

U.S. Customs and Border Protection



RECEIPT OF APPLICATION FOR “LEVER-RULE” PROTECTION

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

ACTION: Notice of receipt of application for “Lever-Rule” protection.

SUMMARY: Pursuant to 19 CFR 133.2(f), this notice advises interested parties that CBP has received an application from The Procter & Gamble Company (“Procter & Gamble”) seeking “Lever-Rule” protection for the federally registered and recorded “TIDE” trademarks.

FOR FURTHER INFORMATION CONTACT: Lauren Phillips, Intellectual Property Rights Branch, Regulations and Rulings, (202) 325-0349.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pursuant to 19 CFR 133.2(f), this notice advises interested parties that CBP has received an application from Procter & Gamble seeking “Lever-Rule” protection. Protection is sought against importations of laundry detergents made in Vietnam, intended for sale outside the United States, that bear the “TIDE” (U.S. Trademark Registration No. 3,389,568/ CBP Recordation No. TMK 09-00832) and “TIDE & DESIGN” (U.S. Trademark Registration No. 2,326,614/ CBP Recordation No. TMK 10-00244) trademarks. In the event that CBP determines that the laundry detergents under consideration are physically and materially different from the laundry detergents authorized for sale in the United States, CBP will publish a notice in the Customs Bulletin, pursuant 19 CFR 133.2 (f), indicating that the above-referenced trademark is entitled to “Lever-Rule” protection with respect to those physically and materially different laundry detergents.

Dated: April 21, 2017

CHARLES R. STEUART
*Chief, Intellectual Property Rights Branch
Regulations and Rulings, Office of Trade*

NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING CERTAIN NETWORK TAP PRODUCTS

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of certain network tap products known as Net Optics Slim Tap network taps. Based upon the facts presented, CBP has concluded that the country of origin of the Net Optics Slim Tap network taps is China for purposes of U.S. Government procurement.

DATES: The final determination was issued on April 18, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within May 24, 2017.

FOR FURTHER INFORMATION CONTACT: Antonio J. Rivera, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325–0226.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 18, 2017 pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR Part 177, subpart B), CBP issued a final determination concerning the country of origin of certain network tap products known as Net Optics Slim Tap network taps, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ 280619, was issued under procedures set forth at 19 CFR Part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the last substantial transformation took place in China. Therefore, the country of origin of the Net Optics Slim Tap network taps is China for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: April 18, 2017.

ALICE A. KIPEL,
Executive Director,
Regulations and Rulings, Office of Trade.

Attachment

HQ H280619

April 18, 2017

OT:RR:CTF:VS H280619 AJR

CATEGORY: Origin

MR. JACKSON C. PAI
BRYAN CAVE LLP
120 BROADWAY, SUITE 300
SANTA MONICA, CA 90401-2386

RE: U.S. Government Procurement; Country of Origin of Network Tap;
Substantial Transformation

DEAR MR. PAI:

This is in response to your letter, dated October 13, 2016, requesting a final determination on behalf of Ixia, pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (“CBP”) Regulations (19 CFR Part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (“TAA”), as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of Ixia’s Net Optics Slim Tap network tap (“Slim Tap”). We note that Ixia is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination. In addition, we have reviewed and grant the request for confidentiality pursuant to 19 CFR 177.2(b)(7), with respect to certain information submitted.

FACTS:

The Slim Tap is a network tap produced by Ixia. A network tap is a fiber optic device that provides a physical connection or access to a network. Network taps enable users to physically connect a computer or other monitoring device to a network for the purpose of evaluating, monitoring, or checking network issues.

The Slim Tap consists of three optic to LC–LC adapters from Taiwan, two fiber optic splitters from China, a chassis from the United States, a foam tube holder from the United States, a bracket from the United States, screws from the United States, and three tamper proof labels from the United States. The components from Taiwan and China are imported into the United States, separately in different shipments at different times. In the United States, these foreign and domestic components are assembled into the finished product, the Slim Tap, by specially trained technicians. During this assembly process, the technicians must install the adapters from Taiwan and splitters from China in a specific manner per the wiring diagram for the Slim Tap, or else the finished product will not work properly. After assembly, the Slim Tap is tested to determine if the signal or line drops fall within acceptable parameters and to assure that the unit is otherwise functioning properly. According to Ixia, this assembly and testing process in the United States takes approximately 15 minutes.

