

Bureau of Customs and Border Protection

Corrections

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

Undertakings of the Department of Homeland Security Bureau of Customs and Border Protection Regarding the Handling of Passenger Name Record Data

Correction

In notice document 04-15642 beginning on page 41543 in the issue of Friday, July 9, 2004, make the following correction:

On page 41546, in the third column, under footnote 11, the fifth line should read "manner that complies with relevant laws (see footnote 13). The determinations of the Chief Privacy Officer shall be binding on the Department and may not be overturned on political grounds."

[FR Doc. C4-15642 Filed 7-22-04; 8:45 am]

BILLING CODE 1505-01-D



CBP Decisions

[CBP Dec. 04-23]

DUTY-FREE TREATMENT OF ARTICLES IMPORTED IN CONNECTION WITH THE 2004 FINA WORLD CHAMPIONSHIPS

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

ACTION: Notice of designation of international athletic event for purposes of preferential tariff provision.

SUMMARY: This notice advises the public of the designation of the 2004 Federation Internationale de Natation (FINA) World Championships, an international swimming competition, as a qualifying international athletic event under subheading 9817.60.00, Harmonized Tariff Schedule of the United States (HTSUS).

EFFECTIVE DATE: July 28, 2004.

FOR FURTHER INFORMATION CONTACT: Kristen K. Ver Steeg, Office of Regulations and Rulings (202-572-8810).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 1456 of the Tariff Suspension and Trade Act of 2000 (the Act) (P.L. 106-476, 114 Stat. 2101) promulgated the duty-free treatment provided under subheading 9817.60.00, HTSUS, for certain articles brought into the United States for certain international athletic events. Subheading 9817.60.00, HTSUS, which implements section 1456(a) of the Act, states:

Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow.

Section 1456(b) of the Act, provides that such articles are free of duty, taxes, and fees, but are subject to routine inspections. The authority in section 1456 has been delegated to the Commissioner of Customs and Border Protection. See Homeland Security Act of 2002 (Public Law 107-296), Treasury Department Order No. 100-16, DHS Delegation Number 7010.1.

The 2004 World Swimming Championships will be held in Indianapolis, Indiana, from October 7, 2004, through October 11, 2004. This event is sponsored by the FINA, which is the international governing body for all aquatic sports, including swimming. United States Aquatic Sports (USAS), USA Swimming and the Indiana Sports Corporation will also sponsor the event, which will feature

approximately 600 athletes from more than 100 countries. The President, USAS, on behalf of the Indiana Sports Corporation, has requested that the event be designated as a qualifying international athletic event for purposes of subheading 9817.60.00, HTSUS.

Determination

It is determined that the 2004 FINA World Championships qualifies as a "similar international athletic event" in accordance with section 1456 of the Tariff Suspension and Trade Act of 2000. Therefore, articles meeting the conditions and requirements set forth in subheading 9817.60.00, HTSUS, imported in connection with the 2004 FINA World Swimming Championships, will be entitled to duty-free treatment.

ROBERT C. BONNER,
Commissioner;
U.S. Customs and Border Protection.

[Published in the Federal Register, July 28, 2004 (69 FR 45072)]

General Notices

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 6 2004)

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of June 2004. The last notice was published in the CUSTOMS BULLETIN on June 4, 2004.

Corrections or updates may be sent to Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: George Frederick McCray, Esq., Chief, Intellectual Property Rights Branch, (202) 572-8710.

Dated: July 20, 2004.

GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
COP0400061	20040602	20230602	OPTIC SIGNATURE FABRIC DESIGN	COACH SERVICES INC.	N
COP0400062	20040614	20240614	THE CONSECRATED TALISMAN OF THE MOORISH - AMERICAN DESIGN NO. 6	THE NOBLE; KHABIR URTEL-BEY	N
COP0400063	20040614	20240614	DESIGN NO. 7	TAGGIES, INC.	N
COP0400064	20040614	20240614	DESIGN NO. 1	TAGGIES, INC.	N
COP0400065	20040614	20240614	DESIGN NO. 2	TAGGIES, INC.	N
COP0400066	20040614	20240614	DESIGN NO. 4	TAGGIES, INC.	N
COP0400067	20040614	20240614	DESIGN NO. 5	TAGGIES, INC.	N
COP0400068	20040614	20240614	DESIGN NO. 3	TAGGIES, INC.	N
COP0400069	20040614	20240614	RAIDMAX COBRA	RAIDRONICS, INC.	N
COP0400070	20040614	20240614	BVLGARI CATALOG	BULGARI S.P.A.	N
COP0400071	20040615	20230615	THE PRECIOUS COLLECTION 2003	BULGARI S.P.A.	N
COP0400073	20040615	20230615			N
SUBTOTAL RECORDATION TYPE 13					
TMK0400411	20040601	20120908	HD	H-D MICHIGAN, INC.	N
TMK0400412	20040601	20120919	HOJMAN AND DESIGN	HOUSE OF HOJMAN CORPORATION	N
TMK0400413	20040602	20120316	COMBRO	CAMBRO MANUFACTURING COMPANY	N
TMK0400414	20040602	20120306	LESPORTSAC & DESIGN	LE SPORTSAC INC.	N
TMK0400415	20040602	20140316	DALLAS	DALLAS SEMICONDUCTOR CORPORATION	N
TMK0400416	20040602	20051016	MODELLO	CERVECERIA MODELO, S.A. DE C.V.	N
TMK0400417	20040602	20110922	FRANCIS FIRST	REED AND BARTON CORPORATION	N
TMK0400418	20040609	20131109	T-BAGS	TERRY LOVETT	N
TMK0400419	20040609	20140326	M & DESIGN	MARS, INCORPORATED	N
TMK0400420	20040609	20140327	3-MUSKETEERS	MARS, INCORPORATED	N
TMK0400421	20040610	20140210	YES!	JJ HOLLAND LIMITED	N
TMK0400422	20040610	20110922	FRANCIS FIRST	REED AND BARTON CORPORATION	N
TMK0400423	20040614	20141011	POLO SPORT	PRL USA HOLDINGS, INC.	N
TMK0400424	20040614	20071208	KANDY	PHOENIX AGRO-INVEST, INC.	N
TMK0400425	20040614	20130819	CANDY	PHOENIX AGRO-INVEST, INC.	N
TMK0400426	20040614	20140203	HEATFORCE PREMIUM HEATING OIL & DESIGN	SPRAGUE ENERGY CORPORATION	N
TMK0400427	20040614	20081103	MINERAGUA (STYLIZED)	JARRITOS, INC.	N
TMK0400428	20040614	20120302	JARRITOS AND DESIGN	JARRITOS, INC.	N
TMK0400429	20040614	20100620	JARRITOS	JARRITOS, INC.	N
TMK0400430	20040614	20131012	PLANET HOLLYWOOD	PLANET HOLLYWOOD	N
TMK0400431	20040614	20140614	PLANET HOLLYWOOD AND DESIGN	PLANET HOLLYWOOD (REGION IV), INC.	N
TMK0400432	20040614	20140503	NBA	NBA PROPERTIES, INC.	N
TMK0400433	20040614	20130227	CHRISTIAN DIOR	CHRISTIAN DIOR COUTURE, S.A.	N
TMK0400434	20040614	20131209	SARAR	SARAR GIYIM TEKSTIL SANAYI	N
TMK0400435	20040615	20140221	A'S STYLIZED	ATHLETIC INVESTMENT GROUP, LLC.	N
TMK0400436	20040615	20130126	ANTICA ITALIA	GROUP INTERNATIONAL OF ITALIAN	N
TMK0400437	20040615	20070225	ANTICA ITALIA	GROUP INTERNATIONAL OF ITALIAN	N
TMK0400438	20040615	20060305	GREAT WALL BRAND AND DESIGN	TIANJIN LERENTANG TRADITIONAL	N
TMK0400439	20040615	20131028	JINCHIAO TABLET	TIANJIN LERENTANG TRADITIONAL	N
TMK0400440	20040615	20060213	DESIGN PORTAL	SO. S. U.S.A. CO., INC.	N
TMK0400441	20040615	20131231	YULIN YETI	GUANGXI YU LIN PHARMACEU	N
TMK0400442	20040615	20131231	YULIN YETI	GUANGXI YU LIN PHARMACEU	N
TMK0400443	20040615	20121112	YULIN JI GU CAO WAN	GUANGXI YU LIN PHARMACEU	N

