

U.S. Customs and Border Protection



COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 12 2015)

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

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in December 2015. The last notice was published in the CUSTOMS BULLETIN on December 30, 2015.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177.

FOR FURTHER INFORMATION CONTACT: LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations & Rulings, Office of International Trade at (202) 325-0095.

Dated: December 30, 2015

CHARLES R. STEUART
Chief
Intellectual Property Rights Branch
Regulations & Rulings
Office of International Trade

CBP IPR RECORDATION — DECEMBER 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 15-00198	12/02/2015	12/02/2035	VIDAZA LABEL (January 2014)	Celgene Corporation	No
COP 15-00199	12/02/2015	12/02/2035	VIDAZA Packagomg (June 2012)	Celgene Corporation	No
COP 15-00200	12/02/2015	12/02/2035	ISTODAX LABEL (October 2014)	Celgene Corporation	No
COP 15-00201	12/04/2015	12/04/2035	COLORAMA: Coloring Book	Telebrands Corp.	No
COP 15-00202	12/04/2015	12/04/2035	THE MAGIC PATH.	Telebrands Corp	No
COP 15-00203	12/08/2015	12/08/2035	Magic Pens Packaging and Instructions	Ideavillage Products Corp. Address	No
COP 15-00204	12/09/2015	12/09/2035	COLORAMA Inspiration	Telebrands Corp.	No
COP 15-00205	12/09/2015	12/09/2035	COLORAMA Decoration	Telebrands Corp.	No
COP 15-00206	12/10/2015	12/10/2035	Cisco IOS 15.1	Cisco Technology, Inc.	No
COP 15-00207	12/10/2015	12/10/2035	Cisco IOS 15.0	Cisco Technology, Inc.	No
COP 15-00208	12/14/2015	12/14/2035	Cisco IOS XR version 4.3	Cisco Technology, Inc.	No
COP 15-00209	12/14/2015	12/14/2035	Cisco IOS XR version 5.2	Cisco Technology, Inc.	No
COP 15-00210	12/14/2015	12/14/2035	Cisco NX-OS 5.2	Cisco Technology, Inc.	No
COP 15-00211	12/14/2015	12/14/2035	Cisco NX-OS 6.2	Cisco Technology, Inc.	No
COP 15-00212	12/14/2015	12/14/2035	Cisco IOS 15.4	Cisco Technology, Inc.	No
COP 15-00213	12/14/2015	12/14/2035	Cisco IOS 15.2	Cisco Technology, Inc.	No
COP 15-00214	12/14/2015	12/14/2035	Cisco IOS XE 2.1	Cisco Technology, Inc.	No
COP 15-00215	12/14/2015	12/14/2035	Cisco IOS XE 3.5	Cisco Technology, Inc.	No
COP 15-00216	12/14/2015	12/14/2035	Cisco NX-OS 4.0	Cisco Technology, Inc.	No
COP 15-00217	12/14/2015	12/14/2035	Cisco NX-OS 5.0	Cisco Technology, Inc.	No
COP 15-00218	12/15/2015	12/15/2035	STAR SHOWER Commercial	Telebrands Corp.	No
COP 15-00219	12/16/2015	12/16/2035	Grammy Award Statuette	National Academy of Recording Arts & Sciences, Inc.	No

