

U.S. Customs and Border Protection



CORRECTED PROPOSED REVOCATION OF A RULING LETTER AND PROPOSED REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF SAND TIMERS

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

ACTION: Corrected notice of proposed revocation of a ruling letter and proposed revocation of treatment relating to the classification of a sand timer.

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 CBP intends to revoke HQ 957780, dated July 18, 1995, concerning the tariff classification of sand timers under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

Notice of CBP's intent to revoke HQ 957780 was first published on April 8, 2015. That notice incorrectly indicated that comments were due 30 days after publication in the Federal Register. We are issuing this correction to clarify that the comment deadline is 30 days from the date of publication in the Customs Bulletin as opposed to the Federal Register, and that the comment date is now 30 days from publication of this corrected notice.

DATES: Comments must be received on or before June 12, 2015.

ADDRESSES: Written comments are to be addressed to the U.S. Customs and Border Protection, Office of International Trade, Regulations & Rulings, Attn: Trade and Commercial Regulations Branch, 10th Floor, 90 K St. NE, Washington, DC 20229–1179. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted

comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Claudia Garver, Tariff Classification and Marking Branch: (202) 325-0024

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 amends many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of a sand timer. Although in this notice, CBP is specifically referring to Headquarters Ruling Letter (HQ) 957780, dated July 18, 1995 (Attachment A), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e. a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise CBP during the notice period.

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

In HQ 957780, CBP determined that three models of sand timers were classified under heading 7020, HTSUS, as other articles of glass. It is now CBP's position that the subject timers are classified under heading 7013, HTSUS, which provides for "Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes."

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to revoke HQ 957780, and any other ruling not specifically identified, to reflect the tariff classification of the subject merchandise according to the analysis contained in Proposed Headquarters Ruling Letter (HQ) H136475, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated:

MYLES B. HARMON,
Director

COMMERCIAL AND TRADE FACILITATION DIVISION

Attachments

[ATTACHMENT A]

HQ 957780

July 18, 1995

CLA-2 R:C:M 957780 MMC

CATEGORY: Classification

TARIFF NO.: 7020.00.00

AREA DIRECTOR
 U.S. CUSTOMS SERVICE
 COMMERCIAL OPERATIONS DIVISION
 NEW YORK SEAPORT
 6 WORLD TRADE CENTER, RM 423
 NEW YORK, NEW YORK 10048

RE: IA 11/95; sand timers; EN 91.GEN (a), GEN 3(b), 70.13; Composite good; GRI 3; Heraeus-Amersil, Inc, v. U.S., 8 CIT 329, 600 F. Supp. (1984); 315(d), Tariff Act of 1930; Sturm, A Manual of Customs Law (1993), 52.4.

DEAR AREA DIRECTOR:

This is in response to your memorandum of February 22, 1995, (CLA-01-S: C: TOB: 213/NM) forwarding a request for internal advice (IA) initiated by a customs broker regarding the tariff classification of 3 models of sand timers under the Harmonized Tariff Schedule of the United States (HTSUS). A sample of each model was submitted for examination.

FACTS:

The articles under consideration are sand timers. The body of each consists of glass (in the shape of an hourglass) which contains sand. Model 309 (3 minute timer)and Model 706 (15 minute timer) are framed in wood. Model 209(b), a 30 second timer, has a plastic frame.

The IA applicant contends that the sand timers are classifiable under subheading 4419.00.80, HTSUS, as tableware and kitchenware, of wood: other. According to the IA applicant, this classification is based on an established and uniform practice under the Tariff Schedules of the United States (TSUS). This classification stems from the reasoning that the wood portion of the timer provides the support structure and chief value to the subject article. In the alternative, the IA applicant claims that the sand provides the essential character of the article as it is the component which provides the measurement of time.

In addition to these two possible classifications, it has been suggested that the essential character of the article is not determinable and therefore, the sand timers are classifiable under the applicable provision which appears last in the HTSUS.

The under consideration headings are:

3926	Other articles of plastics and articles of other materials of headings 3901 to 3914
4419	Tableware and kitchenware, of wood
6815	Articles of stone or of other mineral substances (including articles of peat), not elsewhere specified or included

7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018)
7020	Other articles of glass
9106	Time of day recording apparatus and apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movement or with synchronous motor (for example, time registers, time-recorders):

ISSUE:

What is the proper classification of the sand timers?

LAW AND ANALYSIS:

The classification of merchandise under the HTSUS is governed by the General Rules of Interpretation (GRI's). GRI 1, HTSUS, states, in part, that "for legal purposes, classification shall be determined according to terms of the headings and any relative section or chapter notes..."

