

U.S. Customs Service

General Notices

STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: General notice; solicitation of comments.

SUMMARY: This document invites the public to submit comments to Customs regarding the actions taken by the Regulatory Audit Division, Office of Strategic Trade, to comply with the provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code.

DATE: Comments must be submitted by January 17, 2003.

ADDRESSES: Written comments may be addressed to Operations Oversight Branch, Office of Strategic Trade, U.S. Customs Service, P.O. Box 796, Washington, D.C. 20044-0796, and inspected at the Operations Oversight Branch, Office of Strategic Trade, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., Room 5.4B, Washington, D.C. 20229

FOR FURTHER INFORMATION CONTACT: A. William Patterson, Operations Oversight Branch, Office of Strategic Trade (202-927-6718; email: a.william.patterson@customs.treas.gov)

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 333 of the Trade Act of 2002, Public Law 107-210, 116 Stat 933, requires the Commissioner of Customs to conduct a study of actions taken by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers, and to provide to the Congress a report containing the results of the study. As part of the study, the Commissioner is to specifically identify those actions taken to comply with the provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code. The Commissioner is then to provide for public notice and comment relating to verification of those identified actions.

The Management Inspections Division with the assistance of the Office of Strategic Trade Regulatory Audit Division, and the Office of Training and Development, of the U.S. Customs Service conducted the required study. The study showed that, in recognition of protecting importer confidential information, Customs provides training on the relevant laws, regulations and policies to auditors through the following classroom programs, computer based training and job training aids:

- Basic Audit training at the Customs Academy
- Basic Valuation training at the Customs Academy
- Privacy Awareness computer based training
- Interactive Integrity Awareness (IA3) computer based training
- Pamphlet entitled, The Disclosure and Safeguarding of trade Information: "Are You at Risk?"
- Audit Standards field training

All of the above training either deals exclusively with, or has segments and modules, covering the proper handling and disclosure of confidential information gathered from importers. The material stresses the safeguards that need to be implemented to protect the privacy and trade secrets of importers. Some of the above training is repetitive in that it is required either once a year or once every two years. Additionally, the training specifically identifies the penalties and personal liabilities of personnel who violate the privacy and confidentiality requirements of safeguarding importer information.

SUBMISSION OF COMMENTS

Customs is interested in receiving comments from the public on the above described training. Consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), Treasury Department Regulations (31 CFR 1.4), and §103.22(b) Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30p.m. in the Operations Oversight Branch, Office of Strategic Trade, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., Room 5.4B, Washington, D.C. 20229.

Dated: December 2, 2002.

DEBORAH J. SPERO,
Assistant Commissioner,
Office of Strategic Trade.

TRIENNIAL STATUS REPORT AND
STATUS REPORT FEE: GENERAL NOTICE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of due date for Status Report and Fee.

SUMMARY: This is to advise Customs brokers that the Triennial Status Report Fee of \$100 that is assessed for each license held by a broker whether it may be an individual, partnership, association or corporation, is due during the month of February 2003 along with the corresponding status report.

SUPPLEMENTARY INFORMATION: In accordance with 19 U.S.C. 1641(g) and 19 CFR 111.30(d), each broker must file a written status report and pay the corresponding fee of \$100 every three years. The report is due every three years regardless of the date the license was issued to the broker. The last status report and fee were due during the month of February 2000. Reports and fees must next be filed during the month of February 2003. They should be delivered to the director of the port that originally delivered the license to the broker. No reports or fees should be submitted directly to Customs Headquarters.

The elements that must be included in the report are prescribed in 19 CFR 111.30(d). While no particular format is required, a model report may be obtained from your local Customs Service Port.

DATES: Due date for payment of fee: February 28, 2003.

FOR FURTHER INFORMATION CONTACT: Scott J. Nielsen, Broker Management, (202) 927-0380.

Dated: November 21, 2002.

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, December 2, 2002 (67 FR 71615)]

NOTICE OF CANCELLATION OF CUSTOMS BROKER PERMIT

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

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

<i>Name</i>	<i>Permit No.</i>	<i>Issuing Port</i>
Jonathan T. Cottingham	30-02-ACP	Seattle
ABX Logistics (USA), Inc.	35-00-060	Minneapolis
All Nations Forwarding Import Co., Inc.	271	Miami

Dated: November 21, 2002.