CBP IPR RECORDATION — DECEMBER 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 95-00145	12/02/2015	12/02/2035	Magic—the Gathering.	Wizards of the Coast, Inc.	No
COP 95-00145	12/02/2015	12/02/2035	Magic—the Gathering.	Wizards of the Coast, Inc.	No
COP 95-00219	12/02/2015	12/02/2035	Magic, the Gathering--Deckmaster.	Wizards of the Coast, Inc.	No
COP 95-00219	12/02/2015	12/02/2035	Magic, the Gathering--Deckmaster.	Wizards of the Coast, Inc.	No
COP 95-00221	12/02/2015	12/02/2035	Magic, the Gathering.	Wizards of the Coast, Inc.	No
COP 95-00221	12/02/2015	12/02/2035	Magic, the Gathering.	Wizards of the Coast, Inc.	No
TMK 00-00298	12/14/2015	04/28/2017	DESIGN ONLY (Circular Hole)	Spyderco, Inc.	No
TMK 00-00298	12/14/2015	04/28/2017	DESIGN ONLY (Circular Hole)	Spyderco, Inc.	No
TMK 00-00381	12/02/2015	02/28/2026	SEIKO	SEIKO HOLDINGS KABUSHIKI KAISHA	No
TMK 00-00381	12/02/2015	02/28/2026	SEIKO	SEIKO HOLDINGS KABUSHIKI KAISHA	No
TMK 05-00114	12/18/2015	07/18/2025	Philadelphia Eagles Helmet Design	PHILADELPHIA EAGLES, LLC	No
TMK 05-00114	12/18/2015	07/18/2025	Philadelphia Eagles Helmet Design	PHILADELPHIA EAGLES, LLC	No
TMK 05-00398	12/14/2015	03/30/2026	NOW	REYNOLDS INNOVATIONS INC.	No
TMK 05-00398	12/14/2015	03/30/2026	NOW	REYNOLDS INNOVATIONS INC.	No
TMK 05-00399	12/14/2015	04/08/2026	PALL MALL IN HOC SIGNO VINCES “WHEREVER PARTICULAR PEOPLE CONGREGATE” and Design	REYNOLDS INNOVATIONS INC.	No
TMK 05-00399	12/14/2015	04/08/2026	PALL MALL IN HOC SIGNO VINCES “WHEREVER PARTICULAR PEOPLE CONGREGATE” and Design	REYNOLDS INNOVATIONS INC.	No
TMK 05-00542	12/15/2015	03/17/2026	ENCHANTMATES	Miss Elaine, Inc.	No
TMK 05-00542	12/15/2015	03/17/2026	ENCHANTMATES	Miss Elaine, Inc.	No
TMK 05-00549	12/18/2015	01/24/2026	ME	MISS ELAINE, INC.	No
TMK 05-00549	12/18/2015	01/24/2026	ME	MISS ELAINE, INC.	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 05-00559	12/04/2015	12/05/2025	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	No
TMK 05-00559	12/04/2015	12/05/2025	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	No
TMK 05-00568	12/08/2015	10/19/2025	NFL & Design	NFL PROPERTIES LLC	No
TMK 05-00568	12/08/2015	10/19/2025	NFL & Design	NFL PROPERTIES LLC	No
TMK 05-00622	12/18/2015	09/07/2025	MINNESOTA VIKINGS	Minnesota Vikings Football, LLC	No
TMK 05-00622	12/18/2015	09/07/2025	MINNESOTA VIKINGS	Minnesota Vikings Football, LLC	No
TMK 05-00665	12/14/2015	09/18/2025	TIC TAC and Design	Ferrero S.p.A.	No
TMK 05-00665	12/14/2015	09/18/2025	TIC TAC and Design	Ferrero S.p.A.	No
TMK 05-00937	12/08/2015	12/06/2025	BMW	BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT	No
TMK 05-00937	12/08/2015	12/06/2025	BMW	BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT	No
TMK 06-00761	12/18/2015	07/26/2025	RAVENS B R & Shield Design	BALTIMORE RAVENS LIMITED PART- NERSHIP	No
TMK 06-00761	12/18/2015	07/26/2025	RAVENS B R & Shield Design	BALTIMORE RAVENS LIMITED PART- NERSHIP	No
TMK 06-00769	12/08/2015	01/11/2026	NY & Design	New York Football Giants, Inc.	No
TMK 06-00769	12/08/2015	01/11/2026	NY & Design	New York Football Giants, Inc.	No
TMK 06-01069	12/08/2015	12/04/2025	JAEGER-LECOULTRE	RICHEMONT INTERNATIONAL SA	No
TMK 06-01069	12/08/2015	12/04/2025	JAEGER-LECOULTRE	RICHEMONT INTERNATIONAL SA	No
TMK 06-01076	12/14/2015	03/13/2026	FDNY	THE CITY OF NEW YORK MUNICIPAL	No
TMK 06-01076	12/14/2015	03/13/2026	FDNY	THE CITY OF NEW YORK MUNICIPAL	No
TMK 06-01356	12/18/2015	11/01/2024	THALLIUM	SOCIETE PARISIENNE DE	No
TMK 06-01356	12/18/2015	11/01/2024	THALLIUM	SOCIETE PARISIENNE DE	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 07-00285	12/04/2015	12/20/2025	BD Logo Design	Becton, Dickinson and Company	No
TMK 07-00285	12/04/2015	12/20/2025	BD Logo Design	Becton, Dickinson and Company	No
TMK 07-01065	12/18/2015	02/01/2026	COLLETTE BY MISS ELAINE	Miss Elaine, Inc.	No
TMK 07-01065	12/18/2015	02/01/2026	COLLETTE BY MISS ELAINE	Miss Elaine, Inc.	No
TMK 10-00340	12/14/2015	03/03/2016	BODY BY JAKE	BODY BY JAKE GLOBAL, LLC	No
TMK 10-00340	12/14/2015	03/03/2016	BODY BY JAKE	BODY BY JAKE GLOBAL, LLC	No
TMK 10-00650	12/02/2015	01/24/2026	BAMBU	Bambu Sales, Inc.	No
TMK 10-00650	12/02/2015	01/24/2026	BAMBU	Bambu Sales, Inc.	No
TMK 11-00651	12/14/2015	01/25/2026	D18	Dreadnought, Inc.	No
TMK 11-00651	12/14/2015	01/25/2026	D18	Dreadnought, Inc.	No
TMK 11-00710	12/09/2015	12/27/2025	D45	Dreadnought, Inc.	No
TMK 11-00710	12/09/2015	12/27/2025	D45	Dreadnought, Inc.	No
TMK 11-00711	12/14/2015	01/11/2026	D28	Dreadnought, Inc.	No
TMK 11-00711	12/14/2015	01/11/2026	D28	Dreadnought, Inc.	No
TMK 11-00867	12/14/2015	09/11/2025	GUCCI	Gucci America, Inc.	No
TMK 11-00867	12/14/2015	09/11/2025	GUCCI	Gucci America, Inc.	No
TMK 11-01264	12/14/2015	12/27/2025	ESCORT	Escort Inc.	No
TMK 11-01264	12/14/2015	12/27/2025	ESCORT	Escort Inc.	No
TMK 11-01268	12/14/2015	02/15/2026	PASSPORT	Escort Inc.	No
TMK 11-01268	12/14/2015	02/15/2026	PASSPORT	Escort Inc.	No
TMK 11-01269	12/14/2015	12/27/2025	SOLO	Escort Inc.	No
TMK 11-01269	12/14/2015	12/27/2025	SOLO	Escort Inc.	No
TMK 11-01314	12/08/2015	09/04/2025	ESCORT	ESCORT INC.	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 11-01314	12/08/2015	09/04/2025	ESCORT	ESCORT INC.	No
TMK 11-01318	12/14/2015	11/06/2025	PASSPORT	ESCORT INC.	No
TMK 11-01318	12/14/2015	11/06/2025	PASSPORT	ESCORT INC.	No
TMK 11-01321	12/08/2015	12/20/2025	ESCORT	Escort Inc.	No
TMK 11-01321	12/08/2015	12/20/2025	ESCORT	Escort Inc.	No
TMK 11-01353	12/17/2015	12/19/2025	MECHANIX	MECHANIX WEAR, INC.	No
TMK 11-01353	12/17/2015	12/19/2025	MECHANIX	MECHANIX WEAR, INC.	No
TMK 11-01441	12/02/2015	10/12/2025	DESIGN	SALVATORE FERRAGAMO S.P.A.	No
TMK 11-01441	12/02/2015	10/12/2025	DESIGN	SALVATORE FERRAGAMO S.P.A.	No
TMK 12-00004	12/17/2015	02/28/2026	SHANNON	Godinger Silver Art, Ltd.	No
TMK 12-00004	12/17/2015	02/28/2026	SHANNON	Godinger Silver Art, Ltd.	No
TMK 12-00741	12/17/2015	01/11/2026	F-16	Lockheed Martin Corporation	No
TMK 12-00741	12/17/2015	01/11/2026	F-16	Lockheed Martin Corporation	No
TMK 13-00377	12/08/2015	04/30/2026	NUVAIR and Design	NU VENTURE DIVING CO.	No
TMK 13-00377	12/08/2015	04/30/2026	NUVAIR and Design	NU VENTURE DIVING CO.	No
TMK 15-01166	12/02/2015	04/30/2024	PEANUTS	PEANUTS WORLDWIDE LLC	No
TMK 15-01167	12/02/2015	02/03/2023	PEANUTS	PEANUTS WORLDWIDE LLC	No
TMK 15-01168	12/02/2015	06/10/2025	White Mana Logo & Design	Wizards of the Coast LLC	No
TMK 15-01169	12/02/2015	05/25/2022	BELL HELMETS & DESIGN	BELL SPORTS, INC.	No
TMK 15-01170	12/02/2015	08/13/2024	BULLITT	BELL SPORTS, INC.	No
TMK 15-01171	12/02/2015	05/12/2025	FORCE FLOW	BELL SPORTS, INC.	No
TMK 15-01172	12/02/2015	04/20/2017	MOTO	BELL SPORTS, INC.	No
TMK 15-01173	12/02/2015	01/03/2020	NO-MOR FLATS	BELL SPORTS, INC.	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 15-01174	12/02/2015	09/17/2024	ROGUE	BELL SPORTS, INC.	No
TMK 15-01175	12/02/2015	01/30/2023	SWELL	Can't Live Without It, Inc.	No
TMK 15-01176	12/02/2015	10/01/2024	SWELL	Can't Live Without It, Inc.	No
TMK 15-01177	12/02/2015	03/27/2022	QRT	NORDOST CORPORATION	No
TMK 15-01178	12/02/2015	03/09/2024	VALHALLA	NORDOST CORPORATION	No
TMK 15-01179	12/02/2015	08/13/2018	ODIN	Nordost Corporation	No
TMK 15-01180	12/02/2015	05/24/2025	V and Design	Verragio, Ltd.	No
TMK 15-01181	12/02/2015	01/09/2018	VERRAGIO	Verragio Ltd.	No
TMK 15-01182	12/02/2015	02/24/2026	ARI BY ARIANA GRANDE	GrandAri, Inc.	No
TMK 15-01183	12/02/2015	06/12/2023	DESIGN ONLY	WENGER S.A.	No
TMK 15-01184	12/02/2015	12/08/2025	CAPTAINCLAIM	Kim, Susie	No
TMK 15-01185	12/02/2015	12/08/2025	WILLAMETTE VALLEY	Oregon Cherry Growers, Inc.	No
TMK 15-01186	12/02/2015	11/25/2025	OCTANE LIGHTING	Octane Lighting Inc.	No
TMK 15-01187	12/02/2015	10/14/2025	SOUL OF CRETA	Greek Farms International, LLC	No
TMK 15-01188	12/02/2015	11/18/2025	BRUSHVILLE	Brushville, LLC	No
TMK 15-01189	12/03/2015	12/08/2025	PUREPULSE	FITBIT, INC.	No
TMK 15-01190	12/03/2015	12/30/2024	ROSHEN and Design	Dotchirne pidpriemstvo "Konditerska korporacija "ROSHEN"	No
TMK 15-01191	12/04/2015	08/20/2017	V VERRAGIO and Design	Verragio Ltd.	No
TMK 15-01192	12/04/2015	08/26/2019	LUMINO SETTING	Verragio Ltd.	No
TMK 15-01193	12/04/2015	12/15/2025	WOODBERRY KITCHEN	Watershed, LLC	No
TMK 15-01194	12/04/2015	06/06/2022	Wenger Emblem in Colour	WENGER S.A.	No
TMK 15-01195	12/04/2015	12/15/2025	NAMJET	NAMJet LLC	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 15-01196	12/04/2015	12/15/2025	TRACK, TARGET, TREAT	DocView Solutions LLC	No
TMK 15-01197	12/04/2015	12/15/2025	ITTY BITTY	Unlimited Possibilities Inc.	No
TMK 15-01198	12/04/2015	12/01/2025	WORD & DESIGN: D CHICKY DEE'S GIFTS LLC CHICKYDEE.COM GIFTS FOR THE NEST	Chicky Dee's Gifts, LLC	No
TMK 15-01199	12/04/2015	12/15/2025	BOWHAND	Harpster, Michael E.	No
TMK 15-01200	12/04/2015	02/24/2026	G39	GLOCK, Inc.	No
TMK 15-01201	12/04/2015	02/24/2026	G34	GLOCK, Inc.	No
TMK 15-01202	12/04/2015	02/24/2026	G32	GLOCK, Inc.	No
TMK 15-01203	12/04/2015	02/24/2026	GLOCK	GLOCK, Inc.	No
TMK 15-01204	12/04/2015	02/24/2026	GLOCK	GLOCK, Inc.	No
TMK 15-01205	12/04/2015	09/01/2020	STELLA & DOT	STELLA & DOT LLC	No
TMK 15-01206	12/08/2015	02/10/2026	DURLAZA	New Haven Pharmaceuticals, Inc.	No
TMK 15-01207	12/08/2015	08/12/2025	QUICK GOURMET	Ultraparf Technologies Inc.	No
TMK 15-01208	12/08/2015	10/31/2022	PEDI SPIN	Ideavillage Products Corp.	No
TMK 15-01209	12/08/2015	11/19/2018	DESIGN (Polishing Cloth Ball)	Flitz International, Ltd.	No
TMK 15-01210	12/08/2015	03/02/2019	CAN-GUN	SafeWorld International, Inc.	No
TMK 15-01211	12/08/2015	03/01/2026	SIGHT MARK	Sellmark Corporation	No
TMK 15-01212	12/08/2015	12/29/2025	M (Stylized)	Monster Energy Company	No
TMK 15-01213	12/08/2015	03/23/2025	M MONSTER ENERGY (Stylized)	Monster Energy Company	No
TMK 15-01214	12/09/2015	09/10/2018	KID O	kid o, LLC	No
TMK 15-01215	12/09/2015	03/02/2019	KID O in stylized form & DESIGN	kid o, LLC	No
TMK 15-01216	12/09/2015	02/08/2024	SNOOPY	PEANUTS WORLDWIDE LLC	No
TMK 15-01217	12/09/2015	02/08/2024	SNOOPY	PEANUTS WORLDWIDE LLC	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 15-01218	12/09/2015	02/24/2026	SPY (with cross design)	SPY OPTIC INC.	No
TMK 15-01219	12/09/2015	07/13/2020	CELGENE PATIENT SUPPORT	Celgene Corporation	No
TMK 15-01220	12/09/2015	02/03/2026	YoCardio & Design	Chamberlain, Judy	No
TMK 15-01221	12/09/2015	01/27/2026	HOVER BALL	Ideavillage Products Corp.	No
TMK 15-01222	12/09/2015	08/07/2023	M MONSTER ENERGY (stylized)	Monster Energy Company	No
TMK 15-01223	12/09/2015	04/17/2026	MONSTER ENERGY	MONSTER ENERGY COMPANY	No
TMK 15-01224	12/09/2015	08/27/2018	M Design	MONSTER ENERGY COMPANY	No
TMK 15-01225	12/09/2015	10/18/2025	DESIGN ONLY	GREAT SOUTHERN WOOD PRESERVING, INC.	No
TMK 15-01226	12/09/2015	09/15/2024	YELLOWWOOD	Great Southern Wood Preserving, Inc.	No
TMK 15-01227	12/09/2015	02/16/2021	YELLOWWOOD (Stylized)	Great Southern Wood Preserving, Inc.	No
TMK 15-01228	12/09/2015	03/06/2026	SUDZZFX	SUDZZ FX, INC.	No
TMK 15-01230	12/10/2015	02/03/2026	LIFEBANKUSA (Stylized)	Celgene Corporation	No
TMK 15-01231	12/10/2015	02/24/2026	YELLOWWOOD (stylized)	Great Southern Wood Preserving, Inc.	No
TMK 15-01232	12/14/2015	07/06/2020	TRIPLE TESTED TROJAN QUALITY and Design	CHURCH & DWIGHT CO., INC.	No
TMK 15-01233	12/14/2015	07/21/2019	TRUSTED TROJAN QUALITY and Design	CHURCH & DWIGHT CO., INC.	No
TMK 15-01234	12/14/2015	07/03/2017	MATRESS SAFE	MATRESS SAFE, INC.	No
TMK 15-01235	12/14/2015	09/02/2019	LA LUNA LAMBRUSCO CANTINE CECI IL VINO DI UNA VOLTA... IMBOT-TIGLIATO A LUNA CRESCENTE ALC. 11% BY VOL. NET CONT. 750ML E and Design	RAGE RECORDS INC. DBA ROSALIE SENDELBACH IMPORTS	No
TMK 15-01236	12/14/2015	12/30/2018	KLEENCOVER	MATRESS SAFE, INC.	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 15-01237	12/14/2015	11/05/2023	TREK	Trek Bicycle Corporation	No
TMK 15-01238	12/14/2015	12/26/2016	SOFCOVER	MATTRESS SAFE, INC.	No
TMK 15-01239	12/14/2015	08/13/2017	TREK	TREK BICYCLE CORPORATION	No
TMK 15-01240	12/14/2015	02/10/2026	Wine Wand and Design	Rhotus LLC DBA Chef Caron	No
TMK 15-01241	12/15/2015	03/01/2026	LAM SHENG KEE and Design	Lin, Sheng	No
TMK 15-01242	12/15/2015	10/09/2023	King Diamond and Design	Petersen, Kim Bendix	No
TMK 15-01243	12/15/2015	08/18/2020	ROZANA	PARI AGRO EXPORTS DBA PARI FOODS	No
TMK 15-01244	12/17/2015	11/16/2021	THALIDOMIDE CELGENE & Design	Celgene Corporation	No
TMK 15-01245	12/18/2015	12/12/2025	test renew	(REGISTRANT) EXPO 2015 S.P.A. CORPORATION ITALY Via Rovello, 2 I-20121 MILANO ITALY	No
TMK 15-01245	12/18/2015	12/12/2025	test renew	(REGISTRANT) EXPO 2015 S.P.A. CORPORATION ITALY Via Rovello, 2 I-20121 MILANO ITALY	No
TMK 15-01246	12/18/2015	06/14/2020	BRIGHT	Princeton Upholstery Company, Inc.	No
TMK 15-01247	12/18/2015	01/31/2026	BRIGHT	PRINCETON UPHOLSTERY COMPANY, INC. DBA BRIGHT CHAIR COMPANY	No
TMK 15-01248	12/18/2015	11/18/2025	SHOTSTOP	SHOT STOP BALLISTICS LLC	No
TMK 15-01249	12/18/2015	03/16/2025	MOSCHINO	MOSCHINO S.p.A.	No
TMK 15-01250	12/18/2015	10/10/2020	DESIGN ONLY (BLOW-MOLDED PLAS-TIC JUG)	HILLSIDE PLASTICS, INC.	No
TMK 15-01251	12/18/2015	01/01/2024	GOLDEN PRINCESS	Lien Hoa Food Corporation	No
TMK 15-01252	12/29/2015	02/25/2019	THALLIUM PARIS AND DESIGN	Societe Parisienne de Parfums et Cosmet-iques	No

