

U.S. Customs and Border Protection

CBP Dec. 19-04

TUNA TARIFF-RATE QUOTA FOR CALENDAR YEAR 2019 TUNA CLASSIFIABLE UNDER SUBHEADING 1604.14.22, HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS)

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

ACTION: Announcement of the quota quantity of tuna in airtight containers for Calendar Year 2019.

SUMMARY: Each year, the tariff-rate quota for tuna described in subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS), is calculated as a percentage of the tuna in airtight containers entered, or withdrawn from warehouse, for consumption during the preceding calendar year. This document sets forth the tariff-rate quota for Calendar Year 2019.

DATES: The 2019 tariff-rate quota is applicable to tuna in airtight containers entered, or withdrawn from warehouse, for consumption during the period January 1, 2019 through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Julia Peterson, Headquarters Quota and Agricultural Branch, Interagency Collaboration Division, Trade Policy and Programs, Office of Trade, U.S. Customs and Border Protection, Washington, DC 20229-1155, (202) 384-8905.

Background

It has been determined that 14,945,117 kilograms of tuna in airtight containers may be entered, or withdrawn from warehouse, for consumption during Calendar Year 2019, at the rate of 6.0 percent *ad valorem* under subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS). Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent *ad valorem* under subheading 1604.14.30, HTSUS.

Dated: May 9, 2019.

BRENDA SMITH,
*Executive Assistant Commissioner,
Office of Trade.*

[Published in the Federal Register, May 15, 2019 (84 FR 21798)]

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**PROPOSED MODIFICATION OF ONE RULING LETTER
AND PROPOSED REVOCATION OF TREATMENT
RELATING TO THE COUNTRY OF ORIGIN FOR MARKING
PURPOSES OF COOKED SHRIMP**

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

ACTION: Notice of proposed modification of one ruling letter, and proposed revocation of treatment relating to the country of origin for marking purposes of cooked shrimp.

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 U.S. Customs and Border Protection (CBP) intends to modify one ruling letter concerning the country of origin for marking purposes of cooked shrimp. Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

DATE: Comments must be received on or before June 28, 2019.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229–1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Parisa J. Ghazi, Food, Textiles, and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325–0272.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Pursuant to 19 U.S.C. § 1625(c)(1), this notice advises interested parties that CBP is proposing to modify one ruling letter pertaining to the country of origin for marking purposes of cooked shrimp. Although in this notice, CBP is specifically referring to New York Ruling Letter ("NY") N281670, dated January 3, 2017 (Attachment A), this notice also covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this comment 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 N281670, CBP considered, in relevant part, the country of origin for marking purposes of shrimp that was exported from India to Guatemala, where it was subsequently cooked. CBP determined that this "Cooked Peeled Shrimp" was substantially transformed in Guatemala and concluded that the country of origin for marking purposes was Guatemala. It is now CBP's position that the country of origin for marking purposes of the cooked shrimp ("Cooked Peeled Shrimp") is India.

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to modify NY N281670 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H301495, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

Before taking this action, consideration will be given to any written comments timely received.

Dated: March 5, 2019

MONIKA R. BRENNER
For

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

ATTACHMENT A

N281670

January 3, 2017

CLA-2-03:OT:RR:NC:N4:231

CATEGORY: Classification

TARIFF NO.: 0306.17.0040; 1605.21.1020;
1605.21.1030

MR. JUAN RODRIGUEZ
ROD INTERNATIONAL
11445 PARAMOUNT BLVD. SUITE A
DOWNEY, CA 90241

RE: The tariff classification, marking and country of origin of frozen farm raised shrimp from India.

DEAR MR. RODRIGUEZ:

In your letter dated November 22, 2016 you requested a tariff classification, marking and country of origin ruling on behalf of Pescanova Inc (Coral Gables, FL).

The subject merchandise is frozen farm raised shrimp of the *litopenaeus vannamei* species. Per the description provided, the shrimp will be exported from India to Guatemala as frozen headless shell-on of various sizes for further processing. The product will be thawed, deveined and soaked in sodium tripolyphosphate and salt. The shrimp will be processed into three products: "Raw Peeled Shrimp" (Size 31/35), "Cooked Peeled Shrimp" (Size 31/35), and "Breaded Shrimp" (Size 25/30).

The "Raw Peeled Shrimp" and "Cooked Peeled Shrimp" will be individually quick frozen and packaged in a polyethylene bag which will have a total net weight of two pounds. Each master case for both items will contain five bags which in turn will have a total net weight of ten pounds. The product will be labeled "Frozen P&D Tail-Off Raw Shrimp IQF," and "Frozen P&D Tail-Off Cooked Shrimp IQF," respectively. The "Breaded Shrimp" will be lightly breaded, then individually quick frozen and packaged in a polyethylene bag which will have a total net weight of twenty pounds. Each master case will contain one bag with a total net weight of twenty pounds and will be labeled "Lightly Breaded Shrimp." All products are intended for sale to wholesalers or markets.

The applicable subheading for the "Raw Peeled Shrimp" will be 0306.17.0040, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine: Frozen: Other shrimps and prawns: Peeled, imported in accordance with Statistical Note 1 to this chapter. The rate of duty will be Free.

The applicable subheading for the "Breaded Shrimp" will be 1605.21.1020, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved: Shrimps and prawns: Not in airtight containers: Other: Frozen, imported in accordance with statistical note 1 to this chapter: Breaded. The rate of duty will be Free.

The applicable subheading for the "Cooked Peeled Shrimp" will be 1605.21.1030, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Crustaceans, molluscs and other aquatic invertebrates,

prepared or preserved: Shrimps and prawns: Not in airtight containers:
Other: Frozen, imported in accordance with statistical note 1 to this chapter:
other. The rate of duty will be Free.

