

Bureau of Customs and Border Protection

CBP Decisions

(CBP Dec. 04–31)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR AUGUST, 2004

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): None

European Union euro:

August 1, 2004	\$1.203200
August 2, 2004	1.203400
August 3, 2004	1.205100
August 4, 2004	1.205700
August 5, 2004	1.205000
August 6, 2004	1.227200
August 7, 2004	1.227200
August 8, 2004	1.227200
August 9, 2004	1.226100
August 10, 2004	1.230600
August 11, 2004	1.222200
August 12, 2004	1.222400
August 13, 2004	1.235400
August 14, 2004	1.235400
August 15, 2004	1.235400
August 16, 2004	1.233300
August 17, 2004	1.232900
August 18, 2004	1.229900
August 19, 2004	1.236800
August 20, 2004	1.232400
August 21, 2004	1.232400
August 22, 2004	1.232400
August 23, 2004	1.219600
August 24, 2004	1.209900
August 25, 2004	1.209000

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list for August 2004 (continued):

European Union euro: (continued):

August 26, 2004	1.208400
August 27, 2004	1.202500
August 28, 2004	1.202500
August 29, 2004	1.202500
August 30, 2004	1.204900
August 31, 2004	1.218300

South Korea won:

August 01, 2004	\$0.000855
August 02, 2004 .....	.000858
August 03, 2004 .....	.000858
August 04, 2004 .....	.000856
August 05, 2004 .....	.000859
August 06, 2004 .....	.000860
August 07, 2004 .....	.000860
August 08, 2004 .....	.000860
August 09, 2004 .....	.000864
August 10, 2004 .....	.000866
August 11, 2004 .....	.000864
August 12, 2004 .....	.000864
August 13, 2004 .....	.000860
August 14, 2004 .....	.000860
August 15, 2004 .....	.000860
August 16, 2004 .....	.000862
August 17, 2004 .....	.000864
August 18, 2004 .....	.000864
August 19, 2004 .....	.000866
August 20, 2004 .....	.000867
August 21, 2004 .....	.000867
August 22, 2004 .....	.000867
August 23, 2004 .....	.000867
August 24, 2004 .....	.000866
August 25, 2004 .....	.000864
August 26, 2004 .....	.000867
August 27, 2004 .....	.000868
August 28, 2004 .....	.000868
August 29, 2004 .....	.000868
August 30, 2004 .....	.000867
August 31, 2004 .....	.000868

Taiwan N.T. dollar:

August 01, 2004	\$0.029377
August 02, 2004 .....	.029429
August 03, 2004 .....	.029317
August 04, 2004 .....	.029343
August 05, 2004 .....	.029369
August 06, 2004 .....	.029274
August 07, 2004 .....	.029274

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list for August 2004 (continued):

Taiwan N.T. dollar: (continued):

August 08, 2004 .....	.029274
August 09, 2004 .....	.029369
August 10, 2004 .....	.029420
August 11, 2004 .....	.029377
August 12, 2004 .....	.029291
August 13, 2004 .....	.029351
August 14, 2004 .....	.029351
August 15, 2004 .....	.029351
August 16, 2004 .....	.029386
August 17, 2004 .....	.029377
August 18, 2004 .....	.029369
August 19, 2004 .....	.029472
August 20, 2004 .....	.029472
August 21, 2004 .....	.029472
August 22, 2004 .....	.029472
August 23, 2004 .....	.029455
August 24, 2004 .....	.029360
August 25, 2004 .....	.029351
August 26, 2004 .....	.029455
August 27, 2004 .....	.029438
August 28, 2004 .....	.029438
August 29, 2004 .....	.029438
August 30, 2004 .....	.029481
August 31, 2004 .....	.029464

Dated: September 1, 2004

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.

(CBP Dec. 04-32)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR AUGUST, 2004

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision 04-26 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs pur-

poses to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): None

New Zealand dollar:

August 20, 2004	\$0.673000
August 21, 2004 .....	.673000
August 22, 2004 .....	.673000

South Africa rand:

August 16, 2004	\$0.151515
August 19, 2004 .....	.151400
August 20, 2004 .....	.151830
August 21, 2004 .....	.151830
August 22, 2004 .....	.151830
August 23, 2004 .....	.149701
August 24, 2004 .....	.148699
August 25, 2004 .....	.149475
August 26, 2004 .....	.150943
August 27, 2004 .....	.148368
August 28, 2004 .....	.148368
August 29, 2004 .....	.148368
August 30, 2004 .....	.148641
August 31, 2004 .....	.150489

Dated: September 1, 2004

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.