BUREAU OF CUSTOMS AND BORDER PROTECTION

U.S. CUSTOMS SERVICE
IPR RECORDATIONS ADDED IN JUNE 2004

07/02/2004
13:27:10

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMH OR MSK	OWNER NAME	RES
TKM04000444	20040615	20130805	YULIN GE JEI BU SHEN WAN	GUANGXI YU LIN PHARMACEU	N
TKM04000445	20040615	20101003	RETYLANE (STYLIZED LETTERING)	HA NORTH AMERICAN SALES AB	N
TKM04000446	20040615	20130119	METAGENICS	METAGENICS, INC.	N
TKM04000447	20040615	20100704	GOLF DIGEST	ADVANCE MAGAZINE PUBLISHERS INC.	N
TKM04000448	20040615	20130522	GUCCI	GUCCI AMERICA, INC.	N
TKM04000449	20040615	20140103	BILLY JOEL	WILLIAM MARTIN JOEL	N
TKM04000450	20040615	20050820	TIDDIES (STYLIZED LETTERING)	TIDDIES INC.	N
TKM04000451	20040615	20140301	MOSCHINO	MOSCHINO S.P.A.	N
TKM04000452	20040615	20081013	PISTOL	ANGUILLA RUMS LIMITED	N
TKM04000453	20040615	20140529	RONALD MCDONALD	MCDONALD'S CORPORATION	N
TKM04000454	20040615	20070114	RETYLANE	HA NORTH AMERICAN SALES AB	N
TKM04000455	20040615	20061119	RBRC	RECHARGEABLE BATTERY RECYCLING	N
TKM04000456	20040615	20070520	CHARGE UP TO RECYCLE	RECHARGEABLE BATTERY RECYCLING	N
TKM04000457	20040615	20110807	RBRC AND DESIGN	RECHARGEABLE BATTERY RECYCLING	N
TKM04000458	20040615	20070520	CHARGE UP TO RECYCLE	RECHARGEABLE BATTERY RECYCLING	N
TKM04000459	20040615	20140127	NOSA (STYLIZED LETTERING)	RECHARGEABLE BATTERY RECYCLING	N
TKM04000460	20040615	20110727	SMART ORIENT	CARLS BERGMANS, INC.	N
TKM04000461	20040615	20110727	SMART-LITE	TRUCK-LITE CO., INC.	N
TKM04000462	20040615	20081103	NVFL	TRUCK-LITE CO., INC.	N
TKM04000463	20040615	20110619	ULTRAFASH II	TRUCK-LITE CO., INC.	N
TKM04000464	20040615	20110619	DO-RAY (STYLIZED LETTERING)	TRUCK-LITE CO., INC.	N
TKM04000465	20040615	20110619	SONY	SONY CORPORATION	N
TKM04000466	20040615	20140113	CONFIGURATION OF A FOLDING CHAIR	CLARIN	N
TKM04000467	20040616	20040621	HP	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000468	20040616	20041108	HEWLETT PACKARD	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000470	20040616	20120625	HP INVENT & DESIGN	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000471	20040616	20110710	LASERJET	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000472	20040616	20110529	27X	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000473	20040616	20080929	98X	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000474	20040616	20120115	COMMAND PERFORMANCE GOLD	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000475	20040616	20140702	SUTTON	E. GLUCK CORPORATION	N
TKM04000476	20040616	20140515	DEAUVILLE	E. GLUCK CORPORATION	N
TKM04000477	20040616	20140228	SOX CHICAGO WHITE SOX & DESIGN	CHICAGO WHITE SOX, LIMITED	N
TKM04000478	20040616	20040705	HP & DESIGN	HEWLETT-PACKARD DEVELOPMENT CO.	N
TKM04000479	20040616	20111211	NO WAY OUT	WORLD WRESTLING ENTERTAINMENT	N
TKM04000480	20040616	20091214	AUSTIN 3:16	WORLD WRESTLING ENTERTAINMENT	N
TKM04000481	20040616	20130923	HARDY BOYZ	WORLD WRESTLING ENTERTAINMENT	N
TKM04000482	20040616	20131007	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT	N
TKM04000483	20040616	20130826	NEW SCRATCH LOGO	WORLD WRESTLING ENTERTAINMENT	N
TKM04000484	20040616	20121105	KING OF THE RING	WORLD WRESTLING ENTERTAINMENT	N
TKM04000485	20040616	20130812	NEW SCRATCH LOGO	WORLD WRESTLING ENTERTAINMENT	N
TKM04000486	20040616	20131223	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT	N
TKM04000487	20040616	20130826	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT	N
TKM04000488	20040616	20120503	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT	N
TKM04000489	20040616	20120503	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT	N
TKM04000490	20040616	20130516	UNDERAKER	WORLD WRESTLING ENTERTAINMENT	N
TKM04000491	20040616	20131016	HARDY BOYZ	WORLD WRESTLING ENTERTAINMENT	N
TKM04000492	20040616	20130729	NO MERCY	WORLD WRESTLING ENTERTAINMENT	N

U.S. CUSTOMS SERVICE
IPR RECORDATIONS ADDED IN JUNE 2004

07/02/2004
13:27:10

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
TMK0400493	20040616	20130916	NEW SCRATCH LOGO	WORLD WRESTLING ENTERTAINMENT	N
TMK0400494	20040616	20130819	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT	N
TMK0400495	20040616	20130518	UNDERTAKER	WORLD WRESTLING ENTERTAINMENT	N
TMK0400496	20040616	20130812	NEW SCRATCH LOGO	WORLD WRESTLING ENTERTAINMENT	N
TMK0400497	20040616	20130819	NEW SCRATCH LOGO	WORLD WRESTLING ENTERTAINMENT	N
TMK0400498	20040616	20131007	BACKLASH	WORLD WRESTLING ENTERTAINMENT	N
TMK0400499	20040616	20140106	NO MERCY	WORLD WRESTLING ENTERTAINMENT	N
TMK0400500	20040616	20131230	ARMAGEDDON	WORLD WRESTLING ENTERTAINMENT	N
TMK0400501	20040616	20130701	RIC FLAIR	WORLD WRESTLING ENTERTAINMENT	N
TMK0400502	20040616	20130715	KURT ANGLE	WORLD WRESTLING ENTERTAINMENT	N
TMK0400503	20040616	20130826	NEW SCRATCH LOGO	WORLD WRESTLING ENTERTAINMENT	N
TMK0400504	20040616	20130701	BOOKER T	WORLD WRESTLING ENTERTAINMENT	N
TMK0400505	20040616	20120101	UNFORGIVEN	WORLD WRESTLING ENTERTAINMENT	N
TMK0400506	20040616	20130715	ROB VAN DAM	WORLD WRESTLING ENTERTAINMENT	N
TMK0400507	20040616	20130114	GOLDUST	WORLD WRESTLING ENTERTAINMENT	N
TMK0400508	20040616	20130211	JUDGMENT DAY	WORLD WRESTLING ENTERTAINMENT	N
TMK0400509	20040616	20060507	ROYAL RUMBLE	WORLD WRESTLING ENTERTAINMENT	N
TMK0400510	20040616	20121009	LIYA LESNAR	WORLD WRESTLING ENTERTAINMENT	N
TMK0400511	20040616	20131307	THE UNDERTAKER	WORLD WRESTLING ENTERTAINMENT	N
TMK0400512	20040616	20131307	THE UNDERTAKER	WORLD WRESTLING ENTERTAINMENT	N
TMK0400513	20040616	20120917	JUDGMENT DAY	WORLD WRESTLING ENTERTAINMENT	N
TMK0400514	20040616	20130826	NO MERCY	WORLD WRESTLING ENTERTAINMENT	N
TMK0400515	20040616	20131007	WWE	WORLD WRESTLING ENTERTAINMENT	N
TMK0400516	20040616	20131007	STEVE AUSTIN	WORLD WRESTLING ENTERTAINMENT	N
TMK0400517	20040616	20130708	RVD	WORLD WRESTLING ENTERTAINMENT	N
TMK0400518	20040616	20121022	CHRISTIAN	WORLD WRESTLING ENTERTAINMENT	N
TMK0400519	20040616	20130729	TRISH STRATUS	WORLD WRESTLING ENTERTAINMENT	N
TMK0400520	20040616	20131104	TRIPLE H	WORLD WRESTLING ENTERTAINMENT	N
TMK0400521	20040616	20140120	RIKISHI	WORLD WRESTLING ENTERTAINMENT	N
TMK0400522	20040616	20131216	CHRIS BENOIT	WORLD WRESTLING ENTERTAINMENT	N
TMK0400523	20040616	20110430	CHARLOTTE & DESIGN	WORLD WRESTLING ENTERTAINMENT	N
TMK0400524	20040629	20140503	L. J. SIMONE	NEW ORLEANS HORNETS NBA LIMITED	N
TMK0400525	20040629	20140503	L. J. SIMONE	FASHION SHOE LICENSING LLC.	N