Because the sand timers are used to measure time, we first must determine if they are classifiable under Chapter 91, HTSUS, which covers clocks and watches and parts thereof.

In understanding the language of the headings, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding system may be utilized. The ENs, although not dispositive, or legally binding, provide a commentary on the scope of each heading of the HTSUS, and are generally indicative of the proper interpretation of the HTSUS. See, T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989). EN GEN 91, pg.1539, states, in pertinent part, that:

...In addition to the exclusions specified in the Explanatory Note to each heading, this Chapter excludes, inter alia:

- (a) Sundials and hourglasses (classified according to their constituent material)...

The ENs specifically exclude hourglasses from classification in chapter 91, HTSUS, and direct that they are classifiable according to their constituent material. These sand timers, which are smaller versions of hourglasses, consist of four different materials, plastic, sand, wood and glass. Inasmuch as the sand timers constituent materials are described by more than one heading, they cannot be classified according to GRI 1.

GRI 2(b) states, in pertinent part, that any reference in a heading to a material or substance shall be taken to include a reference to mixtures or combinations of that material or substance with other materials or substances. The classification of goods consisting of more than one material or substance shall be according to the principles of GRI 3.

GRI 3 states that when, by application of rule 2(b) or for any other reason, goods are, prima facie, classifiable under two or more headings, classification shall be effected as follows:

- (a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the

items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.

Several of the headings under consideration describe part only of the article. Therefore, the headings are considered equally specific and GRI 3(b) must be examined.

GRI 3(b) states:

(b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up for retail sale, which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.

According to EN GRI 3, pg.4, the factor which determines essential character will vary as between different kinds of goods. It may for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the goods.

The IA applicant suggests that the wood or sand imparts the sand timers' essential character. We disagree. The wood's function of supporting the glass is no more or less important than the functioning of the glass to hold the sand or the sand to measure the time. Because none of the constituent materials constitute the articles' essential character, GRI (C) must be applied.

Heading 7013, HTSUS, which provides in pertinent part for glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes, and heading 7020, which provides for other articles of glass both describe the glass portion of the sand timers. EN 70.13, pg. 936-937, states, in pertinent part, that:

...Articles of glass combined with other materials (base metal, wood, etc.), are classified in this heading only if the glass gives the whole the character of glass articles...

The glass portion of the sand timers does not give the timer the character of a glass article. Rather, they merely contain, as part of their whole, a shaped piece of glass. Therefore, sand timers are excluded from classification under heading 7013, HTSUS.

GRI 3(c) states:

When goods cannot be classified by reference to 3(a) or 3(b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

The heading which appears last in numerical order among those which equally merit consideration, is heading 7020, HTSUS. Therefore, the article is classifiable under heading 7020, HTSUS, as other articles of glass.

Finally, we note that IA applicant suggests that an established and uniform practice, has developed under the TSUS with respect to sand timers. The U.S. Courts have long recognized that the Customs Service has and does establish uniform practices in regard to the treatment of goods coming into this country. A uniform practice may be established, inter alia, by actual uniform treatment of goods by the various ports. See, *Heraeus-Amersil, Inc. v. United States*, 8 CIT 329, 600 F. Supp. (1984) and 315(d), *Tariff Act of 1930*,

as amended. The existence of an established and uniform practice must be shown by positive evidence. Strum, *A Manual of Customs Law* (1993), 52.4. The IA applicant has not provided any positive evidence of an established and uniform practice.

Furthermore, classification of goods under the HTSUS, which became effective as the tariff law of the United States on January 1, 1989, is governed by the General Rules of Interpretation, which provide in pertinent part, that "classification shall be determined according to the terms of the headings and any relative section or chapter notes, and provided such headings or notes do not otherwise require, according to the remaining GRIs." The classification of the instant sand timers results from a change made by Congress in enacting a new tariff schedule, the HTSUS.

HOLDING:

For the foregoing reasons we find that the sand timers are classifiable under heading 7020, HTSUS, as other articles of glass with a general column one duty rate of 6.3% ad valorem.

This decision should be mailed by your office to the internal advice requester no later than 60 days from the date of this letter. On that date, the Office of Regulations and Rulings will take steps to make the decision available to Customs personnel via the Customs Rulings Module in ACS and the public via the Diskette Subscription Service, Freedom of Information Act and other public access channels.