In correspondence with the National Commodity Specialist Division (“NCS D”), Ixia provided the following information concerning the imported adapter and splitter components:

Adapters—the adapters connect the outside fiber connection to the internal fiber connections inside the tap. The adapter merges these two fiber optic connectors into one connection, which allows the light to pass with very little disruption.

Splitters—the main source of the optical splitters is glass from glass fibers that are fused together, and these fused glass fibers are held in a protective aluminum tube. The fiber optic splitter allows light frequency to pass through at very high speeds over long distances. The splitters are considered completely passive because there is no change to the data that is passed through the splitters within the Slim Tap. ¹ According to Ixia, “[t]he main purpose of splitters is the passing of data from one product to another, but splitting it into two signals allows the customer to input data into data analyzing tools.”

Ixia provided us with a product sample of the Slim Tap. We note that the three adapters on the front of the Slim Tap are labeled “A”, “B”, and “A/B”, with the “A” and “B” adapters having both an “in” and “out” component, while “A/B” adapter only has two “out” components. The reason for there being two “in” components and four “out” components is because the splitters splits one incoming signal into two outgoing signals.

ISSUE:

What is the country of origin of the Slim Tap for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

¹ There is no change to data passing through the splitters in the Slim Tap because the splitters lack electronic components required to convert data in the form of light frequency into electronic data in digital form. For instance, data is delivered into and out of the Slim Tap via the adapters that are connected to external fiber connections, which permits data in the form of light frequency to enter and exit the Slim Tap with very little disruption. Within the Slim Tap, the adapters are connected to the fiber optic splitters, permitting the light frequency to pass through and exit the Slim Tap in the same form that it entered. The data remains in this form, as an untouched wavelength of light, until it reaches an external transceiver from another device, which converts the data into electronic form.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of part 177 consistent with the Federal Acquisition Regulations. See 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. See 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define "U.S.-made end product" as:

[A]n article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 CFR 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. See *Nat'l Hand Tool Corp. v. United States*, 16 CIT 308, *aff'd*, 989 F.2d 1201 (Fed. Cir. 1993); and *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). The primary consideration in substantial transformation cases is whether the processing of the components renders a product with a new name, character, and use. See *Energizer Battery, Inc. v. United States*, 2016 CIT LEXIS 116, 12–15. In *Energizer Battery*, the court examined the name, character, and use test to determine that imported components did not undergo a substantial transformation when assembled into a flashlight in the United States. *Id.*

With regard to a change in name, *Energizer Battery* stated that the "issue is not whether Plaintiff imported approximately fifty 'flashlights,' but rather whether the Plaintiff's imported components retained their names after they were assembled into the [. . .] flashlight. Thus, the proper query would be whether the 'lens ring with overmold' or the 'switch lever' or the 'TIR lens' or any of the LEDs or any other component would still be called by their pre-importation name after assembly into the finished flashlight, or whether they would be indistinguishable in name from the finished product." See *id.* at 25. It was also noted that a change in name was the least compelling of the factors in the name, character, and use test. *Id.* The court in *Energizer Battery* found that there was no change in name because the constituent components of the flashlight had not lost their individual names as a result of the post-importation assembly. *Id.*

With regard to a change in character, *Energizer Battery* stated that there often needs to be a substantial alteration in the characteristics of the imported components. See *id.* at 18–19. It was noted that courts have been reluctant to find a change in character when the imported articles did not undergo a physical change. *Id.* Additionally, the court indicated that analyzing this factor may require comparing the imported articles to the "essence" of the completed article. *Id.* In *Energizer Battery*, the assembly process in the United States required completing the lens head subassembly which had already been partially assembled in China, and then assembling the completed lens head assembly with the remaining flashlight components. *Id.* The court in *Energizer Battery* held that there was no change in character because these assembly operations in the United States were not considered to have changed the shape or material composition of the imported components. *Id.*

With regard to a change in use, *Energizer Battery* stated that previous courts have found a change in use when the end-use of the imported product was no longer interchangeable with the end-use of the product after post-importation processing. *See id.* at 26. Furthermore, *Energizer Battery* noted that “the proper query for this case is not whether the components as imported have the form and function of the final product, but whether the components have a pre-determined end-use at the time of importation.” To this extent, “[w]hen articles are imported in prefabricated form with a pre-determined use, the assembly of those articles into the final product, without more, may not rise to the level of substantial transformation.” *Id.* Here, the court in *Energizer Battery* held that there was no change in use because all of the imported components had a pre-determined end-use as parts and components of the flashlight at the time of importation. *Id.* The court noted that even the imported wire had been pre-cut to particular lengths needed to assemble the flash light. *Id.*