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, December 2, 2002 (67 FR 71614)]



NOTICE OF CANCELLATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

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

<i>Name</i>	<i>License No.</i>	<i>Issuing Port</i>
Leif, Inc.	09768	San Francisco
Gene Brosterhous Customs Broker, Inc.	21187	Portland, Oregon

Dated: November 21, 2002.

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, December 2, 2002 (67 FR 71614)]

PROPOSED COLLECTION; COMMENT REQUEST

NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)
REGULATIONS AND CERTIFICATE OF ORIGIN

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the NAFTA Regulations and Certificate of Origin. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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 Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: NAFTA Regulations and Certificate of Origin

OMB Number: 1515-0204

Form Number: Customs Form 434 and 446

Abstract: The objectives of NAFTA are to eliminate barriers to trade in goods and services between the United States, Mexico, and Canada;

facilitate conditions of fair competition within the free trade area; liberalize significantly conditions for investments within the free trade area; establish effective procedures for the joint administration of the NAFTA; and the resolution of disputes.

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

Type of Review: Extension

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 5000

Estimated Time Per Respondent: 20 minutes

Estimated Total Annual Burden Hours: 25,760

Estimated Total Annualized Cost on the Public: \$600,000.00

Dated: November 26, 2002.

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, December 5, 2002 (67 FR 72438)]

PROPOSED COLLECTION; COMMENT REQUEST

BOND PROCEDURES FOR ARTICLES SUBJECT TO EXCLUSION ORDERS ISSUED BY THE U.S. INTERNATIONAL TRADE COMMISSION

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Bond Procedures for Articles Subject to Exclusion Orders Issued by the U.S. International Trade Commission. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Bond Procedures for Articles Subject to Exclusion Orders Issued by the U.S. International Trade Commission

OMB Number: 1515-0222

Form Number: N/A

Abstract: This collection is required to ensure compliance with section 337 of the Tariff Act of 1930, as amended by section 321 of the Uruguay Round Agreements regarding bond procedures for entry of articles subject to exclusion orders issued by the U.S. International Trade Commission.

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

Type of Review: Extension

Affected Public: Businesses

Estimated Number of Respondents: 50

Estimated Time Per Respondent: 30 minutes

Estimated Total Annual Burden Hours: 50

Estimated Total Annualized Cost on the Public: \$625.00

Dated: November 26, 2002.

TRACEY DENNING,
Agency Clearance Officer,
Information Services Branch.

[Published in the Federal Register, December 5, 2002 (67 FR 72439)]

PROPOSED COLLECTION; COMMENT REQUEST

BLANKET CERTIFICATION OF CHEMICAL SUBSTANCES

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Blanket Certification of Chemical Substances. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Blanket Certification of Chemical Substances

OMB Number: 1515-0173

Form Number: N/A

Abstract: The Customs Regulations require an importer's certification in connection with the importation of chemical substances subject to the Toxic Substances Control Act. This collection reduces the regulatory burden by permitting use of a blanket certification for multiple shipments in lieu of a separate certification for each individual.

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

Type of Review: Extension

Affected Public: Businesses

Estimated Number of Respondents: 300

Estimated Time Per Respondent: 15 minutes

Estimated Total Annual Burden Hours: 75

Estimated Total Annualized Cost on the Public: \$2,200.00

Dated: November 26, 2002.

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, December 5, 2002 (67 FR 72436)]

PROPOSED COLLECTION; COMMENT REQUEST

TRANSFER OF CARGO TO A CONTAINER STATION

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Transfer of Cargo to a Container Station. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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 Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Transfer of Cargo to a Container Station

OMB Number: 1515-0142

Form Number: N/A

Abstract: The container station operator may file an application for transfer of a container intact to a container station which is moved from the place of unloading or from a bonded carrier after transportation in-bond before filing of the entry for the purpose of breaking bulk and redelivery.

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

Type of Review: Extension

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 360

Estimated Time Per Respondent: 6 minutes

Estimated Total Annual Burden Hours: 1,872

Estimated Total Annualized Cost on the Public: \$18,720

Dated: November 26, 2002.

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

PROPOSED COLLECTION; COMMENT REQUEST

TEXTILE AND TEXTILE PRODUCTS

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Textile and Textile Products. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Textile and Textile Products

OMB Number: 1515-0140

Form Number: N/A

Abstract: Information is needed for Customs to be able to identify the Country of Origin of Textiles. The requirement prevents circumvention of bilateral agreements and ensures the proper assessment of duties. The declaration will be executed by the foreign manufacturer, exporter, or U.S. importer to be filed with the entry.