SUBTOTAL RECORDATION TYPE 115

TOTAL RECORDATIONS ADDED THIS MONTH 128

Cancellation of Customs Broker License Due to Death of the License Holder

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security

ACTION: General Notice

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations § 111.51(a), the following individual Customs broker license and any and all permits have been cancelled due to the death of the broker:

<u>Name</u>	<u>License #</u>	<u>Port Name</u>
Emmett Sindik	04219	New Orleans
Kenneth E. Lacy	05962	San Francisco
Jimmy F. Lumpkin	06110	New Orleans

DATED: July 22, 2004

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

[Published in the Federal Register, August 2, 2004 (69 FR 46173)]

Notice of Cancellation of Customs Broker Permit

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

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.

<u>Name</u>	<u>Permit #</u>	<u>Issuing Port</u>
Linda S. Schultz, dba PCI Import Services	53-03-BBR	Houston
World Commerce Services, Inc.	28-01-754	San Francisco
Patricia A. Sanders	01-17-005	Atlanta
Christopher A. LaVenture	38-02-MJ1	Detroit

<u>Name</u>	<u>Permit #</u>	<u>Issuing Port</u>
T.H. Weiss (Houston), Inc.	5302-006	Houston
Charter Brokerage Corporation	14664	New York

DATED: July 22, 2004

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

[Published in the Federal Register, August 2, 2004 (69 FR 46173)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.

Washington, DC, July 28, 2004,

The following documents of the Bureau of Customs and Border Protection ("CBP"), Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and CBP field offices to merit publication in the CUSTOMS BULLETIN.

SANDRA L. BELL,
*Acting Assistant Commissioner,
Office of Regulations and Rulings.*

PROPOSED REVOCATION AND MODIFICATION OF CLASSIFICATION LETTERS AND REVOCATION OF TREATMENT RELATING TO CLASSIFICATION OF CERTAIN TOWELETTES

AGENCY: Bureau of Customs and Border Protection, Dept. of Homeland Security

ACTION: Notice of proposed revocation and modification of ruling letters and revocation of treatment relating to the classification of certain towelettes.

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 and Border Protection (CBP) intends to revoke and modify ruling letters relating to the classification of certain towelettes under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). Similarly, CBP is revoking any treatment previously accorded by them to substantially identical merchandise.

DATE: Comments must be received on or before September 10, 2004.

ADDRESS: Written comments are to be addressed to Bureau of Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be inspected at Customs and Border Protection, 799 9th Street, N.W., Washington, D.C., during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Teresa Frazier, Textiles Branch, at (202) 572-8821.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP intends to revoke one ruling letter and modify one ruling letter relating to the tariff classification of certain towelettes. Although in this notice CBP is specifically referring to the revocation of New York Ruling Letter (NY) F88871, dated July 12, 2000, and modification of New York Ruling Letter (NY) I86502, dated October 3, 2002, 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.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise CBP during this 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, Customs and Border Protection intends to revoke any treatment previously accorded by CBP to substantially identical merchandise. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP's personnel applying a

ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the HTSUSA. Any person involved with substantially identical merchandise should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical merchandise 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 New York Ruling Letter (NY) F88871, dated July 12, 2000, CBP classified among other things, certain sunscreen towelettes in subheading 3304.99.5000, Harmonized Tariff Schedule of the United States Annotated, which provides for "Beauty or make-up preparations and preparations for the care of the skin (other than medications) including sunscreen or sun tan preparations; manicure or pedicure preparations: Other."

In New York Ruling Letter (NY) I86502, dated October 3, 2002, CBP classified certain nail polish remover pads in subheading 3304.30.0000, Harmonized Tariff Schedule of the United States Annotated, which provides for manicure or pedicure preparations.

Upon review of these rulings, CBP has determined that the merchandise's classification within heading 3304, HTSUSA was incorrect. Rather, CBP finds the merchandise is classifiable in 3307.90.00, HTSUS, as "cosmetic or toilet preparations, not elsewhere specified or included, other" pursuant to Note 4 to Chapter 33.