In this case, we are similarly examining whether imported components undergo a substantial transformation when assembled into the final product in the United States. Namely, while network taps and flashlights are different products, both this case and *Energizer Battery* ultimately require an analysis of the same underlying scenario—whether the post-importation assembly of foreign subassemblies, where such assembly consists of physically connecting the subassemblies through wiring and relatively simple insertions and fastening, render the foreign subassemblies into a product with a new name, character, and use. For the following reasons, we find that the imported splitters and adapters do not change in name, character, or use.

As noted above, the Slim Tap consists of three adapters from Taiwan, two splitters from China, a foam tube holder from the United States, brackets and screws from the United States, and labels from the United States. Per the assembly diagram provided by Ixia, the foreign subassemblies are removed from their packaging, with the adapters being snapped into the chassis and the splitters being inserted into the foam tube holder that has already been attached to the chassis. After the adapters and splitters are placed into their proper positions within the chassis, the adapters and splitters are connected according to the precise instructions of the wiring diagram. Once the adapters and splitters are properly wired, the bracket, labels, and chassis cover are attached with screws to complete the assembly of the Slim Tap.

In examining whether a change in name occurred, we note that the foreign adapters and splitters do not lose their individual names as a result of this post-importation assembly process. Per the assembly description and wiring diagram, the adapters and splitters would still be identified as the adapter and splitter components of the Slim Tap. To this extent, each imported component retains its pre-importation name after post-importation assembly in the same manner that the various lenses retained their pre-importation name after their assembly into the flashlight. Accordingly, we find that the imported adapters and splitters do not change in name as a result of the post-importation assembly.

We also find that the assembly of the Slim Tap in the United States does not render a change in character to the adapters and splitters. Like in *Energizer Battery*, the imported adapters and splitters do not change in shape or material composition as a result of the post-importation assembly. *See Ferrostaal Metals Corp. v. United States*, 11 CIT 470, 477 (1987) (holding that a change in character occurred when a continuous hot-dip galvanizing pro-

cess transforms a strong, brittle product which cannot be formed into a durable, corrosion-resistant product which is less hard, but formable for a range of commercial applications); and *Nat'l Hand Tool*, 16 CIT at 311 (holding that a change in character did not occur when a heating process changed the microstructure of the materials, but did not change the chemical composition of the materials, and the form of the components remained the same). Here, through an examination of the wiring diagram and Slim Tap product sample, the imported adapters and splitters remain physically recognizable as such despite their further attachments resulting from the post-importation assembly. Moreover, the adapters and splitters are imported with a specific material composition that permits data in the form of light frequency to travel through these components without disruption. While the post-assembly importation physically connects the imported components with the other components of the Slim Tap, this process does not alter the material composition of the adapters and splitters.

In examining whether a change in use occurred, we note that Ixia uses the imported adapters and splitters because such are comprised of precise materials that permit passing data through the Slim Tap in the manner required by the product. As in *Energizer Battery*, the imported materials are imported in a prefabricated form with a pre-determined end use as components of the Slim Tap. See *Ferrostaal Metals*, 11 CIT at 477 (holding that there was a change in use because the galvanizing process resulted in steel that was only rarely interchangeable with the imported steel); and *Ran-Paige Co., Inc. v. United States*, 35 Fed. Cl. 117, 121–122 (1996) (holding that there was no change in use because attaching handles to pans and covers did not change the use of the components, especially given the fact the use was predetermined at the time of importation). Here, the adapters and splitters are prefabricated with a specific material composition that serves the purpose of the Slim Tap. Though these imported components are attached to the other components of the Slim Tap, this post-importation assembly does not permanently alter the components in a manner that would prevent the components in the Slim Tap from being considered interchangeable with the imported components. Accordingly, we find that the imported adapters and splitters do not change in use as a result of the post-importation assembly.