General Notices

**DATES AND DRAFT AGENDA OF THE THIRTY-FOURTH
SESSION OF THE HARMONIZED SYSTEM COMMITTEE OF
THE WORLD CUSTOMS ORGANIZATION**

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security, and U.S. International Trade Commission.

ACTION: Publication of the dates and draft agenda for the thirty-fourth session of the Harmonized System Committee of the World Customs Organization.

SUMMARY: This notice sets forth the dates and draft agenda for the next session of the Harmonized System Committee of the World Customs Organization.

DATE:

FOR FURTHER INFORMATION CONTACT: Myles B. Harmon, Director, Commercial Rulings Division, U.S. Customs and Border

Protection (202-572-8860), or Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission (202-205-2592).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The United States is a contracting party to the International Convention on the Harmonized Commodity Description and Coding System ("Harmonized System Convention"). The Harmonized Commodity Description and Coding System ("Harmonized System"), an international nomenclature system, forms the core of the U.S. tariff, the Harmonized Tariff Schedule of the United States. The Harmonized System Convention is under the jurisdiction of the World Customs Organization (established as the Customs Cooperation Council).

Article 6 of the Harmonized System Convention establishes a Harmonized System Committee ("HSC"). The HSC is composed of representatives from each of the contracting parties to the Harmonized System Convention. The HSC's responsibilities include issuing classification decisions on the interpretation of the Harmonized System. Those decisions may take the form of published tariff classification opinions concerning the classification of an article under the Harmonized System or amendments to the Explanatory Notes to the Harmonized System. The HSC also considers amendments to the legal text of the Harmonized System. The HSC meets twice a year in Brussels, Belgium. The next session of the HSC will be the thirty-fourth, and it will be held from September 27, 2004 to October 8, 2004.

In accordance with section 1210 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), the Department of Homeland Security, represented by U.S. Customs and Border Protection, the Department of Commerce, represented by the Census Bureau, and the U.S. International Trade Commission ("ITC"), jointly represent the U.S. government at the sessions of the HSC. The Customs and Border Protection representative serves as the head of the delegation at the sessions of the HSC.

Set forth below is the draft agenda for the next session of the HSC. Copies of available agenda-item documents may be obtained from either Customs and Border Protection or the ITC. Comments on agenda items may be directed to the above-listed individuals.

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

Attachment



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES
Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de coopération douanière

HARMONIZED SYSTEM
COMMITTEE
-
34th Session
-

NC0848E7
O. Eng.

Brussels, 17 August 2004.

DRAFT AGENDA FOR THE 34TH SESSION
OF THE HARMONIZED SYSTEM COMMITTEE

From : Monday, 27 September 2004 (15.00 a.m.)
To : Friday, 8 October 2004

N.B. : Monday, 27 September 2004 (10.00 a.m.) : Presessional Working Party (to examine the questions under Agenda Item IV)

I. ADOPTION OF THE AGENDA

1. Draft Agenda NC0848E7
2. Draft Timetable NC0849B5

II. REPORT BY THE SECRETARIAT

1. Position regarding Contracting Parties to the HS Convention and related matters NC0850E1
2. Report on the last meetings of the Policy Commission (51st Session) and the Council (103rd/104th Sessions) NC0851E1
3. Approval of decisions taken by the Harmonized System Committee at its 33rd Session NG0091E1
NC0846B1
NC0847E1
4. Capacity building activities of the Nomenclature and Classification Sub-Directorate NC0852E1
5. Co-operation with other international organisations NC0853E1
6. New information provided on the WCO Web site NC0854E1
7. Other