Sincerely,
JOHN DURANT,
Director
Commercial Rulings

[ATTACHMENT B]

HQ H136475
CLA-2 OT:RR:CTF:TCM H136475 CkG
CATEGORY: Classification
TARIFF NO: 7013.49.20

U.S. CUSTOMS AND BORDER PROTECTION
ROBERT PEREZ
DIRECTOR OF FIELD OPERATIONS
NEW YORK FIELD OFFICE
ONE PENN PLAZA
STE. 1100
NEW YORK, NY 10119

RE: Revocation of HQ 957780, dated July 18, 1995; classification of sand glass timers

DEAR DIRECTOR,

This is in reference to Headquarters Ruling Letter (HQ) 957780 issued by Customs and Border Protection (CBP) on July 18, 1995, regarding the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of sand timers. We have reconsidered this decision, and for the reasons set forth below, have determined that classification of the sand timers in heading 7020, HTSUS, as other articles of glass, was incorrect.

FACTS:

The articles under consideration are 15 minute, 3 minute and 30 second glass timers. They are used in a home/kitchen to measure the passage of time for the preparation of eggs and other food items. The body of each consists of a glass vessel with obconical ends connected by a constricted neck (i.e., an hourglass shape) through which a quantity of sand runs in the specified time intervals. Model 309 (a 3 minute timer) and Model 706 (a 15 minute timer) are framed in wood. Model 209(b), a 30 second timer, has a plastic frame. The invoice values are as follows: Model 209(b) and 309 are valued at under \$3, and Model 706 is valued between \$3 and \$5.

ISSUE:

Whether the instant sand timers are classified in heading 7013, HTSUS, as glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes, or heading 7020, HTSUS, as other articles of glass.

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that classification shall be determined according to the terms of the headings and any relevant section or chapter notes and, provided such headings or notes do not otherwise require, according to the remaining GRIs 2 through 6.

The 2011 HTSUS provisions under consideration are as follows:

- 6815: Articles of stone or of other mineral substances (including carbon fibers, articles of carbon fibers and articles of peat), not elsewhere specified or included:

Other articles:

- 6815.99: Other:
- 6815.99.40: Other . . .
 - * * * * *
- 7013 Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018):
 - Glassware of a kind used for table (other than drinking glasses) or kitchen purposes other than that of glass ceramics
- 7013.49: Other:
- 7013.49.20: Other:
 - Valued not over \$3 each...
 - Valued over \$3 each:
 - Other:
 - 7013.49.50: Valued over \$3 but not over \$5 each . . .
 - * * * * *
- 7020: Other articles of glass:
- 7020.00.60: Other . . .
 - * * * * *

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

EN 70.13 provides, in pertinent part, as follows:

Articles of glass combined with other materials (base metal, wood, etc.), are classified in this heading **only** if the glass gives the whole the character of glass articles. Precious metal or metal clad with precious metal may be present, **as minor trimmings only**; articles in which such metals constitute more than mere trimmings are excluded (**heading 71.14**).

EN 70.20 provides as follows:

This heading covers glass articles (including glass parts of articles) **not covered** by other headings of this Chapter or of other Chapters of the Nomenclature.

These articles remain here even if combined with materials other than glass, **provided** they retain the essential character of glass articles.

* * * * *

There is no *eo nomine* provision for hourglass timers in the HTSUS. Classification of this article thus cannot be determined according to the terms of GRI 1. GRI 2(b) states that “[a]ny reference in a heading to a material or substance shall be taken to include a reference to mixtures or combinations of that material or substance with other materials or substances [and] any reference to goods of a given material or substance shall be taken to include

a reference to goods consisting wholly or partly of such material or substance. The classification of goods consisting of more than one material or substance shall be according to the principles of rule 3.”

GRI 3 states as follows:

When by application of [GRI] 2(b) or for any other reason, goods are, *prima facie*, classifiable under two or more headings, classification shall be effected as follows:

(a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods . . . , those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.

(b) Mixtures, composite goods consisting of different materials or made up of different components . . . which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.

(c) When goods cannot be classified by reference to 3(a) or 3(b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

GRI 3(a) provides, in relevant part, that when goods are *prima facie* classifiable under two or more headings, the heading which provides the most specific description shall be preferred to headings providing a more general description. EN (IV) to GRI 3(a) explains that: “in general it may be said that: (a) A description by name is more specific than a description by class” and “(b) If the goods answer to a description which more clearly identifies them, that description is more specific than one where identification is less complete.” Our courts have interpreted this so-called “rule of relative specificity” to mean that “we look to the provision with requirements that are more difficult to satisfy and that describe the article with the greatest degree of accuracy and certainty.” *Orlando Food Corp. v. United States*, 140 F.3d 1437, 1441 (Fed. Cir. 1998).