Therefore, through an analysis of the name, character, and use test, we find that the imported components do not undergo a substantial transformation when assembled into the Slim Tap in the United States. Nonetheless, Ixia makes two other arguments that the imported components are substantially transformed into the Slim Tap. First, Ixia argues that we should consider whether the Slim Tap would have originating status under the North American Free Trade Agreement (“NAFTA”) tariff shift rules when determining whether a substantial transformation occurred. However, as noted in *Energizer Battery*, the comparison to NAFTA “is inapposite because NAFTA is a specialized trade regime, the benefits of which do not mirror the more generalized ‘most favored nation’ treatment afforded to countries not party to the agreement in question.” See *id.* at 32.

Additionally, Ixia argues that the assembly of the Slim Tap results in a substantial transformation of the imported components because the assembly process in the United States requires skilled technicians to do a microscopic examination of the splitters, install the parts according to a complex wiring diagram, and engage through complex testing procedures. In support

of this argument, Ixia cites *Carlson Furniture Industries v. United States*, 65 Cust. Ct 474 (1970) (holding imported unfinished chairs where substantially transformed into finished chairs by an assembly process that involved fitting and gluing the wooden parts together, cutting the parts to length, leveling the legs, and, in some cases, upholstering the chairs, and fitting the legs with glides and casters); and New York Ruling Letter (“NY”) N120765, dated September 24, 2010 (holding that a network security manager was substantially transformed by a process that involved assembling and wiring various imported hardware components together, as well as installing and configuring software onto the product).

As noted by Ixia, examining whether a substantial transformation occurred may require the consideration of subsidiary factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process. See *Energizer Battery*, 2016 CIT LEXIS at 20. Moreover, in cases in which post-importation processing entails assembly, the nature of the assembly has been considered together with the name, character, and use test in making a substantial transformation determination. See *id*; *Belcrest Linens*, 741 F.2d at 1371; and *Uniroyal, Inc. v. United States*, 542 F. Supp. 1026, 1031, *aff’d*, 702 F.2d 1022 (Fed. Cir. 1983). However, assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. See C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97.

Here, we find that the assembly process is not sufficiently complex or meaningful to render a substantial transformation of the imported components. We distinguish the comparisons to the assembly processes in *Carlson Furniture* and NY N120765 because such involve additional procedures (e.g. cutting wooden parts to length, downloading software, etc.) that do not take place in the present case. Rather, in this case, the assembly primarily consists of inserting and fastening the imported components into the chassis, and wiring the imported components together. Including the testing process after assembly, the total process in the United States takes about 15 minutes. In *Energizer Battery*, the process of assembling and testing about 50 components (of which about 40 percent consisted of fasteners) into flashlights in the United States took between 7 and 13 minutes, and was not considered to rise above the level of a simple assembly. See *id* at 27–28. Similarly, we find that the process of assembling and testing fewer components into the Slim Tap does not constitute a complex assembly and testing process that would render a substantial transformation of the imported components.

Accordingly, in this case, there are two foreign components, neither of which are substantially transformed by the further processing in the United States. As a result, the Slim Tap cannot be considered a product of the United States for purposes of U.S. Government procurement. However, since the adapters are from a designated country (Taiwan) and the splitters are from a non-designated country (China), and both are incorporated into one end-product (the Slim Tap), it still needs to be determined which of these two countries is the country of origin of the Slim Tap for purposes of U.S. Government procurement.

As noted in *Energizer Battery*, within the name, character, and use test, determining the country of origin through a substantial transformation analysis may require comparing the “essence” of the imported articles to that

of the completed article. Here, we note that the “essence” of a network tap is to enable users to physically connect a computer or other monitoring device to a network for the purpose of evaluating, monitoring, or checking network issues. Moreover, with the Slim Tap, users of this network tap can use data incoming from a single source on multiple analyzing tools because the splitter from China splits incoming data into two signals. While both the adapters and splitters permit this connection between external devices and networks without disruption, both permitting the ingress and egress of data via the Slim Tap, the splitters from China enable the actual splitting of the signal, which permits the user to access the data on multiple analyzing tools. Therefore, we find that China is the country of origin of the Slim Tap for purposes of U.S. Government procurement.