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to revoke NY F88871, dated July 12, 2000, and modify NY I86502, dated October 3, 2002 (Attachments A and B), and any other rulings not specifically identified that are contrary to the determination set forth in this notice to reflect consistency in classification pursuant to the analysis set forth in proposed Headquarters Ruling Letters (HQ) 966960 and 966959 (Attachments C and D). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends 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: July 22, 2004

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY F88871
July 12, 2000
CLA-2-33:RR:NC:2:240 F88871
CATEGORY: Classification
TARIFF NO.: 3304.99.5000

MS. RAE-ANN COUGHENOUR
GREAT LAKES CUSTOMS BROKERAGE, INC.
*4500 Witmer Industrial Estates
Niagara Falls, NY 14305-1386*

RE: The tariff classification of SunSwipe Sunscreen Towelette from
Canada

DEAR MS. COUGHENOUR:

In your letter dated June 28, 2000 you requested a tariff classification ruling on behalf of your client Norpac Manufacturing Inc.

Samples of the SunSwipe Sunscreen Towelette were submitted with your inquiry. The product consists of a towelette impregnated with sunscreen and aloe vera packed in a retail foil package. The towelette is applied to the body for sunscreen protection. The towelettes are marketed in various SPF grades.

The applicable subheading for the SunSwipe Sunscreen Towelette will be 3304.99.5000, Harmonized Tariff Schedule of the United States (HTS), which provides for Beauty or make-up preparations and preparations for the care of the skin (other than medicaments) including sunscreen or sun tan preparations; manicure or pedicure preparations: Other. The rate of duty will be free.

Cosmetic and toiletry products may be subject to the regulations of the Food and Drug Administration. You may contact them at 5600 Fishers Lane, Rockville, Maryland 20857, telephone number (301) 443-3380.

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

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Stephanie Joseph at 212-637-7066.

ROBERT B. SWIERUPSKI,
Director,
National Commodity Specialist Division.

[ATTACHMENT B]

**DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY I86502
October 3, 2002
CLA-2-33:RR:NC:2:240 I86502
CATEGORY: Classification
TARIFF NO.: 3304.30.0000**

**MR. BRIAN KAVANAUGH
DERINGER LOGISTICS CONSULTING GROUP
1 Lincoln Blvd., Suite 225
Rouses Point, NY 12979**

RE: The tariff classification of Lens Cleaning Wipes and Nail Polish Remover Pads from Canada

DEAR MR. KAVANAUGH:

In your letter dated September 18, 2002, you requested, on behalf of your client Devonshire Industries, a tariff classification ruling.

As stated in your letter, the nail polish remover pads are composed of a non-woven 100% acrylic felt material. The pads are impregnated with acetone, isopropyl alcohol, water, lanolin and a fragrance. The pads, individually packaged in foil pouches, will be sold for retail sale in various sizes. The Lens Cleaner Wipes, packaged in foil pouches, are composed of paper towelettes impregnated with ethanol, isopropyl alcohol and water. Samples were not submitted at this time. The applicable subheading for Nail Polish Remover Pads will be 3304.30.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for Manicure or pedicure preparations. . . . The rate of duty will be free.

A classification ruling for the Lens Cleaner Wipes can not be issued at this time. Your letter indicates product is "paper" toweling. Please indicate what type of material the paper toweling is made of (ex. paper pulp, man-made fibers etc.) Also provide the component material and method of manufacture. Specify the weight of the material in grams per square meter and, if man-made fibers, indicate if filament or staple fibers. Also, please provide a representative sample.

Perfumery, cosmetic and toiletry products are subject to the requirements of the Food and Drug Cosmetic Act, which is administered by the U.S. Food and Drug Administration. You may contact them at 5600 Fishers Lane, Rockville, Maryland 20857 This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the rul-

ing, contact National Import Specialist Stephanie Joseph at 646-733-3268.

**ROBERT B. SWIERUPSKI,
Director,
National Commodity Specialist Division.**

[ATTACHMENT C]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966960
CLA-2 RR:CR:TE 966960 TMF
CATEGORY: Classification
TARIFF NO.: 3307.90.00

MS. RAE-ANN COUGHENOUR
GREAT LAKES CUSTOMS BROKERAGE, INC.
4500 Witmer Industrial Estates
Niagara Falls, NY 14305-1386

RE: Revocation of New York Ruling Letter (NY) F88871, dated July 12, 2000; Classification of SunSwipe Sunscreen Towelettes

DEAR MS. COUGHENOUR:

In your letter dated June 28, 2000, you requested a binding ruling on behalf of your client, Norpac Manufacturing, Inc., regarding the classification of SunSwipe Sunscreen Towelettes. Customs and Border Protection (formerly U.S. Customs Service) issued you New York Ruling Letter (NY) F88871, dated July 12, 2000, which classified the merchandise in subheading 3304.99.5000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Beauty or make-up preparations and preparations for the care of the skin (other than medicaments) including sunscreen or sun tan preparations; manicure or pedicure preparations: Other."

We have reviewed this decision and have determined it to be in error. Therefore, this ruling is revoking NY F88871 as it pertains to the SunSwipe Sunscreen Towelettes.

FACTS:

The description of the merchandise is taken from NY F88871, *supra*, which reads as follows:

Samples of the SunSwipe Sunscreen Towelette were submitted with your inquiry. The product consists of a towelette impregnated with sunscreen and aloe vera packed in a retail foil package. The towelette is applied to the body for sunscreen protection. The towelettes are marketed in various SPF grades.