The instant timers are composite goods of wood or plastic, sand and glass, and are thus *prima facie* classifiable under more than one heading. The wood frames of models 309 and 706, imported alone, would be classified in Chapter 44, HTDUD, as an article of wood, and the glass body in Chapter 70, HTSUS, as an article of glass. The plastic frame of model 209(b) would be classified in Chapter 39, HTSUS, as an article of plastic. The sand would be classified in Chapter 68, HTSUS, as an article of stone or other mineral substance. The HTSUS provisions covering the articles refer only to part of their component materials. However, of the three headings at issue, heading 7013 still provides the more specific description of the goods; as between *eo nomine* and use provisions, the latter is generally regarded as being the more specific provision because it is the hardest to satisfy. See *e.g.*, HQ 087708, dated September 28, 1990.

Heading 7013, HTSUS, is a “principal use” provision (*Group Italglass, U.S.A., Inc. v. United States*, 17 CIT 1177, 839 F. Supp. 866 (1993)), governed by Additional U.S. Rule of Interpretation 1(a), HTSUS, which provides that:

In the absence of special language or context which otherwise requires—a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of goods of that class or kind to which the imported goods belong, and the controlling use is the principal use.

The Court in *Group Italglass* stressed “that it is the principal use of the class or kind of good to which the imports belong and not the principal use of the specific imports that is controlling under the Rules of Interpretation.” *Group Italglass*, 839 F. Supp. at 867 Principal use’ is defined as the use “which exceeds any other single use”. *Automatic Plastic Molding, Inc., v. United States*, 26 CIT 1201, 1205 (2002).

The Courts have provided factors, which are indicative but not conclusive, to apply when determining whether merchandise is classifiable under a particular “principal use” tariff provision. These include: general physical characteristics, the expectation of the ultimate purchaser, channels of trade, environment of sale (accompanying accessories, manner of advertisement and display), use in the same manner as merchandise which defines the class, economic practicality of so using the import, and recognition in the trade of this use. See *United States v. Carborundum Company*, 63 CCPA 98, C.A.D. 1172, 536 F. 2d 373 (1976), cert. denied, 429 U.S. 979 (1976).

The products at issue are 15 minute, 3 minute and 30 second timers. Their physical characteristics are consistent with principal use in a kitchen or office; they must be placed on a flat, stable surface in order for the sand to run through them in the correct manner and time interval. The specified time intervals are also convenient for the preparation of foods. They are marketed for use in a home or kitchen, to tell time for the preparation of eggs and other food items. Glass timers in general are similarly marketed as office or home supplies, and sold in the same channels of trade—e.g., home and garden or kitchen departments of retailers such as amazon.com—as other home and kitchen appliances.¹ Based on the above factors, we find that the instant timers are glassware of a kind used for table or kitchen purposes. As such, they are classified in heading 7013, HTSUS.

This finding is consistent with prior CBP rulings classifying similar timers as glassware for home or office use in heading 7013, HTSUS. See NY E86805, dated September 20, 1999 and NY I82591, dated June 12, 2002.

HOLDING:

By application of GRI 3(a), the hourglass timers are classified in heading 7013, HTSUS. Model 309 and 209(b) are classified under subheading 7013.49.20, HTSUS, which provides for “Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018): Glassware of a kind used for table (other than

¹ See e.g., Amazon.com, http://www.amazon.com/s/ref=nb_sb_ss_c_1_15?url=search-alias%3Dgarden&field-keywords=hourglass+timer&srefix=hourglass+timer4;http://www.amazon.com/s/ref=nb_ss?url=searchalias%3Daps&field-keywords=egg+timer&x=11&y=19; and Nextag.com, <http://www.nextag.com/hourglass-timer/search-html>.

drinking glasses) or kitchen purposes other than that of glass-ceramics: Other: Other: Valued not over \$3 each.” The 2011 column one, general rate of duty is 22.5% *ad valorem*.

Model 709 is classified in subheading 7013.49.50, HTSUS, which provides for “Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018): Glassware of a kind used for table (other than drinking glasses) or kitchen purposes other than that of glass-ceramics: Other: Other: Valued over \$3 each: Other: Valued over \$3 but not over \$5 each.” The 2011 column one, general rate of duty is 15% *ad valorem*.