CBP IPR RECORDATION — DECEMBER 2015

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TMK 15-01253	12/29/2015	08/03/2025	MONDAINE	SOCIETE PARISIENNE DE PARFUMS ET COSMETIQUES	No
TMK 15-01254	12/29/2015	03/15/2026	DEWYTREE	Chun, Seung Kwan	No
TMK 15-01255	12/29/2015	08/24/2021	RED PEARL and design	Societe Parisienne de Parfums et Cosmetiques	No
TMK 15-01256	12/29/2015	09/25/2023	SABAIDE & Design	Lien Hoa Food Corporation	No
TMK 15-01257	12/30/2015	01/06/2026	WYBOROWA (stylized)	Wyborowa S.A.	No
TMK 15-01258	12/30/2015	01/30/2018	ONLY ME	SOCIETE PARISIENNE DE PARFUMS ET COSMETIQUES	No
TMK 15-01259	12/30/2015	10/20/2020	ONLY ME PASSION	SOCIETE PARISIENNE DE PARFUMS ET COSMETIQUES	No
TMK 85-00098	12/17/2015	12/16/2025	CHLOE (Stylized)	CHLOE S.A.S.	No
TMK 85-00098	12/17/2015	12/16/2025	CHLOE (Stylized)	CHLOE S.A.S.	No
TMK 87-00584	12/04/2015	12/10/2025	MILANO	PEPPERIDGE FARM, INCORPORATED	No
TMK 87-00584	12/04/2015	12/10/2025	MILANO	PEPPERIDGE FARM, INCORPORATED	No
TMK 95-00582	12/04/2015	12/04/2025	BENADRYL	JOHNSON & JOHNSON	No
TMK 95-00582	12/04/2015	12/04/2025	BENADRYL	JOHNSON & JOHNSON	No
TMK 96-00057	12/02/2015	12/19/2025	MAGIC THE GATHERING	WIZARDS OF THE COAST LLC	No
TMK 96-00057	12/02/2015	12/19/2025	MAGIC THE GATHERING	WIZARDS OF THE COAST LLC	No
TMK 96-00072	12/04/2015	12/06/2025	RED INNER RIM OF LOCK NUT	MACLEAN-FOGG COMPONENT SOLUTIONS, L.L.C.	No
TMK 96-00072	12/04/2015	12/06/2025	RED INNER RIM OF LOCK NUT	MACLEAN-FOGG COMPONENT SOLUTIONS, L.L.C.	No
TMK 96-00135	12/04/2015	10/15/2025	SALVATORE FERRAGAMO	SALVATORE FERRAGAMO S.P.A.	No
TMK 96-00135	12/04/2015	10/15/2025	SALVATORE FERRAGAMO	SALVATORE FERRAGAMO S.P.A.	No

CBP IPR RECORDATION — DECEMBER 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 96-00137	12/09/2015	01/04/2026	BMW & Design	BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT	No
TMK 96-00137	12/09/2015	01/04/2026	BMW & Design	BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT	No

Total Records: 208

Date as of: 12/30/2015

DATES AND DRAFT AGENDA OF THE FIFTY-SEVENTH SESSION OF THE HARMONIZED SYSTEM COMMITTEE OF THE WORLD CUSTOMS ORGANIZATION

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

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

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

DATES: January 8, 2016

FOR FURTHER INFORMATION CONTACT: Joan A. Jackson, Paralegal Specialist, Tariff Classification and Marking Branch, U.S. Customs and Border Protection (202–325–0010), or Dan Shepherdson, Attorney Advisor, Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission (202–205–2598).

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

Article 6 of the Harmonized System Convention establishes a Harmonized System Committee (“HSC”). The HSC is composed of representatives from each of the contracting parties to the Harmonized System Convention. The HSC’s responsibilities include issuing classification decisions on the interpretation of the Harmonized System. Those decisions may take the form of published tariff classification opinions concerning the classification of an article under the Harmonized System or amendments to the Explanatory Notes to the Harmonized System. The HSC also considers amendments to the legal text of the Harmonized System. The HSC meets twice a year in Brussels, Belgium. The next session of the HSC will be the fifty-seventh and it will be held from March 7, 2016 to March 18, 2016.

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

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

Dated:

IEVA K. O’ROURKE,
Chief
Tariff Classification and Marking Branch

Attachment



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de coopération douanière

HARMONIZED SYSTEM
COMMITTEE

NC2180E1a

-
57th Session

O. Fr.

Brussels, 5 January 2016.

**DRAFT AGENDA FOR THE 57TH SESSION
OF THE HARMONIZED SYSTEM COMMITTEE**

From : Wednesday 9 March 2016 (10.00 a.m.)

To : Friday 18 March 2016

N.B. : From Monday 7 March 2016 (10.00 a.m.) to Tuesday 8 March 2016: Pre-session Working Party (to examine the questions under Agenda Item VII)

Wednesday 9 March 2016 (10.00 a.m.): Adoption of the Report of the 49th Session of the HS Review Sub-Committee.