ISSUE:

Whether the subject SunSwipe Sunscreen Towelettes are classified as sunscreen preparations of heading 3304, or cosmetic preparations, not elsewhere specified or included of heading 3307, within the meaning of Chapter 33, Note 4, HTSUS.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). The systematic detail of the HTSUS is such that most goods are classified by application of GRI 1, that is, according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

In interpreting the headings and subheadings, Customs looks to the Harmonized Commodity Description and Coding System Explanatory Notes (ENs). Although not legally binding, they provide a commentary on the scope of each heading of the HTSUS. It is Customs practice to follow, whenever possible, the terms of the ENs when interpreting the HTSUS. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUS provisions under consideration are as follows:

3304 Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or sun tan preparations; manicure or pedicure preparations:

Other:

Other:

3304.99.50 Other

3307 Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties:

3307.20.00 Personal deodorants and antiperspirants

3307.90.0 Other

5603 Nonwovens, whether or not impregnated, coated, covered or laminated:

Of man-made filaments:

5603.11.0 Weighing not more than 25 g/m²

Note 1 to Chapter 56, HTSUS excludes from this chapter:

(a) Wadding, felt or nonwovens, impregnated, coated or covered with substances or preparations (for example, perfumes or cosmetics of chapter 33, soaps or detergents of heading 3401 . . .) where the textile material is present merely as a carrying medium. . . .

In this instance, we find the above Note precludes the classification of the subject towelettes within Chapter 56 because the textile pad's sole function is to serve as a carrier medium for the sunscreen and aloe vera.

In NY F88871, CBP originally classified the goods in heading 3304, which specifically provides for sunscreen and sun tan preparations. We refer to Explanatory Note 33.04(A), which states, “sunscreen or sun tan preparations are also included.” We note that in lieu of Chapter 56 or heading 3397, CBP has classified towelettes impregnated with cleaning solutions in Chapter 34. See Headquarters Ruling Letter (HQ) 966800, dated February 3, 2004, referencing, in pertinent part to five New York rulings that classified other towelettes impregnated with cleaning solutions used to clean the surface of the skin in Chapter 34. These rulings are: NY 897538, dated May 27, 1994 (which classified paper towelettes used to clean hands), NY J87145, dated September 2, 2003, and NY F88830, dated August 18, 2000 (both which classified baby wipes that are used to clean baby body parts), NY 810044, dated June 20, 1995 (which classified Soft Wipe Tissues containing sodium laureth sulfate, a cleanser, in heading 3401); and NY J87912, dated September 12, 2003, which classified antiseptic towelettes used to clean hands in heading 3402, HTSUS).

However, in this instance, the subject towelettes are not skin surfactant cleaners of Chapter 34, nor simply nonwovens of heading 5603, but nonwoven cosmetic towelettes. We refer you to Note 4 for Chapter 33, HTSUS, which defines heading 3307, by stating in part:

The expression “perfumery, cosmetic or toilet preparations” in heading 3307 applies, *inter alia*, to the following products: scented sachets; odoriferous preparations which operate by burning; perfumed papers and **papers impregnated or coated with cosmetics**; contact lens or artificial eye solutions; **wadding, felt and nonwovens, impregnated, coated or covered with perfume or cosmetics**; animal toilet preparations. [*Emphasis added in bold.*] See EN 33.07(V)(5).

Further, EN 33.07(V) states, in pertinent part, that this heading covers “wadding, felt and nonwovens impregnated, coated or covered with perfume or cosmetics.”

We note that the Tariff and the Explanatory Notes do not define the term “cosmetic” and we refer to the Encyclopædia Britannica (Online), which defines the term as:

any of several preparations (excluding soap) that are applied to the human body for beautifying, preserving, or altering the appearance or for cleansing, colouring, conditioning, or protecting the skin, hair, nails, lips, eyes, or teeth.

The two headings, 3304 and 3307, are distinguishable with regard to the instant towelettes’ classification. Heading 3304 provides in general for skin and makeup preparations. Heading 3307 specifically includes nonwovens that are impregnated with perfumes or cosmetics. In this instance, the subject towelettes are more completely described in heading 3307 and should be reclassified therein. See HQ 085809, dated November 7, 1989, classifying a nonwoven wet tissue paper impregnated with fragrance and a cationic detergent for use in removing make-up and other functions relating to cleaning the skin within heading 3307. See also NY D85336, dated December 11, 1998, classifying a Fria Disposable Moist Towelette used to refresh the hands and face with a light perfume fragrance in heading 3307.

HOLDING:

NY F88871, dated July 12, 2000, is hereby revoked. The SunSwipe Sunscreen Towelettes are classified in subheading 3307.90.00, HTSUS, as cosmetic or toilet preparations, not elsewhere specified or included, other.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

[ATTACHMENT D]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966959
CLA-2 RR:CR:TE 966959 TMF
CATEGORY: Classification
TARIFF NO.: 3307.90.00

MR. BRIAN KAVANAUGH
DERINGER LOGISTICS CONSULTING GROUP
1 Lincoln Blvd.,
Suite 225
Rouses Point, NY 12979

RE: Modification of New York Ruling Letter (NY) I86502, dated October 3, 2002; Classification of Nail Polish Remover Pads

DEAR MR. KAVANAUGH:

In your letter dated September 18, 2002, you requested, on behalf of your client Devonshire Industries, a binding tariff ruling concerning lens cleaning wipes and nail polish remover pads. Customs and Border Protection (formerly U.S. Customs Service) issued you New York Ruling Letter (NY) I86502, dated October 3, 2002, which classified the nail polish remover pads in subheading 3304.30.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for manicure or pedicure preparations.

We have reviewed this decision and have determined it to be in error. Therefore, this ruling modifies NY I86502 as it pertains to the nail polish remover pads.

FACTS:

The description of the merchandise is taken from NY I86502, *supra*, which reads as follows:

The nail polish remover pads are composed of a non-woven 100% acrylic felt material. The pads are impregnated with acetone, isopropyl alcohol, water, lanolin and a fragrance. The pads, individually packaged in foil pouches, will be sold for retail sale in various sizes.