NC0848E7

III. GENERAL

1. Conclusions of the High-Level Working Group :
Possible amendment of Article 8 of the HS Convention with a view to removing the Council from its purely administrative role with regard to HS reservations, and to making the fast-track procedure the default reservation procedure NC0855E1
2. Conclusions of the High-Level Working Group :
A two-reservation limit being placed on reservations with respect to any one issue, thus avoiding reservation "ping-pong" NC0856E1
3. Conclusions of the High-Level Working Group :
Possible amendment to the Council Recommendation of 30 June 2001 on the application of HS Committee decisions, including the following issues :
 - (a) Administrations should indicate what status the HS Explanatory Notes, Classification Opinions and HS Committee decisions have under their national laws;
 - (b) Administrations should indicate where national HS-related publications can be obtained; and
 - (c) Administrations should link their Web sites to the WCO Web site NC0857E1
4. Conclusions of the High-Level Working Group :
Study possibility of updating Council Resolution 5 July 1989 on the insertion in commercial invoices of the HS code numbers NC0858E1
5. Conclusions of the High-Level Working Group :
Study the possibility and utility of the use of electronically translatable media, such as bar codes, to express the HS code .. NC0859E1
6. Conclusions of the High-Level Working Group :
Study on how Customs administrations could educate the private sector and other Government agencies by increasing transparency on how the HS is administered in their countries, e.g., through advance rulings, appeals, etc. NC0860E1
7. Conclusions of the High-Level Working Group :
Study on shortening the notice period from six to three months with regard to Article 16 Recommendations to amend the Harmonized System NC0861E1
8. Conclusions of the High-Level Working Group :
Study on possibility of amending the HS outside the review cycle

	NC0848E7
framework	NC0862E1
9. <u>Conclusions of the High-Level Working Group :</u>	
Study with a view to better understanding why certain Recommendations have not achieved a greater level of acceptance	NC0863E1
10. <u>Conclusions of the High-Level Working Group :</u>	
Study on the various issues involved in increasing participation by the developing world with regard to HS activities	NC0864E1
 IV. <u>REPORT OF THE PRESESSIONAL WORKING PARTY</u>	
1. Amendment to the Compendium of Classification Opinions to reflect the decision to classify a product by the name " YETRIAC " in subheading 3824.90	NC0865E1, Annex A
2. Amendments to the Compendium of Classification Opinions to reflect the decision to classify certain hand bags in subheading 4202.21 and a "fanny pack" in subheading 4202.91	NC0865E1, Annex B
3. Amendment to the Compendium of Classification Opinions to reflect the decision to classify certain flooring panels in subheading 4418.30	NC0865E1, Annex C
4. Possible amendment of the Explanatory Note to reflect the decision to classify certain flooring panels in subheading 4418.30	NC0865E1, Annex D
 V. <u>FURTHER STUDIES</u>	
1. Possible amendment of the Explanatory Note to heading 28.23 (Proposal by the EC)	NC0834E1 NC0845E2, Annex H/12 (HSC/33)
2. Classification of a product by the name " Bronchicum® Cough Syrup "	NC0837E1 (HSC/33) NC0866E1
3. Possible amendment of the Explanatory Note to reflect the classification of a certain handbag and a "fanny pack" in subheadings 4202.21 and 4202.91, respectively	NC0867E1
4. Classification of water-jet cutting machines	NC0868E1

NC0848E7

- | | |
|--|--|
| 5. Classification of set top boxes (request from WTO) | NC0889E1 |
| 6. Study aimed at determining whether or not there is a contradiction between the legal texts and exclusion (b) of the Explanatory Note to heading 95.04 (page 1917), arising from the classification of the "PS2" | NC0796E2,
Annex F/5
(HSC/32)
NC0823E1
(HSC/33) |

VI. NEW QUESTIONS

- | | |
|--|----------------------------------|
| 1. Possible amendments of the Explanatory Notes (Proposal by the EU) | NC0832E1
(HSC/33)
NC0870E1 |
| 2. Classification of a product containing more than 99.2 % of sodium sulphate | NC0871E1 |
| 3. Classification of treated titanium dioxide (product to be submitted by the EU) | NC0872E1 |
| 4. Classification of a mixture of derivatives of vitamins | NC0833E1
(HSC/33) |
| 5. Classification of multilayer parquet panels | NC0836E1
(HSC/33) |
| 6. Classification of certain photo albums | NC0873E1 |
| 7. Classification of "footwear with outer soles of textile material" | NC0874E1
NC0887E1 |
| 8. Classification of "chillers" | NC0875E1 |
| 9. Classification of Polymeric PTC Thermistor Devices | NC0830E1
(HSC/33) |
| 10. Possible amendments of the Explanatory Note to headings 84.14, 84.15, 84.48, 85.31 and 90.07 | NC0876E1 |
| 11. Classification of appliances presented with installation software .. | NC0877E1 |
| 12. Possible alignment of subheading 8443.12 (HS 2007) on subheading 4802.62 (French text only) | NC0878E1 |
| 13. Classification of a product by the name "axos" | NC0879E1 |
| 14. Classification of candies presented with toys | NC0881E1 |
| 15. Possible amendment of heading 65.05 | NC0882E1 |