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

This merchandise may be subject to additional requirements administered by the following agencies, whose addresses are provided for your reference:

U.S. Department of State
Bureau of Oceans & Int'l. Environmental & Scientific Affairs
Office of Marine Conservation
2201 C Street, NW
Washington, DC 20520
Telephone: (202) 647-2335

U.S. Food and Drug Administration (FDA)
Division of Import Operations and Policy
12420 Parklawn Drive (Room 3109)
Rockville, MD 20857
Telephone: (301) 796-0356
Email address: FDAImportsInquiry@FDA.hhs.gov

The imported products may be subject to antidumping duties or countervailing duties. Written decisions regarding the scope of AD/CVD orders are issued by the Import Administration in the Department of Commerce and are separate from tariff classification and origin rulings issued by Customs and Border Protection. You can contact them at <http://www.trade.gov/ia/> (click on "Contact Us"). For your information, you can view a list of current AD/CVD cases at the United States International Trade Commission website at <http://www.usitc.gov> (click on "Antidumping and countervailing duty investigations"), and you can search AD/CVD deposit and liquidation messages using the AD/CVD Search tool at <http://adcdvd.cbp.gov/>. This merchandise is subject to The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (The Bioterrorism Act), which is regulated by the Food and Drug Administration (FDA). Information on the Bioterrorism Act can be obtained by calling FDA at 301-575-0156, or at the Web site www.fda.gov/oc/bioterrorism/bioact.html.

With regard to country of origin, Section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin (or its container) imported into the U.S. shall be marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article.

Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304. Pursuant to 19 CFR Section 134.1(b), the country of origin is the country of manufacture, production or growth of any article of foreign origin entering the U.S. Further work or material added to an article in another country must effect a substantial transformation in order to render such country the country of origin within the meaning of Part 134 of the regulations. A substantial transformation occurs when a new and different article of commerce emerges

from a process with a new name, character or use different from that possessed by the article prior to processing. See *United States v. Gibson-Thomsen Co., Inc.*, 27 C.C.P.A. 267 (C.A.D. 98) (1940). In the present case, we find that the processing of the “Raw Peeled Shrimp” in both the Indian and Guatemalan facilities by the means you outline does not effect a substantial transformation. Accordingly, we find that the “Raw Peeled Shrimp” retain their initial country of origin status for U.S. Customs and Border Protection marking purposes. However, we find that the processing of the “Cooked Peeled Shrimp” and “Breaded Shrimp” by the means you outline satisfy the requirements of a substantial transformation and are products of Guatemala for U.S. Customs and Border Protection marking purposes.

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 Ekeng Manczuk at Ekeng.Manczuk@cbp.dhs.gov.

Sincerely,

STEVEN A. MACK

Director

National Commodity Specialist Division

ATTACHMENT B

HQ H301495
CLA-2 OT:RR:CTF:FTM H301495 PJG
CATEGORY: Marking

MR. JUAN RODRIGUEZ
ROD INTERNATIONAL
11445 PARAMOUNT BLVD. SUITE A
DOWNEY, CALIFORNIA 90241

RE: Modification of NY N281670; Country of origin marking of cooked shrimp

DEAR MR. RODRIGUEZ:

On January 3, 2017, U.S. Customs and Border Protection (“CBP”) issued New York Ruling Letter (“NY”) N281670 to you on behalf of your client, Pescanova, Inc. The ruling pertains to the tariff classification under the Harmonized Tariff Schedule of the United States (“HTSUS”), and the country of origin marking of frozen farm raised shrimp of the *litopenaeus vannamei* species that are processed into three products: “Raw Peeled Shrimp”, “Cooked Peeled Shrimp”, and “Breaded Shrimp.” The National Fisheries Institute has inquired whether the country of origin decision concerning the “Cooked Peeled Shrimp” is inconsistent with an existing CBP ruling concerning the same issue. We have reconsidered NY N281670 and found that the holding is in error with respect to the country of origin marking determination concerning the “Cooked Peeled Shrimp.” Accordingly, NY N281670 is modified.

FACTS:

In NY N281670, the subject merchandise was described as follows:

[f]rozen farm raised shrimp of the *litopenaeus vannamei* species. Per the description provided, the shrimp will be exported from India to Guatemala as frozen headless shell-on of various sizes for further processing. The product will be thawed, deveined and soaked in sodium tripolyphosphate and salt. The shrimp will be processed into three products: “Raw Peeled Shrimp” (Size 31/35), “Cooked Peeled Shrimp” (Size 31/35), and “Breaded Shrimp” (Size 25/30). The “Raw Peeled Shrimp” and “Cooked Peeled Shrimp” will be individually quick frozen and packaged in a polyethylene bag which will have a total net weight of two pounds. Each master case for both items will contain five bags which in turn will have a total net weight of ten pounds. The product will be labeled “Frozen P&D Tail-Off Raw Shrimp IQF,” and “Frozen P&D Tail-Off Cooked Shrimp IQF,” respectively... All products are intended for sale to wholesalers or markets.

In NY N281670, we determined that the “Cooked Peeled Shrimp” was substantially transformed in Guatemala and, therefore, the country of origin for marking purposes was Guatemala.

ISSUE:

Whether the process of cooking shrimp substantially transforms the shrimp for country of origin marking purposes.

LAW AND ANALYSIS:

The marking statute, Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. § 1304(a)), provides that unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. § 1304 was “that the ultimate purchaser should be able to know by an inspection of the marking on imported goods the country of which the goods is the product. The evident purpose is to mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will.” *United States v. Friedlaender & Co.*, 27 C.C.P.A. 297, 302 (1940).

Part 134 of Title 19 of the Code of Federal Regulations (19 C.F.R. Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. § 1304. Section 134.1(b) (19 C.F.R. § 134.1(b)) provides as follows:

(c) *Country of origin.* “Country of origin” means the country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the “country of origin” within the meaning of this part; however, for a good of a NAFTA country, the NAFTA Marking Rules will determine the country of origin.

CBP has previously held that the process of cooking shrimp does not substantially transform shrimp because it “does not result in a change in the name, character or use” of the shrimp. *See* HQ 731763 (May 17, 1989) (citing *United States v. Gibson-Thomsen Co., Inc.*, 27 C.C.P.A. 267 (1940) (setting forth the three main factors for a substantial transformation determination). In HQ 731763, CBP stated that the name of the cooked shrimp remains unchanged because it is still “referred to as shrimp,” the character remains unchanged because it is still frozen shrimp with the same size, quality, and shape, and the use remains unchanged because cooking is a process that “merely render[s] the product ready for eating.” HQ 731763 further indicates that although the tariff classification of cooked and raw shrimp are different, that change does not alter the substantial transformation analysis. Accordingly, the country of origin for marking of the “Cooked Peeled Shrimp” in NY N281670 is India.