Current Actions: There are no changes to the information collection.
Type of Review: Extension
Affected Public: Businesses .
Estimated Number of Respondents: 45,810
Estimated Time Per Respondent: 7 minutes
Estimated Total Annual Burden Hours: 133,582
Estimated Total Annualized Cost on the Public: \$51,469,402.00
Dated: November 26, 2002.

TRACEY DENNING,
Agency Clearance Officer,
Information Services Branch.

[Published in the Federal Register, December 5, 2002 (67 FR 72439)]

PROPOSED COLLECTION; COMMENT REQUEST

DECLARATION OF A PERSON ABROAD WHO RECEIVES AND IS RETURNING MERCHANDISE TO THE U.S.

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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 Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S.

OMB Number: 1515-0108

Form Number: N/A

Abstract: This declaration is used under conditions where articles are imported and then exported and then reimported free of duty due to the declaration, it is used insured Customs control over duty free merchandise.

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

Type of Review: Extension

Affected Public: Individuals, business or other for-profit institutions

Estimated Number of Respondents: 500

Estimated Time Per Respondent: 10 minutes

Estimated Total Annual Burden Hours: 292

Estimated Total Annualized Cost on the Public: \$5,942

Dated: November 26, 2002.

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, December 5, 2002 (67 FR 72437)]

PROPOSED COLLECTION; COMMENT REQUEST

DECLARATION OF OWNER OF MERCHANDISE OBTAINED (OTHER THAN) IN PURSUANCE OF A PURCHASE OR AGREEMENT TO PURCHASE AND DECLARATION OF IMPORTER OF RECORD WHEN ENTRY IS MADE BY AN AGENT

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of Owner of Merchandise Obtained (other than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry is Made by an Agent. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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 Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Declaration of Owner of Merchandise Obtained (other than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry is Made by an Agent.

OMB Number: 1515-0050

Form Number: Customs Forms 3347 and 3347A

Abstract: Customs Form 3347 and 3347A allows an agent to submit, subsequent to making the entry, the declaration of the importer of record which is required by statute. These forms also permits a nominal importer of record to file the declaration of the actual owner and to be relieved of statutory liability for the payment of increased duties.

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

Type of Review: Extension

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 5,700

Estimated Time Per Respondent: 6 minutes

Estimated Total Annual Burden Hours: 570

Estimated Total Annualized Cost on the Public: \$14,900

Dated: November 26, 2002.

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, December 5, 2002 (67 FR 72438)]

PROPOSED COLLECTION; COMMENT REQUEST

APPLICATION FOR WITHDRAWAL OF BONDED STORES FOR FISHING VESSELS AND CERTIFICATION OF USE

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Withdrawal of Bonded Stores For Fishing Vessels and Certification of Use. 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 February 3, 2003, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Attn: Tracey Denning, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs 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: (1) 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) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Withdrawal of Bonded Stores For Fishing Vessels and Certification of Use

OMB Number: 1515-0032

Form Number: Customs Form 5125

Abstract: The Customs Form 5125 is used for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels. The form also certifies the use: total consumption or partial consumption with secure storage for use on next voyage.

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

Type of Review: Extension

Affected Public: Businesses

Estimated Number of Respondents: 500

Estimated Time Per Respondent: 5 minutes

Estimated Total Annual Burden Hours: 42

Estimated Total Annualized Cost on the Public: \$504.00

Dated: November 26, 2002.

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, DC, December 4, 2002.

The following documents of the United States Customs Service, Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and U.S. Customs Service field offices to merit publication in the CUSTOMS BULLETIN.

MICHAEL T. SCHMITZ,
*Assistant Commissioner,
Office of Regulations and Rulings.*

REVOCATION OF RULING LETTER AND TREATMENT
RELATING TO TARIFF CLASSIFICATION OF WOMAN'S KNIT
GARMENT

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of revocation of a ruling letter and treatment relating to the classification of a woman's knit garment.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs is revoking a ruling letter relating to the tariff classification of a woman's knit garment under the Harmonized Tariff Schedule of the United States (HTSUS), and is revoking any treatment previously accorded by the Customs Service to substantially identical merchandise. Notice of the proposed actions was published on October 23, 2002, in Volume 36, Number 43, of the CUSTOMS BULLETIN. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 17, 2003.

