of T.D. 78-387 and T.D. 49815(4) set forth in the July 17, 2009, notice. A new notice which will set forth CBP’s proposed action

relating to its interpretation of T.D. 78–387 and T.D. 49815(4) will be published in the *Customs Bulletin* in the near future.

Dated: September 15, 2009

CHARLES RESSIN,
Acting Director
Border Security and Trade Facilitation Division

**AGENCY INFORMATION COLLECTION ACTIVITIES:
Application for Foreign Trade Zone and/or
Status Designation, and Application for
Foreign Trade Zone Activity Permit**

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

ACTION: 60-Day Notice and request for comments; Revision of an existing collection of information: 1651–0029.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Foreign Trade Zone Admission and/or Status Designation, and Application for Foreign Trade Zone Activity Permit. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 13, 2009 , to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Office of Regulations and Rulings, 799 9th Street, NW, 7th Floor, Washington, DC. 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW, 7th Floor, Washington, DC. 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION:

CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Application for Foreign Trade Zone Admission and/or Status Designation, and Application for Foreign Trade Zone Activity Permit

OMB Number: 1651–0029

Form Number: CBP Forms 214, 214A, 214B, 214C, and 216

Abstract: CBP Forms 214, 214A, 214B, and 214C, Application for Foreign-Trade Zone Admission and/or Status Designation, are used by companies that bring merchandise into a foreign trade zone to register the admission of such merchandise into zones, and to apply for the appropriate zone status. Form CBP–216, Foreign-Trade Zone Activity Permit, is used by companies to request approval to manipulate, manufacture, exhibit or destroy merchandise in a foreign trade zone.

Current Actions: CBP is proposing to decrease the burden hours associated with this collection of information as a result of better estimates of the total number of annual responses for Form 214.

Type of Review: Extension (with change)

Affected Public: Businesses

Form 214, Application for Foreign-Trade Zone Admission and/or Status Designation

Estimated Number of Respondents: 6,749

Estimated Number of Annual Responses per Respondent: 25

Estimated Total Annual Responses: 168,725

Estimated Time Per Respondent: 15 minutes

Estimated Total Annual Burden Hours: 42,182

Form 216, Application for Foreign-Trade Zone Activity Permit

Estimated Number of Respondents: 2,500

Estimated Number of Annual Responses per Respondent: 10

Estimated Total Annual Responses: 25,000

Estimated Time Per Respondent: 10 minutes

Estimated Total Annual Burden Hours: 4,167

Dated: September 9, 2009

TRACEY DENNING
Agency Clearance Officer
Customs and Border Protection

[Published in the Federal Register September 14, 2009 (74 FR 47014)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
Deferral of Duty on Large Yachts Imported for Sale**

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

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651-0080

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Deferral of Duty on Large Yachts Imported for Sale. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (74 FR 23875) on May 21, 2009, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before October 13, 2009.

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

SUPPLEMENTARY INFORMATION:

U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Deferral of Duty on Large Yachts Imported for Sale

OMB Number: 1651-0080

Form Number: None

Abstract: Section 2406(a) of the Miscellaneous Trade and Technical Corrections Act of 1999 provides that an otherwise dutiable “large yacht” may be imported without the payment of duty if the yacht is imported with the intention to offer for sale at a boat show in the U.S.

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

Type of Review: Extension (without change)

Affected Public: Business and non-profit institutions

Estimated Number of Respondents: 100

Estimated Time Per Respondent: 1 hour

Estimated Total Annual Burden Hours: 100

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW, 7th Floor, Washington, DC. 20229-1177, at 202-325-0265.

Dated: September 3, 2009

TRACEY DENNING
Agency Clearance Officer
Customs and Border Protection

[Published in the Federal Register, September 10, 2009 (74 FR 46613)]