I. ADOPTION OF THE AGENDA

- | | |
|--------------------|-----------|
| 1. Draft Agenda | NC2180E1a |
| 2. Draft Timetable | NC2181B1a |

II. REPORT BY THE SECRETARIAT

- | | |
|---|-----------------------|
| 1. Position regarding Contracting Parties to the HS Convention, HS Recommendations and related matters and progress report on the implementation of HS 2012 | NC2182E1a |
| 2. Report on the last meeting of the Policy Commission (74 th Session) | NC2183E1a |
| 3. Approval of decisions taken by the Harmonized System Committee at its 56 th Session | NC2184E1a |
| 4. Approval of decisions taken by the Harmonized System Committee at its 56 th Session | NG0213E1
NC2179E1b |
| 5. Capacity building activities of the Nomenclature and Classification Sub-Directorate | NC2185E1a |
| 6. Co-operation with other international organizations | NC2186E1a |

- | | | |
|----|--|-----------|
| 7. | New information provided on the WCO Web site | NC2187E1a |
| 8. | Progress report on the Council Recommendation of 11 June 2015 concerning the amendment of the Harmonized System Nomenclature | NC2188E1a |
| 9. | Other
Presentation on a possible update to the Harmonized System Database | |

III. GENERAL QUESTIONS

- | | | |
|----|--|-----------|
| 1. | WTO Agreement on Trade Facilitation and advanced rulings | NC2189E1a |
| 2. | Implementation of HS 2017 - Status and challenges, including regional approaches | NC2190E1a |
| 3. | Amendment to the Compendium of Classification Opinions consequential to the Article 16 Council Recommendations of 27 June 2014 and 11 June 2015 | NC2191E1a |
| 4. | Draft corrigendum amendments to the Harmonized System | NC2192E1a |
| 5. | Possible amendment to the Correlation Tables between the 2012 version and the 2017 version of the Harmonized System (Request by Australia) | NC2193E1a |
| 6. | Correlation between the Harmonized System and the product coverage of selected international Conventions (amendments consequential to the Article 16 Recommendations of 27 June 2014 and 11 June 2015) | NC2194E1a |

IV. RECOMMENDATIONS

- | | | |
|----|---|-----------|
| 1. | Recommendation of the Customs Co-operation Council on the insertion in national statistical nomenclatures of subheadings to facilitate the monitoring of the international movement of goods required for the production and use of improvised explosive devices (Request by the Secretariat) | NC2195E1a |
|----|---|-----------|

V. REPORT OF THE SCIENTIFIC SUB-COMMITTEE

- | | | |
|----|--|------------------------|
| 1. | Report of the 31 st Session of the Scientific Sub-Committee | NS0362E1a |
| 2. | Matters for decision | NC2196E1a |
| 3. | Impact of the WTO Trade Facilitation Agreement on Customs Laboratory Matters | NC2197E1a
NC2180E1a |

VI. REPORT OF THE HS REVIEW SUB-COMMITTEE

- | | | |
|----|--|-----------|
| 1. | Report of the 49 th Session of the HS Review Sub-Committee | NR109681b |
| 2. | Matters for decision | NC2198E1a |
| 3. | Amendment to the Explanatory Notes (HS 2017)- Heading 84.56 and Chapter 85 | NC2199E1a |

VII. REPORT OF THE PRESESSIONAL WORKING PARTY

- | | |
|---|------------------------|
| 1. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a product referred to as “powder of freeze-dried cuttle fish (<i>Sepia officinalis</i>)” in heading 03.07 (subheading 0307.99) | NC2200E1a,
Annex A |
| 2. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify powdered alcohol in heading 21.06 (subheading 2106.90) | NC2200E1a,
Annex B |
| 3. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a product referred to as “non-dairy cream” in heading 21.06 (subheading 2106.90) | NC2200E1a,
Annex C |
| 4. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify peroxyketals in heading 29.11 | NC2200E1a,
Annex D |
| 5. Possible amendment to the Explanatory Note of heading 30.05 in order to clarify the classification of a product called “Hospital gauze” | NC2200E1a,
Annex E |
| 6. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify certain alkyd resin solutions in white spirit in heading 32.08 (subheading 3208.10) | NC2200E1a,
Annex F |
| 7. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a product called “Cristal Limon” in heading 33.02 (subheading 3302.90) | NC2200E1a,
Annex G |
| 8. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify liquid maltitol in heading 38.24 (subheading 3824.90) | NC2200E1a,
Annex H |
| 9. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify two pieces of a women’s garment separately - the piece designed to cover the upper part of the body in heading 61.09 (subheading 6109.90) and the piece designed to cover the lower part of the body in heading 61.04 (subheading 6104.63) | NC2200E1a,
Annex IJ |
| 10. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a child carrier called “Cross Country S2” (Product 1) and a baby carrier (Product 2) in heading 63.07 (subheading 6307.90) | NC2200E1a,
Annex K |
| 11. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify a laundry ball containing ceramic beads commercially named “Hnzen Ball” in heading 69.12 | NC2200E1a
Annex L |
| 12. Possible amendment to the Explanatory Note to heading 94.01 to reflect the classification of different types of seats for infants and toddlers | NC2200E1a
Annex M |
| 13. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify certain television stands/carts in heading 94.03 (subheading 9403.20) | NC2200E1a,
Annex N |

14. Possible amendment to the Compendium of Classification Opinions to reflect the decision to classify certain “inflatable balls” in heading 95.06 (sub-heading 9506.91) NC2200E1a, Annex O

VIII. REQUESTS FOR RE-EXAMINATION (RESERVATIONS)

1. Re-examination of the classification of certain titanium screws for medical applications (implants) (Request by Colombia) NC2201E1a
2. Re-examination of the classification of a perforated plastic tube called “Tif Drip” used for conducting water in irrigation systems (Request by Japan) NC2202E1a
3. Re-examination of the classification of coconut water (Request by Japan) NC2203E1a

IX. FURTHER STUDIES

1. Possible amendment to the Explanatory Notes to establish a dividing line between the products of headings 95.03 and 95.06 NC2204E1a
2. Possible amendment to the Explanatory Notes to clarify the classification of vehicles intended for road transport NC2205E1a
3. Possible amendment to the Explanatory Notes to clarify the classification of goods put up together but not regarded as sets for retail sale NC2206E1a
4. Classification of a product referred to as “Crab flavour” (Request by the Russian Federation) NC2207E1a
5. Classification of two “Xinshui” machines, models “XS950” and “XS1050” (Request by Moldova) NC2158E1a (HSC/56)
6. Classification of blanched ground-nuts (Request by South Africa) NC2208E1a NC2180E1a
7. Classification of certain Flat Panel Display Modules (Request by Korea) NC2209E1a
8. Classification of an assembly incorporating a gesture sensor and infrared signal generator, to be mounted into a cellular (mobile) telephone (Request by Korea) NC2210E1a NC2167E1a (HSC/56)
9. Classification of an assembly incorporating a vibrating motor, speaker, microphone and earphone connector, to be mounted into a cellular (mobile) telephone (Request by Korea) NC2211E1a NC2168E1a (HSC/56)
10. Possible amendment to the Explanatory Note to heading 27.10 (Request by the Russian Federation) NC2212E1a
11. Classification of a collection bin in the form of a bucket of plastics (Request by Tunisia) NC2174E1a (HSC/56)
12. Classification of a “Hall Element Device” (Request by Korea) NC2175E1a (HSC/56)

X. NEW QUESTIONS

1. Classification of a product called “Embozene Microspheres” (Request by Egypt) NC2213E1a

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|-------|---|-----------|
| 2. | Classification of a product called “Anti-blocking Masterbatch additive code “901300-CX” (Request by Colombia) | NC2214E1a |
| 3. | Classification of certain biological safety cabinets | NC2215E1a |
| 4. | Classification of certain cold isostatic presses | NC2216E1a |
| 5. | Possible alignment of the HS with international standards for fruit juices applied by industry (IFU Recommendations) | NC2217E1a |
| 6. | Possible amendment of Note 2 to Section XV (Request by Colombia) | NC2218E1a |
| 7. | Classification of “rose hip juice concentrate” (Request by Japan) | NC2219E1a |
| 8. | Classification of “seat covers for motor vehicles” (Request by the EU) | NC2220E1a |
| 9. | Classification of a set of electrically propelled railway coaches (ELS-PR RAILWAY COACH) also known as an “Electric Multiple Unit (EMU)” (Request by Korea) | NC2221E1a |
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| XI. | <u>ADDITIONAL LIST</u> | |
| | 1. | |
| XII. | <u>AMENDMENT TO THE EXPLANATORY NOTES
CONSEQUENTIAL TO THE ARTICLE 16 COUNCIL
RECOMMENDATIONS OF 27 JUNE 2014 AND 11
JUNE 2015 (FULL TEXT)</u> | NC2222E1a |
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 | | |
| XIII. | <u>OTHER BUSINESS</u> | |
| | 1 List of questions which might be examined at a future session | NC2223E1a |
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| XIV. | <u>ELECTIONS</u> | |
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 | | |
| XV. | <u>DATES OF NEXT SESSIONS</u> | |

**PROPOSED REVOCATION OF THREE RULING LETTERS
AND PROPOSED REVOCATION OF TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF WOVEN
POLYPROPYLENE/POLYETHYLENE SHEETING**

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

ACTION: Notice of proposed revocation of three ruling letters and proposed revocation of treatment relating to the tariff classification of woven polypropylene/polyethylene sheeting.

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 proposing to revoke three rulings concerning the tariff classification of woven polypropylene/polyethylene sheeting under the Harmonized Tariff Schedule of the United States (“HTSUS”). Comments are invited on the correctness of the proposed actions.

DATES: Comments must be received on or before February 26, 2016.

ADDRESSES: Written comments are to be addressed to U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 10th floor, 90 K Street N.E., Washington, D.C., 20229–1177, and may be inspected 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: Robert Shervette, Office of International Trade, Regulations and Rulings, Tariff Classification and Marking Branch, at (202) 325–0274.

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”), become effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary

compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and 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 section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is proposing to revoke three ruling letters pertaining to the tariff classification of woven polypropylene/polyethylene sheeting. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letters ("NY") NY N213335, dated April 23, 2012, set forth as "Attachment A", NY N213337, dated April 23, 2012, set forth as "Attachment B", and NY N213340, dated April 25, 2012, set forth as "Attachment C", this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ones 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 this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. § 1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in a substantially identical transaction should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final notice.