HOLDING:

Based on the facts provided, the imported components will not be substantially transformed into the Slim Tap because the post-importation assembly process in the United States does not change the name, character and use of the imported adapters and splitters. As such, because the imported splitters constitute the “essence” of the Slim Tap, China will be considered the country of origin of the product for purposes of U.S. Government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel,

Executive Director

Regulations and Rulings Office of Trade

[Published in the Federal Register, April 24, 2017 (82 FR 18923)]

19 CFR PART 177**WITHDRAWAL OF PROPOSED MODIFICATION AND
REVOCAION OF RULING LETTERS RELATING TO
CUSTOMS APPLICATION OF THE JONES ACT TO THE
TRANSPORTATION OF CERTAIN MERCHANDISE AND
EQUIPMENT BETWEEN COASTWISE POINTS**

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

ACTION: Notice withdrawing the January 18, 2017 notice of proposed modification and revocation of headquarters' ruling letters relating to U.S. Customs and Border Protection's ("CBP") position regarding the application of the coastwise laws to certain merchandise and vessel equipment that are transported between coastwise points.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), and the regulations promulgated under the authority of 19 U.S.C. § 1625, 19 C.F.R. § 177.12, on January 18, 2017, CBP published a notice in which it proposed modifying HQ 101925 (Oct. 7, 1976) to make it more consistent with federal statutes that were amended after HQ 101925 was issued, and to revise its rulings which have determined that certain articles transported between coastwise points are "vessel equipment" pursuant to Treasury Decision ("T.D.") 49815(4). Over 3,000 comments were received in response to the January 18, 2017 notice. This notice is withdrawing the January 18, 2017 notice.

EFFECTIVE DATE: This notice is effective May 10, 2017.

FOR FURTHER INFORMATION CONTACT: Glen E. Vereb, Director, Border Security and Trade Compliance Division, at 202-325-0030.

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 emerged from the law are **informed compliance** and **shared responsibility**. These concepts are premised on the idea that in order to maximize voluntary com-

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, and the regulations promulgated thereunder, 19 C.F.R. § 177.12, notice proposing to modify HQ 101925 (Oct. 7, 1976) to make it more consistent with federal statutes that were amended after HQ 101925 was issued, and to revise rulings which have determined that certain articles transported between coastwise points are "vessel equipment" pursuant to T.D. 49815(4), was published in the *Customs Bulletin*, Vol. 51, No. 3, January 18, 2017. Over 3,000 comments were received in response to the notice.

Based on the many substantive comments CBP received, both supporting and opposing the proposed action, and CBP's further research on the issue, we conclude that the Agency's notice of proposed modification and revocation of the various ruling letters relating to the Jones Act should be reconsidered. Accordingly, CBP is withdrawing its proposed action relating to the modification of HQ 101925 and revision of rulings determining certain articles are vessel equipment under T.D. 49815(4), as set forth in the January 18, 2017 notice.

Dated: May 3, 2017

GLEN E. VEREB,
Director
Border Security and Trade Compliance
Division

AGENCY INFORMATION COLLECTION ACTIVITIES:**Electronic Visa Update System**

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

ACTION: 30-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than May 30, 2017) to be assured of consideration.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 11237) on February 21, 2017, 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. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether

the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through 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. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Electronic Visa Update System.

OMB Number: 1651-0139.

Form Number: N/A.

Current Actions: This submission is being made to extend the expiration date with a change to the information collected as a result of adding a question about social media to EVUS. There are no changes to the burden hours.

Type of Review: Revision.

Affected Public: Individuals.

Abstract: The Electronic Visa Update System (EVUS) provides a mechanism through which visa information updates can be obtained from certain nonimmigrant aliens in advance of their travel to the United States. This provides CBP access to updated information without requiring aliens to apply for a visa more frequently. The EVUS requirements apply to nonimmigrant aliens who hold a passport issued by an identified country containing a U.S. nonimmigrant visa of a designated category. EVUS enrollment is currently limited to nonimmigrant aliens who hold unrestricted, maximum validity B-1 (business visitor), B-2 (visitor for pleasure), or combination B-1/B-2 visas, which are generally valid for 10 years, contained in a passport issued by the People's Republic of China.

EVUS provides for greater efficiencies in the screening of international travelers by allowing DHS to identify nonimmigrant aliens who may be inadmissible before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry. EVUS aids DHS in facilitating legitimate travel while also enhancing public safety and national security.

Proposed Changes

DHS proposes to add the following question to EVUS: “Please enter information associated with your online presence—Provider/Platform—Social media identifier.” It will be an optional data field to request social media identifiers to be used for vetting purposes, as well as applicant contact information.

Estimated Number of Respondents: 3,595,904.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 3,595,904.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 1,499,492.

Dated: April 24, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, April 27, 2017 (82 FR 19380)]