NC0848E7

- 16. Classification of a liquid micronutrient preparation NC0883E1
- 17. Classification of graduated urinary drainage bags and meters ... NC0884E1
- 18. Possible amendment of the Explanatory Note to heading 96.03
(Proposal by Canada) NC0885E1
- 19. Classification of an audio compact disc manufacturing system ... NC0888E1
- 20. Classification of liquid margarine NC0886E1

VII. ADDITIONAL LIST

- 1. Classification of a product by the name "spirulina" NC0889E1

VIII. OTHER BUSINESS

- 1. List of questions which might be examined at a future session ... NC0880E1

IX. ELECTION OF THE CHAIRPERSON OF THE WORKING PARTY

X. DATES OF NEXT SESSIONS

**WITHDRAWAL OF PROPOSED MODIFICATION OF RULING
LETTER AND REVOCATION OF TREATMENT RELATING
TO THE TARIFF CLASSIFICATION OF THE FETCH
TOTE™ DOG TOY**

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

ACTION: Notice of withdrawal of proposed modification of ruling letter and revocation of treatment relating to the classification of the Fetch Tote™ dog toy.

SUMMARY: This notice advises interested parties that CBP is withdrawing its proposal to modify a ruling letter pertaining to the tariff classification of the Fetch Tote™ dog toy and to revoke any treatment previously accorded by CBP to substantially identical transactions.

DATE: This withdrawal is effective September 15, 2004.

FOR FURTHER INFORMATION CONTACT: Neil S. Helfand, General Classification Branch, (202) 572-8791.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 625(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(1)), a notice proposing to modify New York Ruling Letter (NY) J89264, dated September 25, 2003, was published on June 23, 2004, in Vol. 38, No. 26, of the Customs Bulletin. This notice pertained to the classification of the Fetch Tote™ dog toy. After analyzing the comment received on the proposed modification, and further review of the matter, CBP has decided not to proceed with the modification.

Therefore, this notice advises interested parties that CBP is withdrawing its proposed modification of ruling NY J89264. NY J89264 remains in full force and effect.

DATED: September 1, 2004

John Elkins for MYLES B. HARMON,
Director,
Commercial Rulings Division.

**AGENCY INFORMATION COLLECTION ACTIVITIES:
ARTICLES ASSEMBLED ABROAD WITH TEXTILE
COMPONENTS CUT TO SHAPE IN THE U.S.**

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Articles Assembled Abroad with Textile Components Cut to Shape in the U.S. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (69 FR 25135) on May 5, 2004, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before September 30, 2004.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, in-

cluding the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Articles Assembled Abroad with Textile Components Cut to Shape in the U.S.

OMB Number: 1651-0070

Form Number: N/A

Abstract: This collection of information enables CBP to ascertain whether the conditions and requirements relating to 9802.00.80, Harmonized Tariff Schedule (HTSUS), have been met.

Current Actions: This submission is being submitted to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 500

Estimated Time Per Respondent: 80 minutes

Estimated Total Annual Burden Hours: 667

Estimated Total Annualized Cost on the Public: \$13,340

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: August 25, 2004

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

[Published in the Federal Register, August 31, 2004 (69 FR 53083)]

Modification of the National Customs Automation Program Test Regarding Reconciliation

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: General notice.

SUMMARY: This document modifies the Customs and Border Protection Automated Commercial System (ACS) Reconciliation prototype test by: adding to the kinds of issues that may be subject to Rec-

conciliation post-entry importation claims arising under the United States - Chile Free Trade Agreement; requiring the use of compact disks (CDs) instead of floppy disks for submitting Reconciliation spreadsheets; requiring that the name identifying the spreadsheet on the CD be the Reconciliation entry number; and requiring use of .txt or .xls format for the spreadsheet. Other than these modifications, the test remains the same as set forth in previously published **Federal Register** notices. The document also announces the new addresses for the Reconciliation team (e-mail) and for Reconciliation submissions for the port of NY/Newark.

DATES: The test modifications set forth in this document are effective on October 4, 2004. The two-year testing period of this Reconciliation prototype commenced on October 1, 1998, and was extended indefinitely starting October 1, 2000. Applications to participate in the test will be accepted throughout the duration of the test.