FOR FURTHER INFORMATION CONTACT: Ann Segura Minardi, Textile Branch, at (202) 572-8822.

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 Customs 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 Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended, (19 U.S.C. section 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 Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that Customs is revoking a ruling letter pertaining to the tariff classification of a woman’s knit garment. Although in this notice, Customs is specifically referring to one ruling New York Ruling Letter (NY) I82773, dated June 7, 2002, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Customs 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., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise Customs during this 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, Customs is revoking any treatment previously accorded by Customs to substantially identical transactions that is contrary to the position set forth in this notice. This treatment may, among other reasons, be the result of the importer’s reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer’s or Customs previous interpretation of the Harmonized Tariff Schedule of the United States (HTSUS). Any person involved in substantially identical transactions should advise Customs during this notice period. An importer’s failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise the rebuttable presumption of lack of reasonable care on the part of the importer or his agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY I82773, dated June 7, 2002, Customs ruled that a woman's knit garment was classified as a cardigan under subheading 6110.30.3055, HTSUS. Since the issuance of this ruling, Customs has reviewed the classification of this item and has determined that the cited ruling is in error. Accordingly, we are revoking NY I82773, as we find that the woman's knit garment is accurately described as a beach robe, which is classifiable in heading 6108, HTSUS, which provides for "Women's or girl's slips, petticoats, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted".

Pursuant to 19 U.S.C. 1625(c)(1), Customs is revoking NY I82773, dated June 7, 2002, and any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in Headquarters Ruling Letter 965748 (see "Attachment" to this document). Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs is revoking any treatment previously accorded by Customs to substantially identical transactions that is contrary to the position set forth in this notice.

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

Dated: December 2, 2002.

JOHN ELKINS,
(for Myles B. Harmon, Acting Director,
Commercial Rulings Division.)

[Attachment]

[ATTACHMENT]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, December 2, 2002.

CLA-2 RR:CR:TE 965748 ASM
Category: Classification
Tariff No. 6108.92.0030

Ms. KIM YOUNG
BDP INTERNATIONAL, INC.
GLOBAL LOGISTICS & TRANSPORTATION
*2721 Walker Avenue N.W.
Grand Rapids, MI 49504*

Re: Revocation of NY I82773; Classification of Woman's Knit Garment.

DEAR Ms. YOUNG:

This letter is to inform you that in response to a letter, dated June 20, 2002, on behalf of Meijer Distribution, Inc., Customs has reconsidered New York Ruling Letter (NY) I82773, dated June 7, 2002, which involved the classification of a women's garment under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). A sample was submitted to this office for examination.

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 Agree-

ment Implementation Act (Pub. L. 103-182, 107 Stat. 2057, 2186), notice of the proposed revocation of NY IA2773 was published on October 23, 2002, in the CUSTOMS BULLETIN, Volume 36, Number 43. As explained in the notice, the period within which to submit comments on this proposal was until November 22, 2002. No comments were received in response to this notice.

Facts:

The submitted garment, item number 713754, is constructed from 50 percent cotton and 50 percent polyester knitted fabric. The garment is white and features openwork knit fabric that resembles netting interspersed with squares. The garment also has a round neckline, short sleeves, a full front opening with zipper closure and decorative pull-tab. The bottom edge of the garment has a turned hem. The neckline and shoulder seams have been edged with white knit piping. The sleeves feature a turned cuff with the same white knit piping sewn approximately 2 inches above the lower edge of the cuff. The importer indicates that the garment also includes a logo tag of "Wave Zone"™, sewn to the inside of the neckline. The importer, Meijer Distribution, Inc., asserts that this is a private label name for apparel sold exclusively in the swimwear department. The importer further claims that the garment will be marketed with swimwear and sold with the intention of being a cover-up for use with swimwear.

In NY I82773, dated June 7, 2002, Customs classified the item number 713754, as a woman's cardigan in subheading 6110.30.3055, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted. You have asserted, on behalf of your client, that the article should be classified, as a beach robe, in heading 6108, HTSUSA.

Issue:

What is the proper classification for the merchandise?