In NY N213335, NY N213337 and NY N213340, CBP classified woven polypropylene/polyethylene sheeting under subheading 4601.99.9000, HTSUSA, as "[p]lait and similar products of plaiting materials, whether or not assembled into strips; plaiting materials,

plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): [o]ther: [o]ther: [o]ther.” Upon our review of these three rulings, we have determined that the merchandise described in the rulings are properly classified under subheading 4602.90.0000, HTSUSA, as “[b]asketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah: [o]ther.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to revoke NY N213335, NY N213337 and NY N213340, and to revoke or modify any other ruling not specifically identified to reflect the proper classification of the subject merchandise according to the analysis contained in proposed Headquarters Ruling Letter (“HQ”) H230079, set forth as “Attachment D” to this document. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: December 2, 2015

JACINTO JUAREZ

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N213335

April 23, 2012

CLA-2-46:OT:RR:NC:2:230

CATEGORY: Classification

TARIFF NO.: 4601.99.9000

Ms. COLLEEN CAMPBELL
INTERTAPE POLYMER GROUP
17 BEACHGROVE CRES.
STONEY CREEK, ONTARIO
CANADA L8J 2N8

RE: The tariff classification of woven polypropylene/polyethylene sheeting with paper backing from British Columbia and Nova Scotia

DEAR Ms. CAMPBELL:

In your letter dated March 29, 2012 you requested a tariff classification ruling.

The ruling was requested on woven polypropylene/polyethylene sheeting with paper backing which you identify as “Interfor Supreme II Paperback material”. A representative cut sample section was submitted for our review.

The sheets consist of flat, closely woven white polypropylene/polyethylene strips which you state in your letter measure 5.1 mm or greater in width. The strips are laminated to a brown Kraft paper backing. You state that the product will be imported in roll form in varying widths and lengths.

The polypropylene/polyethylene strip from which the sheets are constructed constitutes “plaiting materials” as set forth in Chapter Note 1 of Chapter 46, Harmonized Tariff Schedule of the United States (HTSUS), which states as follows:

In this chapter the expression “plaiting materials” means materials in a state or form suitable for plaiting, interlacing or similar processes; it includes straw, osier or willow, bamboos, rattans, rushes, reeds, strips of wood, strips of other vegetable material (for example, strips of bark, narrow leaves and raffia or other strips obtained from broad leaves), unspun natural textile fibers, monofilament and strip and the like of plastics and strips of paper, but not strips of leather or composition leather or of felt or nonwovens, human hair, horsehair, textile rovings or yarns, or monofilament and strip and the like of chapter 54.

General Explanatory Note 3 to Chapter 46 specifically includes plastic strip exceeding 5mm in width. Additionally, the Explanatory Notes to heading 4601 include sheeting that has been backed with paper.

The applicable subheading for the woven polypropylene/polyethylene sheeting will be 4601.99.9000, HTSUS, which provides for Plaits, and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other (than mats, matting and screens of vegetable materials): Other (than of bamboo, of rattan or of other vegetable materials): Other (than plaits and similar products of plaiting materials, whether or not assembled into strips). The rate of duty will be 3.3% 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 World Wide Web at <http://www.usitc.gov/tata/hts/>.

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 Laurel Duvall at (646) 733-3035.

Sincerely,

THOMAS J. RUSSO

Director

National Commodity Specialist Division

[ATTACHMENT B]

N213337

April 23, 2012

CLA-2-46:OT:RR:NC:2:230

CATEGORY: Classification

TARIFF NO.: 4601.99.9000

Ms. COLLEEN CAMPBELL
INTERTAPE POLYMER GROUP
17 BEACHGROVE CRES.
STONEY CREEK, ONTRIO
CANADA L8J 2N8

RE: The tariff classification of woven polypropylene/polyethylene sheeting from British Columbia and Nova Scotia

DEAR Ms. CAMPBELL:

In your letter dated March 29, 2012, you requested a tariff classification ruling.

The ruling was requested on woven polypropylene/polyethylene sheeting. A representative cut sample section was submitted for our review.

The sheets consist of flat, closely interwoven white polypropylene/polyethylene strips which you state in your letter measure 5.1 mm or greater in width. The sheet is coated on one side. You state that the product will be imported in roll form in varying widths and lengths.

The polypropylene/polyethylene strip from which the sheets are constructed constitutes “plaiting materials” as set forth in Chapter Note 1 of Chapter 46, Harmonized Tariff Schedule of the United States (HTSUS), which states as follows:

In this chapter the expression “plaiting materials” means materials in a state or form suitable for plaiting, interlacing or similar processes; it includes straw, osier or willow, bamboos, rattans, rushes, reeds, strips of wood, strips of other vegetable material (for example, strips of bark, narrow leaves and raffia or other strips obtained from broad leaves), unspun natural textile fibers, monofilament and strip and the like of plastics and strips of paper, but not strips of leather or composition leather or of felt or nonwovens, human hair, horsehair, textile rovings or yarns, or monofilament and strip and the like of chapter 54.

General Explanatory Note 3 to Chapter 46 specifically includes plastic strip exceeding 5mm in width.

The applicable subheading for the woven polypropylene/polyethylene sheeting will be 4601.99.9000, HTSUS, which provides for Plaits, and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other (than mats, matting and screens of vegetable materials): Other (than of bamboo, of rattan or of other vegetable materials): Other (than plaits and similar products of plaiting materials, whether or not assembled into strips). The rate of duty will be 3.3% 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 World Wide Web at <http://www.usitc.gov/tata/hts/>.

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 Laurel Duvall at (646) 733-3035.

Sincerely,

THOMAS J. RUSSO

Director

National Commodity Specialist Division

[ATTACHMENT C]

N213340

April 25, 2012

CLA-2-46:OT:RR:NC:2:230

CATEGORY: Classification

TARIFF NO.: 4601.99.9000

Ms. COLLEEN CAMPBELL
INTERTAPE POLYMER GROUP
17 BEACHGROVE CRES.
STONEY CREEK, ONTARIO
CANADA L8J 2N8

RE: The tariff classification of woven polypropylene/polyethylene sheeting from British Columbia and Nova Scotia

DEAR Ms. CAMPBELL:

In your letter dated March 29, 2012, you requested a tariff classification ruling.

The ruling was requested on woven polypropylene/polyethylene sheeting which you identify as "Supreme 2". Two representative cut sample sections were submitted for our review.

The sheets consist of flat, closely interwoven polypropylene/polyethylene strips which you state in your letter measure 5.1 mm or greater in width. Both sides of the sheet are coated with polypropylene/polyethylene. You state that the product will be imported in roll form in varying widths and lengths.

The polypropylene/polyethylene strip from which the sheets are constructed constitutes "plaiting materials" as set forth in Chapter Note 1 of Chapter 46, Harmonized Tariff Schedule of the United States (HTSUS), which states as follows:

In this chapter the expression "plaiting materials" means materials in a state or form suitable for plaiting, interlacing or similar processes; it includes straw, osier or willow, bamboos, rattans, rushes, reeds, strips of wood, strips of other vegetable material (for example, strips of bark, narrow leaves and raffia or other strips obtained from broad leaves), unspun natural textile fibers, monofilament and strip and the like of plastics and strips of paper, but not strips of leather or composition leather or of felt or nonwovens, human hair, horsehair, textile rovings or yarns, or monofilament and strip and the like of chapter 54.

General Explanatory Note 3 to Chapter 46 specifically includes plastic strip exceeding 5mm in width.

The applicable subheading for the woven polypropylene/polyethylene sheeting will be 4601.99.9000, HTSUS, which provides for Plaits, and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): Other (than mats, matting and screens of vegetable materials): Other (than of bamboo, of rattan or of other vegetable materials): Other (than plaits and similar products of plaiting materials, whether or not assembled into strips). The rate of duty will be 3.3% 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 World Wide Web at <http://www.usitc.gov/tata/hts/>.

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 Laurel Duvall at (646) 733-3035.

Sincerely,

THOMAS J. RUSSO

Director

National Commodity Specialist Division

[ATTACHMENT D]

HQ H230079
CLA-2 OT:RR:CTF:TCM H230079 RES
CATEGORY: Classification
TARIFF NO.: 4602.90.0000

Ms. COLLEEN CAMPBELL
INTERTAPE POLYMER GROUP
17 BEACHGROVE CRES.
STONE CREEK, ONTARIO
CANADA L8J 2N8

RE: Revocation of Ruling Letters: NY N213335, dated April 23, 2012; NY N213337, dated April 23, 2012; and NY N213340, dated April 25, 2012.

DEAR Ms. CAMPBELL:

This letter is to inform you that U.S. Customs and Border Protection (“CBP”) has reconsidered New York (“NY”) Ruling letters N213335, dated April 23, 2012; N213337, dated April 23, 2012; and N213340, dated April 25, 2012, issued to you on behalf of your company, Intertape Polymer Group regarding the classification, under the Harmonized Tariff Schedule of the United States (“HTSUS”), of woven polypropylene/polyethylene sheeting. In NY N213335, NY N213337, and NY N213340, CBP classified woven polypropylene/polyethylene sheeting under heading 4601, HTSUS, as plaits and similar articles of plaiting materials. CBP has determined that NY N213335, NY N213337, and NY N213340 are in error. Accordingly, we are revoking NY N213335, NY N213337, and NY N213340 to reflect the proper classification of woven polypropylene/polyethylene sheeting as discussed herein.

FACTS:

The merchandise at issue in NY N213335 is described as follows:

The sheets consist of flat, closely woven white polypropylene/polyethylene strips which you state in your letter measure 5.1 mm or greater in width. The strips are laminated to a brown Kraft paper backing. You state that the product will be imported in roll form in varying widths and lengths.