ADDRESSES: Written inquiries regarding participation in the Reconciliation prototype test and/or applications to participate should be addressed to Mr. Richard Wallio, Reconciliation Team, Customs and Border Protection, 1300 Pennsylvania Ave. NW, Room 5.2A, Washington, D.C. 20229-0001. The email address for inquiries regarding the test is also available at Recon.Help@dhs.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Wallio at (202) 344-2556.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Initially, it is noted that on November 25, 2002, the President signed the Homeland Security Act of 2002, 6 U.S.C. 101 *et seq.*, Pub. L. 107-296 (the HS Act), establishing the Department of Homeland Security and, under section 403(1) (6 U.S.C. 203(1)), transferring the U.S. Customs Service, including functions of the Secretary of the Treasury relating to the Customs Service, to the new department, effective on March 1, 2003. Most of the elements that comprised the U.S. Customs Service are now collectively known as U.S. Customs and Border Protection (CBP). The agency will be referred to by that name in this document, unless reference to the Customs Service (or Customs) is appropriate in a given context.

Reconciliation, a planned component of the National Customs Automation Program (NCAP), as provided for in Title VI (Subtitle B) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057 (December 8, 1993)), is currently being tested by CBP under the CBP Automated Commercial System (ACS) Prototype Test. Customs initially announced and explained the test in a general notice document published in the **Federal Reg-**

ister (63 FR 6257) on February 6, 1998. Clarifications and operational changes were announced in six subsequent **Federal Register** notices: 63 FR 44303, published on August 18, 1998; 64 FR 39187, published on July 21, 1999; 64 FR 73121, published on December 29, 1999; 66 FR 14619, published on March 13, 2001, 67 FR 61200, published on September 27, 2002, and 67 FR 68238, published on November 8, 2002. A **Federal Register** (65 FR 55326) notice published on September 13, 2000, extended the prototype indefinitely. This document modifies the Reconciliation test by: (1) expanding the issues subject to Reconciliation to include post-entry importation claims arising under the United States - Chile Free Trade Agreement; (2) requiring the use of compact disks (CDs) instead of floppy disks for submitting Reconciliation spreadsheets; (3) requiring that the name identifying the spreadsheet on the CD be the Reconciliation entry number; and (4) requiring use of .txt or .xls format for the spreadsheet. Aside from these modifications, the test remains as set forth in the previously published **Federal Register** notices.

The document also sets forth the new address for submitting Reconciliation entries for the port of NY/Newark and the new e-mail address for the Reconciliation team.

For application requirements, see the **Federal Register** notices published on February 6, 1998, and August 18, 1998. Additional information regarding the test can be found at http://www.cbp.gov/xp/cgov/import/cargo_summary/reconciliation/.

Reconciliation generally

Reconciliation is the process that allows an importer, at the time an entry summary is filed, to identify undeterminable information (other than that affecting admissibility) to CBP and to provide that outstanding information at a later date. The importer identifies the outstanding information by means of an electronic "flag" which is placed on the entry summary at the time the entry summary is filed. The issues for which an entry summary may be "flagged" (for the purpose of later reconciliation) are limited and relate to: (1) value issues; (2) classification issues, on a limited basis; (3) issues concerning value aspects of entries filed under heading 9802, Harmonized Tariff Schedule of the United States (HTSUS); (9802 issues); and (4) post-entry claims under 19 U.S.C. 1520(d) for the benefits of the North American Free Trade Agreement (NAFTA) for merchandise as to which such claims were not made at the time of entry.

The flagged entry summary (the underlying entry summary) is liquidated for all aspects of the entry except those issues that were flagged. The means of providing the outstanding information at a later date relative to the flagged issues is through the filing of a Reconciliation entry. The flagged issues will be liquidated at the time the Reconciliation entry is liquidated. Any adjustments in duties, taxes, and/or fees owed will be made at that time. (The Reconcilia-

tion test procedure for making post-entry NAFTA claims is explained in the February 6, 1998, and December 29, 1999, **Federal Register** notices.)

TEST MODIFICATION

Use of Reconciliation to make a post-entry US-CFTA claim

On June 6, 2003, the United States and the Republic of Chile (Chile) entered into an agreement, the United States - Chile Free Trade Agreement (US-CFTA), which provides for, among other things, preferential tariff treatment (including duty free treatment) for goods that qualify as goods originating in the United States or Chile. The provisions of the US-CFTA were adopted by the United States with enactment of the United States - Chile Free Trade Agreement Implementation Act, Pub. L. 108-78, 117 Stat. 909 (19 U.S.C. 3805 note) (the Implementation Act).