Law and Analysis:

Classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes ("ENs") constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

Heading 6108, HTSUSA, covers "Women's or girl's slips, petticoats, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted". The EN to heading 6108 specifically notes that the reference to "bathrobes" in the heading is intended to include "beachrobes". In addition, the *Guidelines for the Reporting of Imported Products in Various Textile and Apparel Categories* ("Textile Guidelines"), CIE 13/88, provides the following guidance regarding the characteristics of dressing gowns, including bath robes, beach robes, lounging robes and similar apparel:

Dressing gowns, including bath robes, beach robes, lounging robes and similar apparel. Physical characteristics which are expected in garments included in this category include:

- 1) Looseness.
- 2) Length, reaching to the mid-thigh or below.
- 3) Usually a full or partial front opening, with or without a means of closure.
- 4) Sleeves are usually, but not necessarily, present.

The subject article has been designed to have a very loose/boxy fit. The length of the garment falls from the shoulder to the mid-thigh, there is a full zippered opening, and the garment has short sleeves. As such, the garment bears all four characteristics, as set forth in the Textile Guidelines, for beach robes.

In previous rulings, Customs has relied on the decision in *Mast Industries v. United States*, 9 CIT 549, 552 (1985), aff'd, 786 F.2d 1144 (1986), in which the Court noted that "the merchandise itself may be strong evidence of use." In this instance, the subject mer-

chandise has been designed to provide a fashionable cover-up over a swimsuit. In the instant case, we note that the fabric used to construct the subject garment is not particularly absorbent. However, the openwork net design is breathable and allows the suit to air dry more efficiently. Although Customs has previously emphasized the absorbent nature of some beach robes, absorbency is not the only criteria for beachwear. The term "beachwear" is defined in Mary Brooks Picken's, *A Dictionary of Costume and Fashion, Historic and Modern*, as "All clothes or accessories designed for wear on beach or in water." Furthermore, there is evidence that the garment is marketed, advertised, and sold exclusively with swimwear.

In view of the foregoing, it is Customs decision that the garment is properly classified as a beach robe in heading 6108, HTSUSA. This is consistent with our decision in the following Customs rulings: HQ 088266, dated March 22, 1991; HQ 958860, dated November 29, 1996; NY PD A86368, dated August 16, 1996; NY C81781, dated December 12, 1997. In particular, Customs has issued rulings classifying women's garments of open crochet knit fabric or finely knit mesh fabric as beach robes classifiable in heading 6108, HTSUSA. See, respectively, NY H80783, dated June 20, 2002, and PD G82905, dated November 16, 2000.

It is also Customs decision that NY I82773, dated June 7, 2002, incorrectly classified the subject garment as a woman's cardigan in subheading 6110.30.3055, HTSUSA.

Holding:

NY I82773, dated June 7, 2002, is hereby revoked.

The subject merchandise, identified as item number 713754, is correctly classified in subheading 6108.92.0030, HTSUSA, which provides for, "Women's or girls' slips, petticoats, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted: Other: Of man-made fibers, Other: Women's". The general column one duty rate is 16.2 percent *ad valorem*. The textile category is 650. We note that textile category code 650 has been fully integrated. Accordingly, there are no applicable quota/visa requirements for the products of World Trade Organization ("WTO") members. The textile category code only applies to merchandise produced in non-WTO member countries.

The designated textile and apparel category may be subdivided into parts. If so, the visa and quota requirements applicable to the subject merchandise may be affected. Since part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes, to obtain the most current information available, we suggest that the importer, by copy of this letter, be advised to check, close to the time of shipment, the *Status Report on Current Import Quotas (Restraint Levels)*, an internal issuance of the U.S. Customs Service, which is updated weekly and is available for inspection at your local Customs office. The *Status Report on Current Import Quotas (Restraint Levels)* is also available on the Customs Electronic Bulletin Board (CEEB) which can be found on the U.S. Customs Service Website at www.customs.gov.

Due to the changeable nature of the statistical annotation (the ninth and tenth digits of the classification) and the restraint (quota/visa) categories applicable to textile merchandise, you should contact your local Customs office prior to importation of this merchandise to determine the current status of any import restraints or requirements.

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

JOHN ELKINS,
(for Myles B. Harmon, Acting Director,
Commercial Rulings Division.)

REVOCATION OF RULING LETTERS AND TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF
SCAFFOLDING PLANKS

AGENCY: U.S. Customs Service; Department of the Treasury.

ACTION: Notice of revocation of tariff classification ruling letters and treatment relating to the classification of scaffolding planks.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs is revoking two rulings relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain scaffolding planks. Similarly, Customs is revoking any treatment previously accorded by it to substantially identical merchandise. Notice of the proposed actions was published October 23, 2002, in the CUSTOMS BULLETIN, Volume 36, Number 43. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after February 17, 2003.