The merchandise at issue in NY N213337 is described as follows:

The sheets consist of flat, closely interwoven white polypropylene/polyethylene strips which you state in your letter measure 5.1 mm or greater in width. The sheet is coated on one side. You state that the product will be imported in roll form in varying widths and lengths.

The merchandise at issue in NY N213340 is described as follows:

The sheets consist of flat, closely interwoven polypropylene/polyethylene strips which you state in your letter measure 5.1 mm or greater in width. Both sides of the sheet are coated with polypropylene/polyethylene. You state that the product will be imported in roll form in varying widths and lengths.

Samples of the merchandise have been provided and will be returned.

ISSUE:

What is the proper classification of the woven polypropylene/polyethylene sheeting?

LAW AND ANALYSIS:

Classification under the HTSUS 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 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 2 through 6 may be applied in order.

In understanding the language of the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System, which constitute the official interpretation of the Harmonized System at the international level, may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89–80, 54 Fed. Reg. 35127 (August 23, 1989).

The following HTSUS provisions are under consideration:

- | | |
|------|---|
| 4601 | Plaits and similar products of plaiting materials, whether or not assembled into strips; plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands or woven, in sheet form, whether or not being finished articles (for example, mats, matting, screens): |
| 4602 | Basketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah: |

The relevant Legal Notes to Chapter 46, HTSUS, state in pertinent part:

1. In this chapter the expression “plaiting materials” means materials in a state or form suitable for plaiting, interlacing or similar processes; it includes straw, osier or willow, bamboos, rattans, rushes, reeds, strips of wood, strips of other vegetable material (for example, strips of bark, narrow leaves and raffia or other strips obtained from broad leaves), unspun natural textile fibers, monofilament and strip and the like of plastics and strips of paper, but not strips of leather or composition leather or of felt or nonwovens, human hair, horsehair, textile rovings or yarns, or monofilament and strip and the like of chapter 54.
3. For the purposes of heading 4601, the expression “plaiting materials, plaits and similar products of plaiting materials, bound together in parallel strands” means plaiting materials, plaits and similar products of plaiting and similar products of plaiting materials, placed side by side and bound together, in the form of sheets, whether or not binding materials are of spun textile materials.

The merchandise at issue in NY N213335, NY N213337, and NY N213340, are all woven polypropylene/polyethylene sheeting that are coated on either one or two sides with a plastic film or laminated to a paper backing.

The coating of such sheeting is a level of manufacturing that is beyond the scope of heading 4601. CBP has consistently classified such merchandise

under heading 4602. *See* HQ 960304, dated November 10, 1997 (determining that plastic plaiting materials in sheet form that are reinforced with plastic are precluded from classification under heading 4601, HTSUS, but are classified under heading 4602, HTSUS). *See also*, NY B81776, dated February 21, 1997; and NY 860405, dated March 6, 1991.

Therefore, the woven polypropylene/polyethylene sheeting in rulings NY N213335, NY N213337, and NY N213340, are classified under heading 4602, HTSUS, as “[b]asketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah.”

HOLDING:

Pursuant to GRI 1, the woven polypropylene/polyethylene sheeting is classified under subheading 4602.90.0000, HTSUSA, as “[b]asketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah: [o]ther.” The general, column one, rate of duty is 3.5 percent *ad valorem*.

EFFECTS ON OTHER RULINGS:

NY N213335 and NY N213337, both dated April 23, 2012, and NY N213340, dated April 25, 2012, are revoked.

Sincerely,

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

**PROPOSED MODIFICATION OF ONE RULING LETTER
AND PROPOSED REVOCATION OF TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF A
MOBILE PUMPER**

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

ACTION: Notice of proposed modification of a ruling letter and proposed revocation of treatment concerning the tariff classification of a mobile pumper.

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 CBP intends to modify one ruling letter pertaining to the tariff classification of a mobile pumper under the Harmonized Tariff Schedule of the United States (HTSUS). CBP also proposes to revoke

any treatment previously accorded by it to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATES: Comments must be received on or before February 26, 2016.

ADDRESSES: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Emily Beline, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 325–7799.

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

Pursuant to section 625(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(1)), this notice advises interested parties that CBP intends to modify one ruling letter pertaining to the tariff classification of a mobile pumper. Although in this notice CBP is specifically referring to New York Ruling Letter (NY) N049598, dated February 3,

2009 (Attachment A), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(2)), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final notice.

In NY N049598, CBP classified the Mobile FRAC Pumper under subheading 8705.90.00, HTSUS, which provides for "Special purpose motor vehicles, other than those principally designed for the transport of persons or goods...: Other."

It is now CBP's position that the Mobile FRAC Pumper is properly classified as a reciprocating positive displacement pump for liquids, in subheading 8413.50.00, HTSUS, which provides, "Pumps for liquids, whether or not fitted with a measuring device; liquid elevators; parts thereof: Other reciprocating positive displacement pumps." The remainder of the ruling which addresses whether the goods qualify for NAFTA preferential treatment remains intact and is not affected by this revocation.

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to modify NY N049598, and any other ruling not specifically identified in order to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed Headquarters Ruling (HQ) H155596, (Attachment B). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, we will give consideration to any written comments timely received.

Dated: December 28, 2015

IEVA K. O'ROURKE
for
MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N049598

February 3, 2009

CLA-2-87:OT:RR:E:NC:N1:101

CATEGORY: Classification

TARIFF NO.: 8705.90.0000

DANIEL MCKENZIE
TYCROP MANUFACTURING LTD.
9880 McGRATH ROAD
ROSEDALE, BRITISH COLUMBIA V0X1X0
CANADA

RE: The tariff classification and status under the North American Free Trade Agreement (NAFTA), of a mobile pumper from Canada; Article 509

DEAR MR. MCKENZIE,

In your letter dated January 20, 2009, you requested a tariff classification ruling.

In your letter dated January 20, 2009, you requested a ruling on the status of the Mobile FRAC Pumper from Canada under the NAFTA.

The purpose of the FRAC Pumper is to pump propan, at high-pressure, into an oil well to fracture and stimulate hydrocarbons and create a shell for pumping oil from the well. The FRAC Pumper's main components include one or two large radiators, an engine, which you state in your ruling request is in the 2250 to 2500 HP range, a matching torque converter and transmission and the FRAC pump, itself, all connected by drive shafts. The FRAC Pumper is its own power source as it has its own diesel fuel tanks, on-board control systems, batteries, etc. The Mobile FRAC Pumper does require a mated truck tractor for transporting it between service locations.



The applicable classification subheading for the Mobile FRAC Pumper will be 8705.90.0000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Special purpose motor vehicles, other than those principally designed for the transport of persons or goods ...: Other". The rate of duty will be Free.

You state in your request that all major parts of the Mobile FRAC Pumper are of either Canadian or U.S. origin, except the engine, and that all labor, assembly, etc. was done in Canada. You further state that the engine (15% of the Pumper's total value) has a country of origin of England and that there are "minor components" (10% of the Pumper's total value), such as fasteners and fittings, from Germany, other European countries, China and Taiwan.

General Note 12(b), HTSUS, sets forth the criteria for determining whether a good is originating under the NAFTA. General Note 12(b), HTSUS, (19 U.S.C. § 1202) states, in pertinent part, that

For the purposes of this note, goods imported into the customs territory of the United States are eligible for the tariff treatment and quantitative limitations set forth in the tariff schedule as “goods originating in the territory of a NAFTA party” only if--

(i) they are goods wholly obtained or produced entirely in the territory of Canada, Mexico and/or the United States; or

(ii) they have been transformed in the territory of Canada, Mexico and/or the United States so that--

(A) except as provided in subdivision (f) of this note, each of the non-originating materials used in the production of such goods undergoes a change in tariff classification described in subdivisions (r), (s) and (t) of this note or the rules set forth therein, or

(B) the goods otherwise satisfy the applicable requirements of subdivisions (r), (s) and (t) where no change in tariff classification is required, and the goods satisfy all other requirements of this note; or

(iii) they are goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials; or

(iv) they are produced entirely in the territory of Canada, Mexico and/or the United States but one or more of the nonoriginating materials falling under provisions for “parts” and used in the production of such goods does not undergo a change in tariff classification because--

(A) the goods were imported into the territory of Canada, Mexico and/or the United States in unassembled or disassembled form but were classified as assembled goods pursuant to general rule of interpretation 2(a), or

(B) the tariff headings for such goods provide for and specifically describe both the goods themselves and their parts and is not further divided into subheadings, or the subheadings for such goods provide for and specifically describe both the goods themselves and their parts,

provided that such goods do not fall under chapters 61 through 63, inclusive, of the tariff schedule, and provided further that the regional value content of such goods, determined in accordance with subdivision (c) of this note, is not less than 60 percent where the transaction value method is used, or is not less than 50 percent where the net cost method is used, and such goods satisfy all other applicable provisions of this note.

Based on the facts provided, the goods described above qualify for NAFTA preferential treatment because they will meet the requirements of HTSUS General Note 12(b)(ii)(A). The goods will, therefore, be entitled to a Free rate of duty under the NAFTA upon compliance with all applicable laws, regulations, and agreements including Regional Value Content requirements specified in General Note 12(t)(*Chapter 87.*)(**Chapter rule 1**)(13.).

This ruling letter has not addressed the Regional Value Content (RVC) of the subject goods. If you desire a ruling regarding the RVC of your goods and their eligibility for NAFTA preferential treatment, provide the information noted in Section 181.93(b) of the Customs Regulations (19 CFR 181.93(b)) to U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Mint Annex, 799 9th Street N.W., Washington, D.C. 20001-4501, along with a copy of this letter.