Foreign natural products (such as shrimp) are on the so-called “J-list” and are excepted from individual marking requirements pursuant to 19 U.S.C. § 1304(a)(3)(J) and 19 C.F.R. 134.33. *See* HQ 731763 (May 17, 1989). However, 19 C.F.R. 134.33 requires that “the outermost container in which the article ordinarily reaches the ultimate purchaser ... be marked to indicate the origin of its contents.”

Section 134.1(d) of Title 19 of the Code of Federal Regulations (19 C.F.R. 134.1(d)) defines the term “ultimate purchaser” as “generally the last person in the United States who will receive the article in the form in which it was imported.” Moreover, 19 C.F.R. 134.1(d)(3) indicates that “[i]f an article is to be sold at retail in its imported form, the purchaser at retail is the ‘ultimate purchaser.’” NY N281670 indicates that the “Cooked Peeled Shrimp” will be packaged in a polyethylene bag with a total net weight of two pounds, and

five of those bags will be placed into a master case that is intended for sale to wholesalers or markets. If the wholesalers or markets are distributing the master cases to restaurant operators for their own use, then the ultimate purchaser is the restaurant operator and only the master cases must be marked with the country of origin. See Customs Service Decision (C.S.D.) 90–42 (Jan. 11, 1990); HQ 560498 (Dec. 19, 1997). If the wholesalers or markets are selling the individual polyethylene bags of “Cooked Peeled Shrimp,” then the ultimate purchaser is the person who will purchase the individual bags of shrimp and the country of origin marking must appear on the individual bags of shrimp.

HOLDING:

The imported “Cooked Peeled Shrimp” is not substantially transformed when it is cooked in Guatemala, therefore, the country of origin for marking purposes is the country where the shrimp is raised, which is India.

Foreign natural products (such as shrimp) are on the so-called “J-list” and are excepted from individual marking requirements pursuant to 19 U.S.C. § 1304(a)(3)(J) and 19 C.F.R. 134.33. However, “the outermost container in which the article ordinarily reaches the ultimate purchaser is required to be marked to indicate the origin of its contents.” 19 C.F.R. 134.33. If the wholesalers or markets purchase the master cases for resale to restaurant operators for restaurant use, then the ultimate purchaser is the restaurant operator and the master cases must be marked with the country of origin. If the wholesalers or markets purchase the master cases and sell the individual polyethylene bags of shrimp, then the ultimate purchaser is the person who purchases the individual bags of shrimp and the individual bags must be marked with the country of origin.

EFFECT ON OTHER RULINGS:

NY N281670, dated January 3, 2017, is MODIFIED.

Sincerely,

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

**REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF TWO STYLES OF WOMEN’S
SANDALS**

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

ACTION: Notice of revocation of one ruling letter and revocation of treatment relating to the tariff classification of two styles of women’s sandals.

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 Modern-

ization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter concerning tariff classification of two styles of women’s sandals under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 53, No. 9, on April 3, 2019. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 29, 2019.

FOR FURTHER INFORMATION CONTACT: Parisa J. Ghazi, Food, Textiles and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325–0272.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Pursuant to 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 53, No. 9, on April 3, 2019, proposing to revoke one ruling letter pertaining to the tariff classification of two styles of women’s sandals. 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 the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An im-

porter'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 this notice.

In New York Ruling Letter ("NY") N270791, dated December 8, 2015, CBP classified the "Faith" and "Lu" style sandals in heading 6402, HTSUS. The "Faith" style sandal was specifically classified in subheading 6402.99.4960, HTSUSA, which provides for "Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Other: Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear of subheading 6402.99.33 and except footwear having a foxing or a foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper: Other: Other: For women." The "Lu" style sandal was specifically classified in subheading 6402.99.8061, HTSUSA, which provides for "Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Other: Other: Valued over \$6.50 but not over \$12/pair: Other: For women."

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking NY N270791 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter ("HQ") H278605, set forth as an attachment to this notice. 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 60 days after publication in the *Customs Bulletin*.

Dated: May 8, 2019

YULIYA A. GULIS
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachment

HQ H278605

May 8, 2019

OT:RR:CTF:FTM H278605 PJG

CATEGORY: Classification

TARIFF NO.: 6402.99.31

MR. ROGER CRAIN
CUSTOMS LABORATORY SERVICES LLC
11901 REYNOLDS AVENUE
POTOMAC, MARYLAND 20854-3334

RE: Revocation of NY N270791; tariff classification of two styles of women's sandals

DEAR MR. CRAIN:

On December 8, 2015, U.S. Customs and Border Protection ("CBP") issued New York Ruling Letter ("NY") N270791 to Ms. Tina Fang at Steve Madden, Ltd. The ruling pertains to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated ("HTSUSA") of two styles of women's sandals identified as style names "Faith" and "Lu."¹ We have since reviewed NY N270791 and determined it to be in error because the ruling erroneously stated that less than 90 percent of the external surface area of the upper for each sandal is composed of rubber or plastics. Accordingly, NY N270791 is revoked.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. No. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed action was published on April 3, 2019, in Volume 53, Number 9, of the *Customs Bulletin*. No comments were received in response to this notice.

FACTS:

In NY N270791, the women's sandal identified as style name "Faith" was described as follows:

"Faith" is an open toe/open high heel, sandal with an upper consisting of three straps at the forefoot, mid-foot and ankle. All of the straps have attached loops which allow a thin strap measuring approximately 4mm to pass through and be tied/wrapped around the ankle and calf. The straps do not cover the ankle. According to your letter the thin straps account for 40 percent of the external surface area of the upper (esau) and the wider rubber and plastics straps account for less than 90 percent of the external surface area of the upper. The shoes have no foxing or foxing-like band.

In NY N270791, the women's sandal identified as style name "Lu" was described as follows:

"Lu" is women's, below-the-ankle, closed toe/closed heel sandal with an outer sole of rubber or plastics. The external surface area of the upper is a combination of plaited textile strips measuring less than 4mm and

¹ In NY N270791, CBP stated that additional information was necessary in order to classify the "Cruel" style sandal. You have since submitted a sample of the "Cruel" style sandal, which was analyzed by the CBP Laboratories and Scientific Services Directorate ("CBP laboratory") in Newark, New Jersey. The tariff classification of the "Cruel" style sandal will be determined under separate cover by the National Commodity Specialist Division.

rubber/plastics at the forefoot, heel and ankle. The rubber or plastics predominates as the constituent material but accounts for less than 90 percent of the external surface area of the upper. The ankle strap has a metal buckle closure at the lateral side of the sandal. You provided an F.O.B. value of over \$6.50 but under \$12 per pair.