FOR FURTHER INFORMATION CONTACT: Timothy Dodd, Textiles Branch: (202) 572-8819.

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 Customs 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 Customs 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 Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the October 23, 2002, CUSTOMS BULLETIN, Volume 36, Number 43, proposing to revoke New York Ruling Letter (NY) F85424, dated April 17, 2000, and NY 810686, dated June 14, 1995, relating to the tariff classification of certain scaffolding planks.

In New York Ruling Letter (NY) F85424, dated April 17, 2000, and NY 810686, dated June 14, 1995, the Customs Service classified scaffolding planks under subheading 4421.90.9840, HTSUSA, which provides for "Other articles of wood: Other: Other: Other, Other."

It is now Customs determination that the proper classification for the scaffolding planks is subheading 4418.90.4590, HTSUSA, which provides for "Builders' joinery and carpentry of wood, including cellular wood panels and assembled parquet panels; shingles and shakes: Other: Other, Other." Headquarters Ruling Letter (HQ) 965886 revoking NY F85424 is set forth as "Attachment A" and HQ 965887 revoking NY 810686 is set forth as "Attachment B" to this document.

Although in this notice Customs is specifically referring to two New York Ruling Letters, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Any party who has received an interpretive ruling or decision (*i.e.*, a ruling letter, an internal advice memorandum or decision or a protest review decision) on the merchandise subject to this notice, should have advised Customs during the comment period.

Pursuant to 19 U.S.C. 1625(c)(1), Customs is revoking NY F85424 and NY 810686 and any other ruling not specifically identified to reflect the proper classification of the merchandise pursuant to the analyses set forth in HQ 965886 and HQ 965887, *supra*. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs is revoking any treatment previously accorded by Customs to substantially identical merchandise.

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

Dated: December 3, 2002.

JOHN ELKINS,
(for Myles B. Harmon, Acting Director,
Commercial Rulings Division.)

[Attachments]

[ATTACHMENT A]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, December 3, 2002.
CLA-2 RR:CR:TE 965886 ttd
Category: Classification
Tariff No. 4418.90.4590

MR. LOUIS RENY
RENYCO INC.—DOWELOC™
175 A Alexandre, 2 etage, C.P. 1080
Thurso, Quebec J0X 3B0 Canada

Re: Revocation of New York Ruling Letter F85424; Doweloc™ Scaffolding Planks from Canada.

DEAR MR. RENY:

This letter is pursuant to Customs reconsideration of New York Ruling Letter (NY) F85424, dated April 17, 2000, regarding classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of Doweloc™ scaffolding planks from Canada. After review of NY F85424, Customs has determined that the classification of the scaffolding planks considered under subheading 4421.90.9840, HTSUSA, was incorrect.

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. 103-82, 107 Stat. 2057, 2186), notice of the proposed revocation of NY F85424 was published on October 23, 2002, in the CUSTOMS BULLETIN, Volume 36, Number 43. As explained in the notice, the period within which to submit comments on this proposal was until November 22, 2002. No comments were received in response to this notice.

Facts:

In NY F85424, Customs described the merchandise as follows:

The panel consists of two pieces of 2 x 3 (nominal) spruce, pine or fir (SPF) on the outer edges and three pieces of 1.5" x 1.5" laminated veneer lumber (LVL) in the center. The five vertically assembled pieces of wood are held together with aluminum or steel dowels which are inserted across the width of the panel at 24 inch intervals. The use of metal dowels for assembly in this manner is referred to as the Doweloc™ process. The overall measurements of the panel are 9.5 inches wide, 1.5 inches thick and 9 to 16 feet long.

In NY F85424, Customs classified the subject scaffolding planks under subheading 4421.90.9840, HTSUSA, which provides for "Other articles of wood: Other: Other: Other: Other."

Issue:

What is the proper classification of the subject merchandise?

Law and Analysis:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides, in part, that classification decisions are to be "determined according to the terms of the headings and any relative section or chapter notes * * *." In the event that goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.

The Harmonized Commodity Description and Coding System Explanatory Notes (EN) constitute the official interpretation of the Harmonized System at the international level (for the 4 digit headings and the 6 digit subheadings) and facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI. While neither legally binding nor dispositive of classification issues, the EN provide commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings. *See* T.D. 89-80, 54 Fed. Reg. 35127-28 (Aug. 23, 1989).