ISSUE:

Whether the subject nail polish remover pads are classified as manicure or pedicure preparations of heading 3304, or cosmetic preparations, not elsewhere specified or included of heading 3307, within the meaning of Chapter 33.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). The systematic detail of the HTSUS is such that most goods are classified by application of GRI 1, that is, according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

In interpreting the headings and subheadings, Customs looks to the Harmonized Commodity Description and Coding System Explanatory Notes (ENs). Although not legally binding, they provide a commentary on the scope of each heading of the HTSUS. It is Customs practice to follow, whenever possible, the terms of the ENs when interpreting the HTSUS. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUS provisions under consideration are as follows:

- 3305 Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or sun tan preparations; manicure or pedicure preparations:
 Other:
 Other:
 3305.99.50 Other
- 3308 Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties:
 3308.20.00 Personal deodorants and antiperspirants
 3307.90.00 Other
- 5603 Nonwovens, whether or not impregnated, coated, covered or laminated:
 Of man-made filaments:
 5603.12.0 Weighing not more than 25 g/m²

Note 1 to Chapter 56, HTSUS excludes from this chapter:

- (a) Wadding, felt or nonwovens, impregnated, coated or covered with substances or preparations (for example, perfumes or cosmetics of chapter 33, soaps or detergents of heading 3401 . . .) where the textile material is present merely as a carrying medium. . . .

In this instance, we find the above Note precludes the classification of the subject towelettes within Chapter 56 because their textile pad's sole function is to serve as a carrier medium for nail polish remover.

In NY I86502, CBP originally classified the goods in heading 3304, which specifically provides for cosmetic preparation. We refer to Explanatory Note 33.04(B), which states, “this part covers nail varnish removers . . . and other preparations for use in manicure or pedicure.” We note that in lieu of Chapter 56 or heading 3397, CBP has classified towelettes impregnated with cleaning solutions in Chapter 34. See Headquarters Ruling Letter (HQ) 966800, dated February 3, 2004, referencing, in pertinent part to five New York rulings that classified other towelettes impregnated with cleaning solutions used to clean the surface of the skin in Chapter 34. These rulings are: NY 897538, dated May 27, 1994 (which classified paper towelettes used to clean hands), NY J87145, dated September 2, 2003, and NY F88830, dated August 18, 2000 (both which classified baby wipes that are used to clean baby body parts), NY 810044, dated June 20, 1995 (which classified Soft Wipe Tissues containing sodium laureth sulfate, a cleanser, in heading 3401); and NY J87912, dated September 12, 2003, which classified antiseptic towelettes used to clean hands in heading 3402, HTSUS).

However, in this instance, the subject nail polish remover pads are not skin cleaning towelettes of Chapter 34 (as in the rulings previously cited), nor simply nonwovens of heading 5603, but nonwoven cosmetic pads impregnated with nail polish remover. We refer you to Note 4 for Chapter 33, HTSUS, which defines heading 3307, by stating in part:

The expression “perfumery, cosmetic or toilet preparations” in heading 3307 applies, *inter alia*, to the following products: scented sachets; odoriferous preparations which operate by burning; perfumed papers and **papers impregnated or coated with cosmetics**; contact lens or artificial eye solutions; **wadding, felt and nonwovens, impregnated, coated or covered with perfume or cosmetics**; animal toilet preparations. [*Emphasis added in bold.*] See EN 33.07(V)(5).

Further, EN 33.07(V) states, in pertinent part, that this heading covers “wadding, felt and nonwovens impregnated, coated or covered with perfume or cosmetics.”

We note that the Tariff and the Explanatory Notes do not define the term “cosmetic” and we refer to the [Encyclopædia Britannica \(Online\)](#), which defines the term as:

any of several preparations (excluding soap) that are applied to the human body for beautifying, preserving, or altering the appearance or for cleansing, colouring, conditioning, or protecting the skin, hair, nails, lips, eyes, or teeth.

The two headings, 3304 and 3307, are distinguishable with regard to the instant pads’ classification. Heading 3304 provides in general for skin and makeup preparations. Heading 3307 specifically includes nonwovens that are impregnated with perfumes or cosmetics. In this instance, the subject pads are more completely described in heading 3307 and should be reclassified therein. See HQ 085809, dated November 7, 1989, classifying a nonwoven wet tissue paper impregnated with fragrance and a cationic detergent for use in removing make-up and other functions relating to cleaning the skin within heading 3307. See also NY D85336, dated December 11, 1998, classifying a Fria Disposable Moist Towelette used to refresh the hands and face with a light perfume fragrance in heading 3307.

HOLDING:

NY I86502, dated October 3, 2002, is hereby modified. The nail polish remover pads are classified in subheading 3307.90.00, HTSUS, as cosmetic or toilet preparations, not elsewhere specified or included, other.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

REVOCATION OF A RULING LETTER AND REVOCATION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF CERTAIN SUNSHADES

AGENCY: Bureau of Customs & Border Protection; Department of Homeland Security.

ACTION: Notice of revocation of a tariff classification ruling letter and revocation of treatment relating to the classification of certain sunshades.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), this notice advises interested parties that Customs & Border Protection (CBP) is revoking one ruling letter relating to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of certain sunshades. Similarly, CBP is revoking any treatment previously accorded by it to substantially identical merchandise. Notice of the proposed revocation was published in the Customs Bulletin of June 23, 2004, Vol. 38, No. 26. No comments were received.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 10, 2004.