In NY N270791, CBP classified the “Faith” style sandal in subheading 6402.99.4960, HTSUSA, which provides for “Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Other: Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear of subheading 6402.99.33 and except footwear having a foxing or a foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper: Other: Other: For women” and classified the “Lu” style sandal in subheading 6402.99.8061, HTSUSA, which provides for “Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Other: Other: Valued over \$6.50 but not over \$12/pair: Other: For women.”

Along with your request for reconsideration, you submitted one sample of each pair of sandals at issue.

ISSUE:

Whether the subject two styles of women’s sandals are classified under subheading 6402.99.3165, HTSUSA, as footwear the uppers of which over 90 percent of the external surface area is plastics, in subheading 6402.99.4960, HTSUSA, as other footwear with open toes and open heels, or in subheading 6402.99.8061, HTSUSA, as other footwear valued over \$6.50 but not over \$12/pair.

LAW AND ANALYSIS:

Classification under the Harmonized Tariff Schedule of the United States Annotated (“HTSUSA”) is made in accordance with the General Rules of Interpretation (“GRI”). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

The 2019 HTSUSA provisions under consideration are as follows:

6402	Other footwear with outer soles and uppers of rubber or plastics: Other footwear: * * *
6402.99	Other: Other:

Having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to this chapter) is rubber or plastics (except footwear having a foxing or a foxing-like band applied or molded at the sole and overlapping the upper and except footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather):

Other:

* * *

6402.99.31

Other

* * *

Other:

Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear of subheading 6402.99.33 and except footwear having a foxing or a foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper:

* * *

6402.99.49

Other

* * *

Other:

* * *

6402.99.4960

For women

* * *

Other:

6402.99.80

Valued over \$6.50 but not over \$12/pair

* * *

Other:

* * *

6402.99.8061

For women

Note 3(a) to Chapter 64, HTSUS, states as follows:

[t]he terms “rubber” and “plastics” include woven fabrics or other textile products with an external layer of rubber or plastics being visible to the naked eye; for the purpose of this provision, no account should be taken of any resulting change of color;

Note 4 to Chapter 64, HTSUS, states as follows:

Subject to note 3 to this chapter:

- (a) The material of the upper shall be taken to be the constituent material having the greatest external surface area, no account being taken of accessories or reinforcements such as ankle patches, edging, ornamentation, buckles, tabs, eyelet stays or similar attachments;
- (b) The constituent material of the outer sole shall be taken to be the material having the greatest surface area in contact with the ground, no account being taken of accessories or reinforcements such as spikes, bars, nails, protectors or similar attachments.

You argue that, based on the material composition of the subject two women's sandals, they should be classified in subheading 6402.99.3165, HT-SUSA, which provides for "Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to this chapter) is rubber or plastics (except footwear having a foxing or a foxing-like band applied or molded at the sole and overlapping the upper and except footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather): Other: Other: Other: For women: Other."

Samples of the "Lu" and "Faith" style sandals were sent to the CBP Laboratories and Scientific Services Directorate ("CBP laboratory") in Newark, New Jersey for their analysis. The CBP laboratory analyzed the left foot "Faith" style sandal and determined that "the upper of the sandal consists of a thin strap measuring approximately 4 millimeters wide and four pieces of wider straps measuring on average approximately 12, 25, 12, and 13 millimeters wide respectively."

The CBP laboratory analyzed the left foot "Lu" style sandal and determined that "the upper of the sandal is constructed of a Y shaped strap measuring on average approximately 77 millimeters wide, a T shaped strap measuring on average approximately 54 millimeters wide, straps with even width measuring approximately 9 millimeters, and braided straps measuring approximately 8 millimeters wide consisting [of] three thin straps of approximately 4 millimeters wide each."

With respect to the "Faith" and "Lu" style sandals, the CBP laboratory stated that "the upper material is composed of a knit fabric coated, covered, or laminated with an external layer of rubber/plastic and the rubber/plastic is visible to the naked eye."

It is not in dispute that the "Faith" and "Lu" style sandals are classifiable under heading 6402, HTSUS, specifically, under subheading 6402.99, HT-SUS, which provides for "Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other." The dispute lies at the six-digit subheading level. We have reviewed the photographs of the samples that were submitted to the National Commodity Specialist Division and later forwarded to the CBP laboratory, and we have determined that the "Faith" and "Lu" style sandals have uppers of which over 90 percent of the external surface area, including the metallic piece at the end of the straps on the "Faith" style sandals and the buckles on the "Lu" style sandals, is rubber or plastics. The determination that the upper material is composed of a knit fabric coated, covered, or laminated with an external layer of rubber or plastics was provided by the CBP laboratory and, based on our observation of the photographs of the samples, over 90 percent of the external surface area

of the upper is composed of that material. In NY N270791, we erroneously stated that less than 90 percent of the external surface area of the upper is composed of rubber or plastics.

Accordingly, we find that the two subject women's sandals are classified in subheading 6402.99.31, HTSUSA, which provides for "Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to this chapter) is rubber or plastics (except footwear having a foxing or a foxing-like band applied or molded at the sole and overlapping the upper and except footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather): Other: Other."

HOLDING:

Under the authority of GRIs 1 and 6 the two subject women's sandals, specifically, "Lu" and "Faith", are classified under heading 6402, HTSUS, and specifically in subheading 6402.99.31, HTSUSA, which provides for "Other footwear with outer soles and uppers of rubber or plastics: Other footwear: Other: Other: Having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to this chapter) is rubber or plastics (except footwear having a foxing or a foxing-like band applied or molded at the sole and overlapping the upper and except footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather): Other: Other."² The 2019 column one, general rate of duty is 6 percent *ad valorem*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at www.usitc.gov/tata/hts/.

EFFECT ON OTHER RULINGS:

NY N270791, dated December 8, 2015, is REVOKED.

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

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

² In a footnote, subheading 6402.99.31, HTSUS, cross-references subheadings 9902.14.06, 9902.14.07, 9902.14.08, 9902.14.09 and 9902.14.10.

**REVOCATION OF TWO RULING LETTERS AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF CENTER SLEEVES AND END
RINGS FOR COUPLING ASSEMBLIES**

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

ACTION: Notice of revocation of two ruling letters and revocation of treatment relating to the tariff classification of center sleeves and end rings used in coupling assemblies.