Chapter 44, HTSUS, provides for, among other things, wood and articles of wood. This chapter is structured so that less processed wood appears at the beginning of the chapter

followed by more advanced wood in later headings within the same chapter. Thus, for example, heading 4403, HTSUS, is a general provision for wood in the rough, whether or not stripped of bark or sapwood or roughly squared, and heading 4421, HTSUS, is a basket provision for more advanced articles of wood that cannot be classified elsewhere in the chapter.

Regarding the subject merchandise, the competing headings under consideration are heading 4407, HTSUSA, which covers wood sawn or chipped lengthwise; heading 4418, HTSUSA, which covers builders' joinery and carpentry of wood; and heading 4421, HTSUSA, which covers other articles of wood. As heading 4407 resides near the beginning of chapter 44, it reflects coverage of a relatively basic category of lumber products in relation to either heading 4418 or 4421, which residing closer to the end of the chapter, reflect coverage of a relatively more advanced category of products.

Heading 4407, HTSUSA, provides for "Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm." As the subject merchandise is made of five vertically assembled pieces of wood (two S-P-F pieces on the outside edges and 3 LVL pieces in the center) held together with aluminum or steel dowels, it is advanced beyond the sawn wood of heading 4407, HTSUSA. Therefore, the scaffolding planks are precluded from classification in heading 4407, HTSUSA.

Heading 4418, HTSUSA, provides for, among other things, builder's joinery and carpentry of wood. The EN to heading 4418, HTSUS, state in pertinent part:

This heading applies to woodwork, including that of wood marquetry or inlaid wood, used in the construction of any kind of building, etc., in the form of assembled goods or as recognizable unassembled pieces (e.g., prepared with tenons, mortises, dovetails or other similar joints for assembly), whether or not with their metal fittings such as hinges, locks, etc.

The term "**joinery**" applies more particularly to builders' fittings (such as doors, windows, shutters, stairs, door or window frames), whereas the term "**carpentry**" refers to woodwork (such as beams, rafters and roof struts) used for structural purposes or in scaffoldings, arch supports, etc., and includes assembled shuttering for concrete constructional work. * * *

As referenced above, the EN to heading 4418 specifically identifies scaffolding as being within the scope of the heading. Given that the subject merchandise is processed beyond the sawn wood of heading 4407, HTSUSA, and is specifically named in the EN to heading 4418, it is properly classified in heading 4418, HTSUSA. See HQ 965693, dated August 5, 2002, wherein Customs classified edge-glued, finger-jointed planks with steel rods in subheading 4418.90.4590, HTSUSA.

We note that heading 4421, HTSUSA, which provides for "Other articles of wood," is a basket provision for more advanced articles of wood that cannot be classified elsewhere in the chapter. As the subject scaffolding planks are more specifically provided for in heading 4418, HTSUSA, they are precluded from classification in heading 4421, HTSUSA.

Holding:

The engineered wood scaffolding planks are classified in subheading 4418.90.4590, HTSUSA, which provides for "Builders' joinery and carpentry of wood, including cellular wood panels and assembled parquet panels; shingles and shakes: Other: Other: Other." The general one column rate of duty is 3.2 percent *ad valorem*.

NY F85424 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.

JOHN ELKINS,
(for Myles B. Harmon, Acting Director,
Commercial Rulings Division.)

[ATTACHMENT B]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, December 3, 2002.

CLA-2 RR:CR:TE 965887 ttd
Category: Classification
Tariff No. 4418.90.4590

MARY ANNE O'BOYLE
HOGLUND AND MOYLES, INC.
P.O. Box 66373
O'Hare International Airport
Chicago, IL 60666

Re: Revocation of New York Ruling Letter 810686; Wooden Scaffold Platform from Hungary.

DEAR MS. O'BOYLE:

This letter is pursuant to Customs reconsideration of New York Ruling Letter (NY) 810686, dated June 14, 1995, regarding classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of a wooden scaffolding platform from Hungary. After review of NY 810686, Customs has determined that the classification of the scaffolding platform considered under subheading 4421.90.9840, HTSUSA, was incorrect.

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. 103-82, 107 Stat. 2057, 2186), notice of the proposed revocation of NY 810686 was published on October 23, 2002, in the *CUSTOMS BULLETIN*, Volume 36, Number 43. As explained in the notice, the period within which to submit comments on this proposal was until November 22, 2002. No comments were received in response to this notice.