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

EFFECT ON OTHER RULINGS:

HQ 957780, dated July 18, 1995, is hereby revoked.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

ACCREDITATION AND APPROVAL OF SGS NORTH AMERICA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

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

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of November 19, 2014.

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on November 19, 2014. The next triennial inspection date will be scheduled for November 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, 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 SGS North America, Inc., 900 Milik St., Carteret, NJ 07008, 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	Maritime Measurements.

SGS North America, Inc., 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
27-04	ASTM D-95	Standard test method for water in petroleum products and bituminous materials by distillation.
27-08	ASTM D-86	Standard Test Method for Distillation of Petroleum Products.
27-11.....	ASTM D-445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27-13	ASTM D-4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-14	ASTM D-2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.
27-48	ASTM D-4052	Standard test method for density and relative density of liquids by digital density meter.
27-50	ASTM D-93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.
27-54	ASTM D-1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27-57	ASTM D-7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-ray Fluorescence Spectrometry.
27-58	ASTM 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 cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf

Dated: April 23, 2015.

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

AGENCY INFORMATION COLLECTION ACTIVITIES:**Transfer of Cargo to a Container Station**

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

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

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Transfer of Cargo to a Container Station. 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.

DATES: Written comments should be received on or before June 26, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th 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, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th 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 (Pub. L. 104–13). 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 cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and

maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Transfer of Cargo to a Container Station.

OMB Number: 1651-0096.

Form Number: None.

Abstract: Before the filing of an entry of merchandise for the purpose of breaking bulk and redelivering cargo, containerized cargo may be moved from the place of unloading or may be received directly at the container station from a bonded carrier after transportation in-bond. This also applies to loose cargo as part of containerized cargo. In accordance with 19 CFR 19.42, the container station operator may make a request for the transfer of a container to the station by submitting to CBP an abstract of the manifest for the transferred containers including the bill of lading number, marks, numbers, description of the contents and consignee.

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

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 14,327.

Estimated Number of Annual Responses per Respondent: 25.

Estimated Total Annual Responses: 358,175.

Estimated Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 41,548.

Dated: April 20, 2015.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the **Federal Register**, April 27, 2015 (80 FR 23282)]



AGENCY INFORMATION COLLECTION ACTIVITIES:

Importers of Merchandise Subject to Actual Use Provisions

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

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

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Importers of Merchandise Subject to Actual Use Provisions. 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.

DATES: Written comments should be received on or before June 26, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th 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, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th 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 (Pub. L. 104-13). 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 cost burden to respondents or record keepers from the collection of information (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: Importers of Merchandise Subject to Actual Use Provisions.

OMB Number: 1651-0032.

Form Number: None.

Abstract: In accordance with 19 CFR 10.137, importers of goods subject to the actual use provisions of the Harmonized Tariff Schedule of the United States (HTSUS) are required to maintain detailed records to establish that these goods were actually used as contemplated by the law and to support the importer's claim for a free or reduced rate of duty. The importer shall maintain records of use or disposition for a period of 3 years from the date of liquidation of the entry, and the records shall be available at all times for examination by CBP.

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

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Time per Respondent: 65 minutes.

Estimated Total Annual Burden Hours: 13,000.

Dated: April 20, 2015.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the **Federal Register**, April 27, 2015 (80 FR 23281)]



AGENCY INFORMATION COLLECTION ACTIVITIES:

Ship's Store Declaration

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

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

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Ship's Stores Declaration (CBP Form 1303). CBP is proposing that this information collection be extended with no change

to the burden hours or to the information collected on Form 1303. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 29, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th 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, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th 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 (Pub. L. 104-13). 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 cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Ship's Stores Declaration.

OMB Number: 1651-0018.

Form Number: CBP Form 1303.

Abstract: CBP Form 1303, Ship's Stores Declaration, is used by the carriers to declare articles to be retained on board the vessel, such as sea stores, ship's stores (e.g. alcohol and tobacco products), controlled narcotic drugs or bunker fuel in a format that can be readily audited and checked by CBP. This form

collects information about the ship, the ports of arrival and departure, and the articles on the ship. CBP Form 1303 form is provided for by 19 CFR 4.7, 4.7a, 4.81, 4.85 and 4.87 and is accessible at: <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201303.pdf>.

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

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 8,000.

Estimated Number of Responses per Respondent: 13.

Estimated Number of Total Annual Responses: 104,000.

Estimated Total Annual Burden Hours: 26,000.

Dated: April 22, 2015.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the **Federal Register**, April 30, 2015 (80 FR 24268)]