FOR FURTHER INFORMATION CONTACT: Brian Barulich, Textiles Branch: (202) 572-8883.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal

obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the Customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, a notice proposing to revoke New York Ruling Letter (NY) K82882, dated February 20, 2004, was published on June 23, 2004, in Vol. 38, No. 26, of the Customs Bulletin.

As stated in the notice of proposed revocation, this revocation covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. Any party who has received an interpretive ruling or decision (*i.e.*, a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should have advised CBP during this 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 revoking any treatment previously accorded by CBP to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the HTSUSA. Any person involved with substantially identical transactions should have advised CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY K82882, CBP classified a sunshade from China under subheading 6306.99.0000, HTSUSA, which provides for "Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Other: Of other textile materials." Based on our review of heading 6306, HTSUSA, heading 6307, HTSUSA, the pertinent Explanatory Notes, and past CBP rulings, we find that a sunshade of the type subject to this notice, should be classified in subheading 6306.12.0000, HTSUSA, which provides for "Tarpaulins,

awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Tarpaulins, awnings and sunblinds: Of synthetic fibers.”

Pursuant to 19 U.S.C. 1625 (c)(1), CBP is revoking NY K82882 and any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in HQ 967106 (Attachment). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

DATED: July 28, 2004

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachment

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967106
July 28, 2004
CLA-2: RR:CR:TE: 967106 BtB
CATEGORY: Classification
TARIFF NO.: 6306.12.0000

Ms. JEANNE BERG
VP OPERATIONS
AIR FREIGHT INT'L D/B/A AFI CALIFORNIA
2381 Rosencrans Ave., Suite 100
El Segundo, CA 90245

RE: Revocation of NY K82882 regarding the tariff classification of a sunshade from China

DEAR MS. BERG:

This is in reference to New York Ruling Letter (NY) K82882, dated February 20, 2004, issued to you by the Bureau of Customs and Border Protection (CBP) regarding the classification, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of a sunshade from China. NY K82882 was issued in response to the January 28, 2004 ruling request letter that you filed on behalf of Gale Pacific (incorrectly called “Gale Specific” in NY K82882) of Ontario, California. We have reconsidered NY K82882 and have determined that the classification of the subject sunshade is not correct. This ruling sets forth the correct classification and revokes NY K82882.

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, 2186 (1993), notice of the proposed revocation of NY K82882, as

described below, was published in the *Customs Bulletin*, Volume 38, Number 26, on June 23, 2004. CBP received no comments during the notice and comment period that closed on July 23, 2004.

FACTS:

The subject sunshade is more specifically described as an “Exterior Roll-Up Solar Shade.” In your ruling request letter, you state the following:

The product will be imported from China as a finished roller shade, complete with mounting brackets and pull chain. It is intended to be used as a sunshade to protect the home from heat, sun damage and glare. It is to be mounted on the outside of the house to reduce the damaging effect of the sun’s rays on the interior area. . . . The shade can be mounted on an exterior window frame or patio. It is designed to filter sunlight before the sun enters the space. Thus (sic) is not suitable for installation on the interior of the unit. It does not completely block the sunlight, therefore is not effective as a “blackout” shade.

The marketing materials included with the ruling request letter show the instant sunshade mounted above home windows, doors and a patio. The roller shade is made of PVC-coated polyester yarn.

In NY K82882, CBP classified the subject sunshade under subheading 6306.99.0000, HTSUSA, which provides for “Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Other: Of other textile materials.”

ISSUE:

What is the proper classification of the subject sunshade under the HTSUSA?

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).

The EN to heading 6306 state that the heading covers “a range of textile articles usually made from strong, close woven canvas” including, in pertinent part:

- (3) **Awnings, sunblinds** (for shops, cafes, etc.) These are designed for protection against the sun; they are generally made of strong plain or striped canvas, and may be mounted on roller or folding mechanisms. They remain classified in this heading even when provided with frames, as is sometimes the case with sunblinds.

In prior rulings, we have noted that sunblinds are “covers for windows on buildings.” See HQ 088040, dated January 16, 1991. In regard to the articles included under heading 6306, we have stated, “. . . those articles are designed to mount over doors and windows to provide shelter and protection against the sun to those entering a building or using a window. See HQ 087562, dated August 15, 1990.

We find that the subject sunshade constitutes a sunblind. The subject sunshade's purpose, as a sunblind's, is to protect against the sun. It will principally be used on windows, being mounted on the outside of a house to reduce the sun's damaging effects on the interior of the house. The fact that the instant sunshade comes with its own mounting brackets indicates that it is designed to remain attached to a structure and not be portable, unlike the sun and wind shields that are classified under heading 6307, HTSUSA (See e.g., NY 866112, dated September 5, 1991 and NY I89631, dated January 6, 2003). Additionally, this office has researched goods of the class or kind to which the instant sunshade belongs, and found that several companies are marketing and selling goods substantially similar to the subject sunshade as sunblinds.

HOLDING:

NY K82882, dated February 20, 2004, 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*.

The subject sunshade is classified under subheading 6306.12.0000, HTSUSA, which provides for “Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Tarpaulins, awnings and sunblinds: Of synthetic fibers.” The applicable rate of duty under the 2004 HTSUSA is 8.8% percent *ad valorem* and the applicable quota category is 669.

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 your client check, close to the time of shipment, the Textile Status Report for Absolute Quotas which is available now on the CBP website at www.cbp.gov.

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

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.