Facts:

In NY 810686, Customs described the merchandise, in pertinent part, as follows:

The product to be classified is a "Combi-Platform." * * * The product consists of a wooden board framed with metal. It measures approximately 17 inches by 58 inches. Four metal brackets are attached to the metal frame and these brackets are designed to connect to two ladders. * * * The platform when used with the ladders forms a scaffold. The ladders are supplied by the importer and apparently are not being imported with the platform. * * *

In NY 810686, Customs classified the subject scaffolding platform under subheading 4421.90.9840, HTSUSA, which provides for "Other articles of wood: Other: Other: Other."

Issue:

What is the proper classification of the subject merchandise?

Law and Analysis:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides, in part, that classification decisions are to be "determined according to the terms of the headings and any relative section or chapter notes * * *." In the event that goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.

The Harmonized Commodity Description and Coding System Explanatory Notes (EN) constitute the official interpretation of the Harmonized System at the international level (for the 4 digit headings and the 6 digit subheadings) and facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI. While neither legally binding nor dispositive of classification issues, the EN provide commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings. *See* T.D. 89-80, 54 Fed. Reg. 35127-28 (Aug. 23, 1989).

Chapter 44, HTSUS, provides for, among other things, wood and articles of wood. This chapter is structured so that less processed wood appears at the beginning of the chapter

followed by more advanced wood in later headings within the same chapter. Thus, for example, heading 4403, HTSUS, is a general provision for wood in the rough, whether or not stripped of bark or sapwood or roughly squared, and heading 4421, HTSUS, is a basket provision for more advanced articles of wood that cannot be classified elsewhere in the chapter.

Regarding the subject merchandise, the competing headings under consideration are heading 4407, HTSUSA, which covers wood sawn or chipped lengthwise; heading 4418, HTSUSA, which covers builders' joinery and carpentry of wood; and heading 4421, HTSUSA, which covers other articles of wood. As heading 4407 resides near the beginning of chapter 44, it reflects coverage of a relatively basic category of lumber products in relation to either heading 4418 or 4421, which residing closer to the end of the chapter, reflect coverage of a relatively more advanced category of products.

Heading 4407, HTSUSA, provides for "Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm." As the subject merchandise is a wooden board framed with metal having four attached metal brackets designed to connect to two ladders, it is advanced beyond the sawn wood of heading 4407, HTSUSA. Therefore, the scaffolding platform is precluded from classification in heading 4407, HTSUSA.

Heading 4418, HTSUSA, provides for, among other things, builder's joinery and carpentry of wood. The EN to heading 4418, HTSUS, state in pertinent part:

This heading applies to woodwork, including that of wood marquetry or inlaid wood, used in the construction of any kind of building, etc., in the form of assembled goods or as recognizable unassembled pieces (e.g., prepared with tenons, mortises, dovetails or other similar joints for assembly), whether or not with their metal fittings such as hinges, locks, etc.

The term "**joinery**" applies more particularly to builders' fittings (such as doors, windows, shutters, stairs, door or window frames), whereas the term "**carpentry**" refers to woodwork (such as beams, rafters and roof struts) used for structural purposes or in scaffoldings, arch supports, etc., and includes assembled shuttering for concrete constructional work. * * *

As referenced above, the EN to heading 4418 specifically identifies scaffolding as being within the scope of the heading. Given that the subject merchandise is processed beyond the sawn wood of heading 4407, HTSUSA, and is specifically named in the EN to heading 4418, it is properly classified in heading 4418, HTSUSA. See HQ 965693, dated August 5, 2002, wherein Customs classified edge-glued, finger-jointed planks with steel rods in subheading 4418.90.4590, HTSUSA.

We note that heading 4421, HTSUSA, which provides for "Other articles of wood," is a basket provision for more advanced articles of wood that cannot be classified elsewhere in the chapter. As the subject scaffolding planks are more specifically provided for in heading 4418, HTSUSA, they are precluded from classification in heading 4421, HTSUSA.

Holding:

The subject merchandise is classified in subheading 4418.90.4590, HTSUSA, which provides for "Builders' joinery and carpentry of wood, including cellular wood panels and assembled parquet panels; shingles and shakes: Other: Other, Other." The general one column rate of duty is 3.2 percent *ad valorem*.

NY 810686 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.

JOHN ELKINS,
(for Myles B. Harmon, Acting Director,
Commercial Rulings Division.)