Ordinarily, a claim for preferential tariff treatment under the US-CFTA is made at the time of entry, in accordance with the terms of the US-CFTA, the Implementation Act, and any applicable regulations. However, in some instances an importer is unable to make the claim at that time. In that instance, an importer can make a post-entry US-CFTA claim under 19 U.S.C. 1520(d) (section 1520(d)), pursuant to an amendment to that statute made by the Implementation Act. Under this amendment to section 1520(d), entries of goods qualifying under US-CFTA rules of origin were made eligible for liquidation or reliquidation when preferential tariff treatment under the US-CFTA was not claimed at the time of entry, notwithstanding that a protest under 19 U.S.C. 1514 (section 1514) was not filed. A claimant must file a claim under section 1520(d) within one year of the applicable importation and meet other requirements, such as documentary requirements. CBP has accepted post-entry 1520(d) US-CFTA claims before liquidation; these claims do not require reliquidation.

This notice announces that a post-entry 1520(d) claim for preferential tariff treatment under the US-CFTA also can be made under the Reconciliation test, in the same way as can a post-entry NAFTA claim. This alternative requires that an importer follow the Reconciliation test procedure which, in contrast to the ordinary section 1520(d) procedure described above, requires action at the time of entry. That action is to flag the entry summary for Reconciliation and later file a Reconciliation entry within one year of the applicable importation. As programming for US-CFTA Reconciliations is not yet complete, for the time being, a participant wishing to file a US-CFTA Reconciliation must follow the NAFTA Reconciliation process by flagging the entry summary for NAFTA. When programming is complete, participants will be notified with instructions on how to make a post-entry US-CFTA Reconciliation claim.

CBP emphasizes that once an importer flags an entry summary for US-CFTA issues (by, for the time being, actually flagging the entry summary for NAFTA), indicating that it is pursuing the post-entry section 1520(d) claim through the Reconciliation process, the only means of perfecting the US-CFTA claim is by completing the Reconciliation process by filing a timely Reconciliation entry. (See the September 27, 2002, **Federal Register** notice for an explanation of this same limitation relative to NAFTA issues.) In this way, the flagging of an entry summary constitutes a commitment by the importer to perfect the US-CFTA 1520(d) claim through the Reconciliation process. Thus, once a Reconciliation program participant flags an entry summary to make a US-CFTA 1520(d) claim under the Reconciliation process, CBP will not accept a claim filed under the ordinary section 1520(d) procedure.

CBP notes that a NAFTA 1520(d) claim and a US-CFTA 1520(d) claim cannot be made together on the same Reconciliation entry. They must be filed as separate Reconciliation entries.

CBP recommends the use of the Reconciliation test for making post-entry US-CFTA claims because the test procedure provides the importer with several benefits. First, using the test procedure is a simpler means of filing claims: i.e., the importer is able to make potentially thousands of US-CFTA claims on one Reconciliation entry. Second, the importer can receive one check from CBP rather than many (even up to thousands) upon CBP's liquidation of a Reconciliation entry and issuance of a refund. Third, because processing US-CFTA claims under Reconciliation is simpler for CBP, the refund delivery system is more efficient.

The test modification discussed above will be effective 30 days from the date this notice is published in the **Federal Register**. (The Reconciliation test procedure for making post-NAFTA claims is explained in the February 6, 1998, and the December 29, 1999, **Federal Register** notices.)

Other changes

This notice also announces other changes to the Reconciliation test program procedure relative to submission of the Reconciliation spreadsheets. Because floppy disks are destroyed by X-ray and irradiation applications now used to screen government mail, participants must use CDs for submitting Reconciliation spreadsheets. CBP will upload the spreadsheet information on the CD to a secure website where it will be identified according to the Reconciliation entry number. Therefore, participants must save the spreadsheet on the CD according to the Reconciliation entry number in .txt or .xls format. Use of these formats is required to better protect the information from computer viruses. Finally, the CDs must be labeled as previously required (see the ACS Reconciliation

Prototype: A Guide to Compliance at www.cbp.gov/xp/cgov/import/cargo_summary/reconciliation).

These modifications to the test are effective 30 days from the date this notice is published in the **Federal Register**.

Change of addresses

Finally, this notice announces the new mailing address for Reconciliation submissions for importers assigned to the port of NY/Newark (port 1001) and the new email address for Recon.Help. The new mailing address is: U.S. Customs and Border Protection, 1100 Raymond Blvd., Newark, NJ 07201. Participants may still transmit the ABI portion of their Reconciliations to port 1001. The new e-mail address is Recon.Help@dhs.gov.

Dated: August 27, 2004

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

[Published in the Federal Register, September 2, 2004 (69 FR 53730)]