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 U.S. Customs and Border Protection (CBP) is revoking two ruling letters concerning the tariff classification of center sleeves and end rings used in coupling assemblies under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 52, No. 40, on October 3, 2018. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 29, 2019.

FOR FURTHER INFORMATION CONTACT: Claudia Garver, Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325–0024.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other

information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 52, No. 40, on October 3, 2018, proposing to revoke two ruling letters pertaining to the tariff classification of center sleeves and end rings used in coupling assemblies. 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 the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment 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 this notice.

In NY N270588, CBP classified center sleeves and end rings used in coupling assemblies in heading 7326, HTSUS (2015), specifically in subheading 7326.90.85, HTSUS, which provided for "Other articles of iron or steel: Other: Other: Other: Other." In NY N097562, CBP classified center sleeves used in coupling assemblies in heading 7325, HTSUS, specifically in subheading 7325.99.10, HTSUS, which provides for "Other cast articles of iron or steel: Other: Other: Of cast iron."

CBP has reviewed NY N270588 and NY N097562 and has determined the ruling letters to be in error. It is now CBP's position that the center sleeves, as well as combinations of center sleeves and end rings, are properly classified in heading 7307, HTSUS, specifically in subheading 7307.19.30, HTSUS, which provides for "Tube or pipe fittings of iron or steel: Cast fittings: Other: Ductile fittings."

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking NY N270588 and NY N097562 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter ("HQ") H284443, set forth as an attachment to this notice. 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 60 days after publication in the *Customs Bulletin*.

Dated: May 8, 2019

ALLYSON MATTANAH
for
MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachment

HQ H284443

May 8, 2019

CLA-2 OT:RR:CTF:EMAIN H284443 CKG

CATEGORY: Classification

TARIFF NO.: 7307.19.3085

DAVID TALLEY
DHI LLC
214 S. AUSTIN STREET
BRENHAM, TX 77833

RE: Revocation of NY N270588 and NY N097562; Classification of center sleeves and end rings for coupling assemblies

DEAR MR. TALLEY:

This is in reference to New York Ruling Letter (NY) N270588, issued to you by U.S. Customs and Border Protection (CBP) on November 24, 2015, concerning classification of center sleeves and “end rings” used in coupling assemblies under the Harmonized Tariff Schedule of the United States (HTSUS). We have reviewed NY N270588, determined that it is incorrect, and for the reasons set forth below, we are modifying that ruling.

We have additionally determined that NY N097562, issued to Inpac, Inc. (“Inpac”) on April 1, 2010, is incorrect for similar reasons. Like NY N270588, NY N097562 involves classification of center sleeves used in coupling assemblies. For the reasons set forth below, we are revoking that ruling.

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, notice proposing to revoke NY N270588 and NY N097562 was published on October 3, 2018, in Volume 52, Number 40 of the *Customs Bulletin*. No comments were received in response to this notice.

FACTS:

In NY N270588, CBP stated as follows with respect to the subject merchandise:

The products under consideration are described as component parts for the Style FC2A Ford Transition Coupling. The transition coupling is composed of four components which include sleeves, rings, gaskets and bolts. The two parts for which you are requesting a classification are identified as the Sleeve Wide Range Coupling Black FBE ASTM A536 GR 65–452 and the End Ring Ductile Iron Ultraflex Coupling Black FBE ASTM 536 GR 65–452. You stated that “These parts are not machined nor threaded but are coated.”

According to product literature reviewed by our office, “Ford Cast Couplings offer an easy and economical way of joining pipe.” Ford Meter Box Co., Section M: Ford Cast Couplings and Adapters M-4 (2017), available at <http://www.fordmeterbox.com/catalog/m/mjpeg.pdf> [hereinafter Ford Cast Couplings and Adapters]. The product literature further indicates that the couplings are “manufactured in accordance with the design, testing and performance standards of AWWA C219.” *Id.* The product literature also includes the following depiction of the Ford Cast Couplings, replete with labels for individual components:

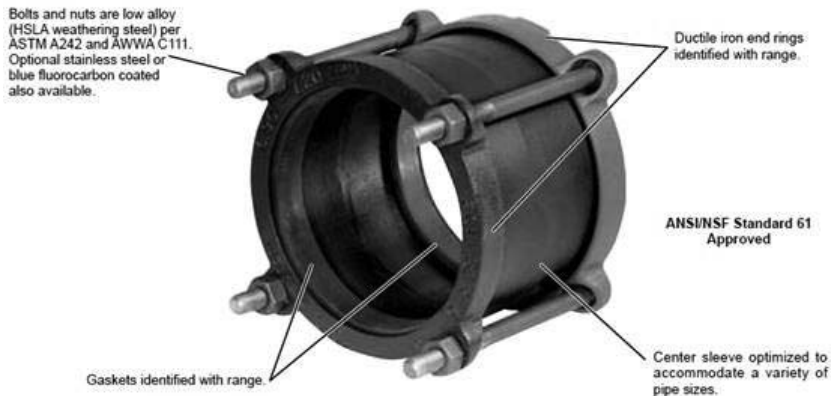


Figure 1

CBP classified the subject center sleeves and end rings in heading 7326 of the 2015 HTSUS, specifically subheading 7326.90.85, HTSUS, which provided for “Other articles of iron or steel: Other: Other: Other: Other.” However, it is not clear whether the classification determination pertains to individual center sleeves and end rings or combinations of the two.

In NY N097562, which similarly involved classification of a center sleeve, CBP stated as follows with respect to the subject merchandise:

The merchandise is identified as a sleeve, item number 441. The item is also referred to in the trade as a middle ring, center ring or coupling body. The subject sleeve is the stabilizing component to create a seal between the pipe and gasket. The submitted specifications indicate that the sleeve is a ductile (malleable) iron casting. In your letter, you state that the items are not grooved or machined at the time of importation into the United States.

The following photographic depiction of the couplings with which the sleeves are used has been reproduced from Inpac’s website:



Figure 2

CBP classified the subject sleeve in heading 7325, HTSUS, specifically subheading 7325.99.10, HTSUS, which provides for “Other cast articles of iron or steel: Other: Other: Of cast iron.”

ISSUE:

Whether the subject center sleeves and end rings are classified in heading 7307, HTSUS, as pipe fittings, in heading 7325, HTSUS, as “other” cast articles of iron or steel, or in heading 7326, HTSUS, as “other” articles of iron or steel.

LAW AND ANALYSIS:

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law for all purposes.

GRI 1 requires that classification be determined first 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 heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order. GRI 2(a) provides, in relevant part, that “[a]ny reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished articles has the essential character of the complete or finished article.”

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

The 2018 HTSUS provisions under consideration are as follows:

7307	Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel
7325	Other cast articles of iron or steel
7326	Other articles of iron or steel

As a preliminary matter, the center sleeves and end rings can only be classified in heading 7325 or heading 7326, HTSUS, if they are not more specifically classifiable in heading 7307, HTSUS. See EN 73.25 (“This heading covers all cast articles of iron or steel, not elsewhere specified or included.”); see also EN 73.26 (“This heading covers all iron or steel articles...other than articles included in the preceding headings of this Chapter.”). We therefore begin our analysis with heading 7307, HTSUS.

Heading 7307 applies to pipe fittings of iron or steel, including, *inter alia*, couplings. Neither “pipe fitting” nor “coupling” are defined in the HTSUS. As

such, they are to be construed in accordance with their common meanings, which may be ascertained by reference to “standard lexicographic and scientific authorities,” to the pertinent ENs, and to industry standards. *GRK Can., Ltd. v. United States*, 761 F.3d 1354, 1357 (Fed. Cir. 2014); *see also Rocknel Fastener, Inc. v. United States*, 267 F.3d 1354, 1361 (Fed. Cir. 2001) (“Standards promulgated by industry groups such as ANSI, ASME, and others are often used to define tariff terms.”).

To this end, EN 73.07 states, in pertinent part, as follows with respect to “pipe fittings” of heading 7307, HTSUS:

This heading covers fittings of iron or steel, mainly used for connecting the bores of two tubes together, or for connecting a tube to some other apparatus, or for closing the tube aperture. This heading **does not** however **cover** articles used for installing pipes and tubes but which do not form an integral part of the bore (e.g., hangers, stays and similar supports which merely fix or support the tubes and pipes on walls, clamping or tightening bands or collars (hose clips) used for clamping flexible tubing or hose to rigid piping, taps, connecting pieces, etc.) (**heading 73.25 or 73.26**).

The connection is obtained:

- by screwing, when using cast iron or steel threaded fittings;
- or by welding, when using butt-welding or socket-welding steel fittings. In the case of butt-welding, the ends of the fittings and of the tubes are square cut or chamfered;
- or by contact, when using removable steel fittings.

This heading therefore includes flat flanges and flanges with forged collars, elbows and bends and return bends, reducers, tees, crosses, caps and plugs, lap joint stub-ends, fittings for tubular railings and structural elements, off sets, multi-branch pieces, *couplings or sleeves*, clean out traps, nipples, unions, clamps and collars.

(emphasis added).

We have previously determined, upon consulting both the above EN description and various technical references, that pipe fittings are defined in part as articles used to connect separate pipes to each other. *See* Headquarters Ruling Letter (“HQ”) H282297, dated July 6, 2017 (discussing commonalities among EN 73.07 and technical definitions cited in court cases). Both the plain language of the heading and EN 73.07 make clear that articles of this type include “couplings.” The term “coupling,” like “pipe fitting,” is not defined in the HTSUS. According to AWWA C219–11, a technical source promulgated by the American Water Works Association, couplings include “transition couplings” made up of “center sleeves” or “center rings,” “end rings,” and “gaskets.” *See* AMER. WATER WORKS ASS’N, AWWA STANDARD: BOLTED, SLEEVE-TYPE COUPLINGS FOR PLAIN-END PIPE 4–6 (2011) [HEREINAFTER AWWA C219–11]. IN SO FAR AS THEY ARE USED TO “JOIN PLAIN-END PIPE,” WE CONSIDER TRANSITION COUPLINGS TO BE “PIPE FITTINGS” OF HEADING 7307, HTSUS. *SEE ID.* at ix, 1.

At issue in NY N270488 are combinations of “sleeves” and “end rings” which, following entry, are conjoined with gaskets to form full transition couplings. At issue in NY N097562 are “center rings” (i.e., sleeves) that are likewise assembled into transition couplings following importation. As stated

above, the types of transition couplings into which these sleeves and end rings are assembled are undisputedly pipe fittings of heading 7307, HTSUS, insofar as they are used to connect pipe. In fact, the above-cited product literature confirms that the particular couplings into which the sleeves and end rings of NY N270488 are assembled “offer a...way of joining pipe.” See *Ford Cast Couplings and Adapters*, *supra*. We therefore consider whether the merchandise can be considered “incomplete” or “unfinished” pipe fittings of the heading.

As stated above, GRI 2(a) provides that an unfinished or complete article with the *essential character* of a complete or finished article is to be treated as the latter for classification purposes. Applicable case law instructs that “the focus of the essential character analysis under GRI 2(a) is whether or not the identity of the article to be made from the imported good is fixed or certain at the time of importation.” See Headquarters Ruling Letter (HQ) H181679, dated July 17, 2015 (citing *The Pomeroy Collection, Ltd. v. United States*, 893 F. Supp. 2d 1269 (Ct. Int’l Trade 2013); *Filmtec Corp. v. United States*, 293 F. Supp. 2d 1364 (Ct. Int’l Trade 2003); and *Baxter Healthcare Corp. of Puerto Rico v. United States*, 22 C.I.T. 82 (1998)). Accordingly, “essential character” in this context corresponds to “the attribute which strongly marks or serves to distinguish what an article is; that which is indispensable to the structure, core or condition of the article; the aggregate of distinctive component parts that establishes the identity of an article as what it is, its very essence.” *Id.* (citing HQ 967975, dated March 24, 2006).

Here, the “identity” or “essence” of the transition couplings, or the attribute by which they are “strongly marked” or “distinguished,” is their capacity to join and secure separate pipe segments as a single, continuous aperture. The combinations of sleeves and end rings impart this identity, essence, or distinguishing attribute. Specifically, the sleeves provide the structure of the coupling within which the pipe segments are aligned and joined end-to-end to form the initial channel. Meanwhile, the end rings are used to stabilize and secure this connection, and need only be paired with gaskets and tightened with bolts to accomplish this end. There is no indication that either the sleeve or the end rings are suitable for any other use. In fact, the precise specifications set forth in AWWA C219–11 indicate that both are uniquely designed for integration into the coupling assembly. See, e.g., AWWA C219–11, *supra*, at 11 (stating, with reference to iron center sleeves, that “[g]asket-bearing areas shall be in the form of a smooth taper, cast into the sleeve.”). In light of this, we find that the identity of the sleeve and end ring combinations is indelibly fixed as that of a coupling at the time of the items’ entry. We note that this determination is consistent with at least one prior ruling involving highly similar merchandise. See NY K86336, dated June 14, 2004 (classifying combinations of center rings with end flanges or end “caps” in heading 7307, HTSUS).

We find the same with respect to the individual center rings at issue in NY N097562. As stated above, the center rings impart the structure of the transition coupling, and are even referred to in that ruling as coupling “bodies,” while housing and aligning the separate pipe ends to enable their initial connection. Given their structural and functional importance, the sleeves’ contribution to the identity of the couplings is sufficient for purposes of GRI 2(a). Moreover, we note that EN 73.07 lists “sleeves” among the types of products generally classifiable in heading 7307, HTSUS.

HOLDING:

By application of GRIs 1 and 2(a), the subject sleeves, as well as combinations of the sleeves and end rings, are classified in heading 7307, HTSUS. All merchandise is specifically classified in subheading 7307.19.3085, HTSUSA (Annotated), which provides for: "Tube or pipe fittings of iron or steel: Cast fittings: Other: Ductile fittings: Other." The 2018 column one general rate of duty for subheading 7307.19.3085, HTSUSA, is 5.6% *ad valorem*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at www.usitc.gov/tata/hts/.

The merchandise in question may be subject to antidumping duties or countervailing duties (AD/CVD). We note that the International Trade Administration in the Department of Commerce is not necessarily bound by a country of origin or classification determination issued by CBP, with regard to the scope of antidumping or countervailing duty orders. Written decisions regarding the scope of AD/CVD orders are issued by the International Trade Administration and are separate from tariff classification and origin rulings issued by CBP. The International Trade Administration can be contacted at <http://www.trade.gov/ia/>. A list of current AD/CVD investigations at the United States International Trade Commission can be viewed on its website at <http://www.usitc.gov>. AD/CVD cash deposit and liquidation messages can be searched using ACE, the system of record for AD/CVD messages, or the AD/CVD Search tool at <http://addevd.cbp.gov/index.asp?ac=home>.

EFFECT ON OTHER RULINGS:

New York Ruling Letters N270588, dated November 24, 2015, and NY N097562, dated April 1, 2010, are hereby REVOKED in accordance with the above analysis.

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

Sincerely,

ALLYSON MATTANAH
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

CC: Erika-Lee Hickey

Inpac, Inc.
3100 NW Bucklin Hill Road, Suite 211
Silverdale, WA 98383

**ACCREDITATION AND APPROVAL OF AMSPEC LLC
(TEXAS CITY, TX) AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of AmSpec LLC (Texas City, TX), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (Texas City, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 26, 2018.

DATES: AmSpec LLC (Texas City, TX) was approved and accredited as a commercial gauger and laboratory as of September 26, 2018. The next triennial inspection date will be scheduled for September 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec LLC, 3208 5th Avenue South, Texas City, TX 77590, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

AmSpec LLC (Texas City, TX) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3.....	Tank Gauging.
7.....	Temperature Determination.
8.....	Sampling.
11.....	Physical Properties Data.
12.....	Calculations.
17.....	Maritime Measurement.

AmSpec LLC (Texas City, TX) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-03.....	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04.....	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-05.....	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06.....	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08.....	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11.....	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13.....	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-14.....	D2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-46.....	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48.....	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50.....	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53.....	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54.....	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27-58.....	D5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test

or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories: *<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>*.

Dated: May 3, 2019.

PATRICIA HAWES COLEMAN,
Acting Executive Director,
Laboratories and Scientific Services
Directorate.

[Published in the Federal Register, May 13, 2019 (84 FR 20903)]



APPROVAL OF FREEBOARD INTERNATIONAL (LINDEN, NJ), AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Freeboard International (Linden, NJ), as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Freeboard International (Linden, NJ), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of August 7, 2018.

DATES: Freeboard International (Linden, NJ) was approved, as a commercial gauger as of August 7, 2018. The next triennial inspection date will be scheduled for August 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Freeboard International, 2500 Brunswick Ave., Linden, NJ 07036 has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Freeboard International (Linden, NJ) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
1.....	Vocabulary.
3.....	Tank Gauging.
7.....	Temperature Determination.
8.....	Sampling.
12.....	Calculations.
17.....	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories: <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: May 3, 2019.

PATRICIA HAWES COLEMAN,
*Acting Executive Director,
 Laboratories and Scientific Services
 Directorate.*

[Published in the Federal Register, May 13, 2019 (84 FR 20904)]

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**ACCREDITATION AND APPROVAL OF AMSPEC LLC
 (SAVANNAH, GA) AS A COMMERCIAL GAUGER AND
 LABORATORY**

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

ACTION: Notice of accreditation and approval of AmSpec LLC (Savannah, GA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (Savannah, GA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 6, 2018.

DATES: AmSpec LLC (Savannah, GA) was approved and accredited as a commercial gauger and laboratory as of September 6, 2018. The next triennial inspection date will be scheduled for September 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec LLC, 4117 Montgomery St., Savannah, GA 31405, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

AmSpec LLC (Savannah, GA) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3.....	Tank Gauging.
7.....	Temperature Determination.
8.....	Sampling.
11.....	Physical Properties Data.
12.....	Calculations.
17.....	Maritime Measurement.

AmSpec LLC (Savannah, GA) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01.....	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02.....	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-03.....	D4006	Standard Test Method for Water in Crude Oil by Distillation.

CBPL No.	ASTM	Title
27-04.....	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-05.....	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06.....	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08.....	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11.....	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13.....	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-48.....	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50.....	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53.....	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54.....	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27-58.....	D5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories: <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: May 3, 2019.

PATRICIA HAWES COLEMAN,
*Acting Executive Director,
Laboratories and Scientific Services
Directorate.*

[Published in the Federal Register, May 13, 2019 (84 FR 20903)]

**COMMERCIAL CUSTOMS OPERATIONS ADVISORY
COMMITTEE (COAC)**

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

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Thursday, May 30, 2019, in Laredo, Texas. The meeting will be open to the public to attend either in person or via webinar.

DATES: The COAC will meet on Thursday, May 30, 2019, from 1:00 p.m. to 4:00 p.m. CDT (2:00 p.m.–5:00 p.m. EDT). Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held at the Laredo College, Falcon Bank Executive Conference Room, 1 West End Washington Street, Laredo, Texas 78040. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs & Border Protection, at (202) 344–1440 as soon as possible.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using one of the methods indicated below:

For members of the public who plan to attend the meeting in person, please register by 5:00 p.m. EDT May 29, 2019, either: online at <https://teregistration.cbp.gov/index.asp?w=154>; by email to tradeevents@dhs.gov; or by fax to (202) 325–4290. You must register prior to the meeting in order to attend the meeting in person.

For CBP personnel who plan to attend in person, please register online by 5:00 p.m. EDT May 29, 2019, at <https://teregistration.cbp.gov/index.asp?w=153>.

For members of the public who plan to participate via webinar, please register online at <https://teregistration.cbp.gov/index.asp?w=155> by 5:00 p.m. EDT on May 29, 2019.

Please feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered to attend and later need to cancel, please do so by May 29, 2019, utilizing the following links: <https://teregistration.cbp.gov/cancel.asp?w=154> to cancel an in-person registration; or use <https://teregistration.cbp.gov/cancel.asp?w=155> to cancel a webinar registration. For CBP personnel who are registered to attend in person and later need to cancel, please do so by utilizing the following link: <https://teregistration.cbp.gov/cancel.asp?w=153>.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the Agenda section below.

Comments must be submitted in writing no later than May 29, 2019, and must be identified by Docket No. USCBP–2019–0013, and may be submitted by *one (1)* of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* tradeevents@dhs.gov. Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290, Attention Florence Constant-Gibson.
- *Mail:* Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words “Department of Homeland Security” and the docket number (USCBP–2019–0013) for this action. Comments received will be posted without alteration at <http://www.regulations.gov>. Please do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> and search for Docket Number USCBP–2019–0013. To submit a comment, click the “Comment Now!” button located on the top right-hand side of the docket page.

There will be multiple public comment periods held during the meeting on May 30, 2019. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page, <http://www.cbp.gov/trade/stakeholder-engagement/coac>.

FOR FURTHER INFORMATION CONTACT: Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229; telephone (202) 344-1440; facsimile (202) 325-4290; or Mr. Bradley Hayes, Executive Director and Designated Federal Officer at (202) 344-1440.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix. The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

Agenda

The COAC will hear from the current subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed:

1. The Next Generation Facilitation Subcommittee will provide an update on the status of the Emerging Technologies Working Group's use of blockchain to address challenges faced by both the government and the trade in today's complex commercial environment. The discussion will highlight the Intellectual Property Rights Blockchain Proof of Concept Project as well as discuss other upcoming projects, including a day-long event that will solicit additional ideas for blockchain concepts that could be tested in the future. Finally, the subcommittee will provide recommendations regarding blockchain proofs of concept.

2. The Secure Trade Lanes Subcommittee will present a summary of the activities of the Trusted Trader Working Group including results of the May 8th and 9th face-to-face meeting with Trusted Trader Pilot participants. The subcommittee will deliver an update on the progress of the In-Bond Working Group's recommendation for the enhancement of the CBP In-bond program, the development of in-bond regulations, and enhancements to existing in-bond guidelines. The subcommittee will deliver an update on the launch of the new Export Modernization Working Group which will be developing recommendations for CBP's expansion of current export pilots, regulatory changes that will mandate the use of electronic export manifest, and the expansion of post departure filing to new participants.

3. The Intelligent Enforcement Subcommittee will report on the work that has been conducted by the Intellectual Property Rights, Anti-Dumping and Countervailing Duty, and Bond Working Groups.

4. The Rapid Response Subcommittee will provide an update on its collaboration with CBP on furthering the strategic approach to the 21st Century Customs Framework.

Meeting materials will be available by May 28, 2019, at: <http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings>.

Dated: May 9, 2019.

BRADLEY F. HAYES,
Executive Director,
Office of Trade Relations.

[Published in the Federal Register, May 14, 2019 (84 FR 21350)]



AGENCY INFORMATION COLLECTION ACTIVITIES:
Canadian Border Boat Landing Permit

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

ACTION: 30-Day notice and request for comments; extension 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than June 10, 2019) 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 dhsdeskofficer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number (202)

325–0056 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 website 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** (84 FR 4835) on February 19, 2019, 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 1320.8. 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: Canadian Border Boat Landing Permit.

OMB Number: 1651–0108.

Form Number: CBP Form I–68.

Current Actions: This submission is being made to extend the expiration date with a decrease to the burden hours. There is no change to the information collected.

Type of Review: Extension (With Change).

Affected Public: Individuals or Households.

Abstract: The Canadian Border Boat Landing Permit, U.S. Customs and Border Protection (CBP) Form I–68, allows select individu-

als entering the United States along the northern border by small¹ pleasure boats to report their arrival and make entry without having to travel to a designated port of entry for an inspection by a CBP officer. United States citizens, Lawful Permanent Residents of the United States, Canadian citizens, and Landed Residents of Canada who are nationals of the Visa Waiver Program countries listed in 8 CFR 217.2(a) are eligible to apply for the permit.

The information collected on CBP Form I-68 is provided for by 8 CFR 235.1(g) and Section 235 of Immigration and Nationality Act. CBP Form I-68 is accessible at <http://www.cbp.gov/newsroom/publications/forms?title=68&=Apply>.

CBP has developed a smart phone application known as ROAM that will in certain circumstances allow travelers participating in the I-68 program to report their arrival in the United States through the ROAM application, instead of by telephone. The ROAM app, implementing the I-68 program, will allow CBP officers to remotely conduct traveler interviews with a phone's video chat capability, and replace other technologies used for remote inspections that are obsolete or inefficient.

CBP Form I-68 Paper Version

Estimated Number of Respondents: 18,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Responses: 18,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 2,988.

ROAM App

Estimated Number of Respondents: 50,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 4,150.

Dated: May 6, 2019.

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

[Published in the Federal Register, May 10, 2019 (84 FR 20646)]

¹ Weighing less than five net tons.