Duty rates are provided for your convenience and are subject to change. The text of the most recent Harmonized Tariff Schedule of the United States and the accompanying duty rates are provided on the World Wide Web at <http://www.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Parts 177 and 181 of the Customs Regulations (19 C.F.R. 177, 181).

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 Richard Laman at 646-733-3017.

Sincerely,

ROBERT B. SWIERUPSKI

Director

National Commodity Specialist Division

[ATTACHMENT B]

HQ H155596

CLA-2OT:RR:CTF:TCM: H155596 ERB

CATEGORY: Classification

TARIFF NO.: 8413.50.0090

MR. DANIEL MCKENZIE
TYCROP MANUFACTURING LTD.
9880 McGRATH ROAD
ROSEDALE, BRITISH COLUMBIA V0X 1X0
CANADA

RE: Modification of NY N049598; Tariff classification of a mobile pumper from Canada

DEAR MR. MCKENZIE:

U.S. Customs and Border Protection (CBP) issued you New York Ruling Letter (NY) N049598 on February 3, 2009. NY N049598 pertains to the tariff classification under the Harmonized Tariff Schedule of the United States, (HTSUS) of the Mobile FRAC Pumper. We have since reviewed NY N049598 and find it to be in error with respect to the tariff classification component of that ruling, described in detail herein.

FACTS:

NY N049598 states the following, in relevant part:

The purpose of the FRAC Pumper is to pump propan, at high-pressure, into an oil well to fracture and stimulate hydrocarbons and create a shell for pumping oil from the well. The FRAC Pumper's main components include one or two large radiators, an engine, which you state in your ruling request is in the 2250 to 2500 HP range, a matching torque converter and transmission and the FRAC pump, itself, all connected by drive shafts. The FRAC Pumper is its own power source as it has its own diesel fuel tanks, on-board control systems, batteries, etc. The Mobile FRAC Pumper does require a mated truck tractor for transporting it between service locations.

The applicable classification subheading for the Mobile FRAC Pumper will be 8705.90.0000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Special purpose motor vehicles, other than those principally designed for the transport of person or goods...:Other."

NY N049598 continued to address whether the goods described qualify for NAFTA preferential treatment. That portion of the ruling remains intact and is not impacted by this modification.

ISSUE:

Whether the subject Mobile FRAC Pumper is a pump for liquids of heading 8413, HTSUS, or whether it is a special purpose motor vehicle of heading 8705, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). 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 2 through 6 may then be applied in order.

The HTSUS provisions under consideration in this case are as follows:

8413	Pumps for liquids, whether or not fitted with a measuring device; liquid elevators; parts thereof:
8413.50.00	Other reciprocating positive displacement pumps

8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, wreckers, mobile cranes, fire fighting vehicles, concrete mixers, road sweepers, spraying vehicles, mobile workshops, mobile radiological units):
8705.90	Other

Note 1(l) to Section XVI, which covers Chapter 84 states that Articles of Section XVII, which covers Chapter 87, are not classified therein. Therefore, if the subject merchandise is classified in heading 8705, HTSUS, then it is precluded from classification in heading 8413, HTSUS.

Note 3 to Section XVI, HTSUS, provides, in pertinent part, the following:

Unless the context otherwise requires, composite machines consisting of two or more machines fitted together to form a whole and other machines designed for the purpose of performing two or more complementary or alternative functions are to be classified as if consisting only of that component or as being that machine which performs the principal function.

In understanding the language of the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System, which constitute the official interpretation of the HTSUS at the international level, may be utilized. The ENs, although not dispositive or legally binding, provides a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89-80, 54 Fed. Reg 35127 (August 23, 1989).

The EN 84(B) General Arrangement of the Chapter provides, in relevant part:

(2) Headings 84.02 to 84.24 cover the other machines and apparatus which are classified mainly by reference to their function, and regardless of the field of industry in which they are used.

The EN 84.13 provides, in relevant part:

This heading covers most machines and appliances for raising or otherwise continuously displacing volumes of liquids (including molten metal and wet concrete), whether they are operated by hand or by any kind of power unit, integral or otherwise.

It continues:

The machines of this heading can be subdivided, according to their system of operation, into the following five categories:

(A) Reciprocating Positive Displacement Pumps

These use the linear suction or forcing action of a piston or plunger driven within a cylinder, the inlet and outlet being regulated by valves. “Single-acting” pumps utilize the thrust or suction of one end of the piston only; “double-acting” types pump at both ends of the piston thus using both the forward and reverse strokes. In simple “lift” pumps, the liquid is merely raised by suction and discharged against atmospheric pressure. In “force” pumps, the compression stroke is used, in addition to the suction stroke, to force the liquid to heights or against pressure. Multi-cylinder pumps are used for increased output. The cylinders may be either in line or in a star shape.

The EN 87.05, HTSUS, states, in subsection Motor Vehicle Chassis or Lorries (Trucks) Combined With Working Machines, the following, in relevant part:

It should be noted that to be classified in this heading, a vehicle comprising lifting or handling machinery, earth levelling, excavating or boring machinery, etc., must form what is in fact an essentially complete motor vehicle chassis or lorry (truck) in that it comprises at least the following mechanical features: propelling engine, gear box and controls for gear changing, and steering and braking facilities.

In HQ H243822, dated July 30, 2014 this office classified a single unit consisting of multiple rotary positive displacement pumps, and a mixing and stirring device, used to keep chemicals from settling and becoming unusable during transport and storage. There, CBP noted that the items of heading 8413, HTSUS, are machines and appliances for raising or otherwise continuously displacing volumes of liquids, including molten metal and wet concrete. *See* H243822, citing to EN 84.13. The heading includes reciprocating positive displacement pumps which move fluid using one or more oscillating pistons, plungers, or membranes, while valves restrict fluid motion to the desired direction.

The main components of the subject merchandise are either one or two radiators, an engine, a torque converter, a transmission, diesel fuel tanks, on-board control systems, batteries and a pump. The pumper is permanently bolted or affixed to a chassis trailer. The trailer itself, is not self-propelled, rather it must be hitched to a truck tractor for travel to the site. The pumper does not have any of the following features: a propelling engine, gear box and controls for gear-changing, and steering and braking facilities. *See* EN 87.05, HTSUS, which states that goods classified therein have those features. Hence, the merchandise is not described by heading 8705, HTSUS, and Note 1(I) does not exclude it from classification in Chapter 84.

The Mobile FRAC Pumper is used to pump chemical mixtures into an oil or gas well, which is mounted onto its prime mover, i.e. a diesel engine on a non-driven trailer chassis. Once the pumper is transported to a fracking site, it pumps chemical mixtures into the well. It relies on a reciprocating plunger to displace the liquid which is being pumped into the wells. This is a description of a positive displacement liquid pump. Under Note 3 to Section XVI, HTSUS, the merchandise is classified according to its principal function. Thus, the principal function of the subject merchandise is as a pump. It is described by the terms of heading 8413, HTSUS, as a pump for liquids. This

is consistent with prior CBP rulings of similar goods. *See* NY N239029, dated March 26, 2013 (classifying a trailer mounted unit which pumps chemicals into the well service as a rotary positive displacement pump of heading 8413, HTSUS); NY E85413, dated August 17, 1999 (classifying axial piston pumps in heading 8413, HTSUS); and *see* NY 850742, dated April 26, 1990 (classifying a chassis mounted concrete pump in heading 8413, HTSUS).

HOLDING:

By application of GRI 1, the subject Mobile FRAC Pumper is classified in heading 8413, HTSUS, specifically subheading 8413.50.0090, HTSUS A (Annotated), which provides for: “Pumps for liquids, whether or not fitted with a measuring device; liquid elevators; part thereof. Other reciprocating positive displacement pumps: Other.” The general column one rate of duty is free.

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

EFFECT ON OTHER RULINGS:

NY N049598, dated February 3, 2009, is hereby MODIFIED, as regards the tariff classification of the subject mobile pumper from Canada.

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

**REVOCATION OF A RULING LETTER AND REVOCATION
OF TREATMENT RELATING TO THE CLASSIFICATION OF
AUTOMOBILE CYLINDER LOCK SETS**

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

ACTION: Notice of revocation of a classification ruling letter and revocation of treatment relating to the classification of automotive cylinder lock sets.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter relating to the classification of automotive cylinder lock sets. CBP is also revoking any treatment previously accorded by it to substantially identical merchandise. Notice of proposed action was published on October 28, 2015, in the *Customs Bulletin*, Vol. 49, No. 43. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after March 28, 2016.

FOR FURTHER INFORMATION CONTACT: Michelle Garcia, Tariff Classification and Marking Branch: (202) 325-1115.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility.**” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and 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 section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is revoking one ruling letter pertaining to the classification of automotive cylinder lock sets. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letter (NY) I84093, dated July 25, 2002, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., 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 notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during this notice period. An import-

er'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 I84093, the components of automotive cylinder lock sets were separately classified. The lock assembly/ignition switch/wire harness was classified as a switch in heading 8536, Harmonized Tariff Schedule of the United States (HTSUS), as "Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders, junction boxes), for a voltage not exceeding 1,000 V" and the actual locks and articles containing locks and keys were classified in heading 8301, which provides for "Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal." Since the issuance of that ruling, CBP has reviewed the classification of the automobile cylinder lock sets and has determined that the cited ruling is in error.

It is now CBP's position that the merchandise described in NY I84093, is properly classified, by application of GRI 3(b) in heading 8301, HTSUS. It is specifically provided for in subheading 8301.20.0060, HTSUS, which provides for: "Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal: Locks of a kind used on motor vehicles.....: Other."

Pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking NY I84093, dated July 25, 2002, and revokes any other ruling not specifically identified, to reflect the classification of the automobile cylinder lock sets according to the analysis contained in Headquarters Ruling Letter (HQ) H060579, set forth as an attachment to this document. 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), the attached ruling will become effective 60 days after publication.

Dated: December 17, 2015

ALLYSON MATTANAH
for

JOANNE ROMAN STUMP
Acting Director,

Commercial and Trade Facilitation Division

Attachment

HQ H060579

December 17, 2015

CLA-2: OT:RR:CTF:TCM H060579 MG

CATEGORY: Classification

TARIFF NO.: 8301.20.0060

LAURIE PEACH
NATIONAL CUSTOMS MANAGER
AMERICAN HONDA MOTOR CO., INC.
1919 TORRANCE BOULEVARD
TORRANCE, CA 90501-2746

RE: Revocation of NY I84093, dated July 25, 2002; tariff classification of Honda automobile cylinder lock sets

DEAR Ms. PEACH:

This is in reply to your letter dated May 8, 2009, in which you have requested reconsideration of New York Ruling Letter (NY) I84093, dated July 25, 2002, as it pertains to the classification of two automotive cylinder lock sets (the “lock sets”) imported by American Honda. In accordance with your request for reconsideration of NY I84093, CBP has reviewed the classification of these items and has determined that the cited ruling is in error. For the reasons set forth in this ruling, we are revoking NY I84093. Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice of proposed action was published on October 28, 2015, in the *Customs Bulletin*, Vol. 49, No. 43. No comments were received.

FACTS:

As detailed in the diagrams and pictures contained in your letter, the merchandise at issue are two lock sets used in the Honda Accord and the Honda Prelude, which consist of a lock assembly/ignition switch/wire harness that is packaged together with lock cylinders used in various locations on the vehicle and three identical keys that operate each of these locks.

According to your submission, part number 35010-SA6-674 is described in the Honda Parts Catalog as a “Lock Set, Cylinder” and is used for the 1982 Honda Accord. This lock set includes the following components: (1) One lock assembly/ignition switch/wire harness combination; (2) One lock cylinder for the glove box; (3) Two door lock cylinders; (4) One lock cylinder for the remote handle that operates the trunk release; (5) One lock cylinder for the fuel filler door; (6) One lock cylinder for the trunk; and (7) Three identical keys that operate each of the locks.

Part number 35010-SB0-674” described in the Honda Parts Catalog as a “Lock Set, Cylinder” and is used for the 1985 Honda Prelude. This lock set includes the following components: (1) One lock assembly/ignition switch/wire harness combination; (2) One lock cylinder for the glove box; (3) Two door lock handles incorporating lock cylinders; (4) One lock cylinder for the remote handle that operates the trunk release; (5) One lock cylinder for the trunk; (6) One lock cylinder for the rear seat release mechanism; and (7) Three identical keys that operate each of the locks.

As stated in your letter, American Honda imports and packages all of the lock sets components in a single package and resells them to Honda automo-

bile dealers as sets. This allows the automobile owner to change the locks on the vehicle, while ensuring that all locks operate from the same key.

In I84093, the components of the lock sets were separately classified. The lock assembly/ignition switch/wire harness was classified as a switch in heading 8536, Harmonized Tariff Schedule of the United States (HTSUS), as “Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders, junction boxes), for a voltage not exceeding 1,000 V.” The actual locks and articles containing locks and keys were classified in heading 8301, HTSUS, which provides for “Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal.”

ISSUE:

- 1) Is the merchandise a set under GRI 3(b)?
- 2) If a set, is the essential character imparted by the locks and keys of heading 8301, HTSUS, or by the switch of heading 8436, HTSUS?

LAW AND ANALYSIS:

Classification of goods under the HTSUS is governed by the GRI. GRI 1 provides that classification shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.

The HTSUS provisions under consideration are as follows:

8301	Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal:
8301.20.00	Locks of a kind used on motor vehicles....
8301.20.0060	Other
* * * *	
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders, junction boxes), for a voltage not exceeding 1,000 V; connectors for optical fibers, optical fiber bundles or cables:
8536.50	Other switches:
	Other:
8536.50.90	Other:
8536.50.9065	Lamp-holders, plugs and sockets.

Inasmuch as the Lock Set is composed of goods that are *prima facie* classifiable in more than one heading, classification cannot be resolved under GRI 1. GRI 2(b) directs that the “classification of goods consisting of more than one material or substance shall be according to the principles of rule 3.”

GRI 3 provides that:

When by application of rule 2(b) or for any other reason, goods are, *prima facie*, classifiable under two or more headings, classification shall be effected as follows:

- (a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings refer to only part of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to the goods, even if one of them gives a more complete or precise description of the good.
- (b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.
- (c) When goods cannot be classified by reference to 3(a) or 3(b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

The headings at issue only refer to part of the items in the set put up for retail sale. As such, they are regarded as equally specific and resort must be made to GRI 3(b).

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. 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 the headings. It is Customs and Border Protection (CBP) practice to follow, whenever possible, the terms of the ENs when interpreting the HTSUS. *See*, T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

EN X to GRI 3(b) provides guidance as to whether the Lock Set constitutes “goods put up in sets for retail sale”:

For the purposes of this Rule, the term “goods put up in sets for retail sale” shall be taken to mean goods which:

- (a) consist of at least two different articles which are, *prima facie*, classifiable in different headings . . . ;
- (b) consist of products or articles put up together to meet a particular need or carry out a specific activity; and
- (c) are put up in a manner suitable for sale directly to users without repacking (*e.g.*, in boxes or cases or on boards).

As previously explained, the items comprising the lock sets are *prima facie* classifiable under different headings of the HTSUS. In this regard, the circumstances of these lock sets are analogous to those of the lock set at issue in HQ H009850, dated January 15, 2009. In that ruling, CBP determined that the motorcycle lock set (comprised of an ignition cylinder attached to an ignition switch and contact base with wire harness, a locking gas cap, and a seat lock cylinder) met the requirements as a set as it “is intended for installation on a single motorcycle to meet the need of an owner to carry a

single key that will operate multiple functions of the motorcycle, all of which require the use of a key,” explaining further that “[r]equiring the use of a key to access the ignition, gas tank and storage compartment provides the owner with security for the motorcycle,” and that “[t]he use of one key for accessing all three of these functions also fulfills the owner’s need for convenience, so that the owner is not obligated to carry multiple keys for each function.” CBP concluded that “[a]ccordingly, the Lock Set is put up together to meet an owner’s need for convenience and security, through the use of a single key.” In this regard, just like the motorcycle lock set, the instant lock sets are also put together to meet an owner’s need for convenience and security, through the use of a single key.

Finally, the lock sets satisfy the third requirement for treatment as “goods put up in sets for retail sale. At importation, the lock set is packaged in a box labeled with a singular part number which American Honda sells to Honda dealers in the same packaging. It has been a long-standing position of CBP that “there is no requirement that sets actually be sold at retail.” In HQ 083968, dated July 6, 1989, CBP found that an installation kit comprised of a variety of retaining clips, hoses, clamps, brackets, connectors, tee fittings, fuel line covers and valve covers with gaskets, and delivered directly to an automobile dealer for installation into a recalled vehicle free of charge was “put up in a manner suitable for sale directly to users” and was therefore classifiable as a set (all other conditions being satisfied). *See*, HQ H011015, dated July 28, 2008. In sum, as with the Lock Set at issue in HQ H009850, the Cylinder Lock Sets qualify as “goods put up in sets for retail sale” under GRI 3(b).

Because the three criteria under EN X to GRI 3(b) are satisfied, the three items are considered “goods put up in sets for retail sale” and will be “classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.”

Explanatory Note VIII to GRI 3(b) explains, “[t]he factor which determines essential character will vary as between different kinds of goods. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of the constituent material in relation to the use of the goods.”

We stated in HQ H009850 that the principal reason for purchasing the lock set is to obtain three items that utilize the same key and that the common feature in all three “distinct articles” is the locking mechanism. In this regard, CBP classified the three articles incorporating the lock mechanism, rather than classifying divergent articles as locks. The reasoning in that ruling is that each of the distinct articles provide different purposes, none of which is more important than the others and, therefore, the set was not classifiable on the basis of its essential character by reference to GRI 3(b), but in accordance with GRI 3(c) under Heading 8714, HTSUS, which was last in numerical order.

Unlike the situation in HQ H009850, where the lock cylinders were integrated, each of the instant lock sets includes one wire harness assembly, six separate locks and three keys (which are classified with the locks). Therefore, taken together, the locks impart the essential character to these sets. They are greater in number, bulk and likely value. They also play a greater role in relation to the use of the good in that they are the actual lock.

Accordingly, by application of GRI 3(b), lock set 35010-SA6-674 for the 1982 Honda Accord and lock set 35010-SB0-674" for the 1985 Honda Prelude are classified in heading 8301, HTSUS. They are specifically provided for in subheading 8301.20.0060, HTSUSA (Annotated), which provides for: "Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal: Locks of a kind used on motor vehicles.....: Other."

HOLDING:

By application of GRI 3(b), lock set 35010-SA6-674 for the 1982 Honda Accord and lock set 35010-SB0-674" for the 1985 Honda Prelude the Cylinder Lock Sets are classified in heading 8301, HTSUS. It is specifically provided for in subheading 8301.20.0060, HTSUSA, which provides for: "Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal: Locks of a kind used on motor vehicles.....: Other." The general, column one rate of duty is 5.7, *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 World Wide Web, at <http://www.usitc.gov.tata/hts/>.

EFFECT ON OTHER RULINGS:

NY I84093, dated July 25, 2002, is hereby REVOKED.

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

Sincerely,

ALLYSON MATTANAH

for

JOANNE ROMAN STUMP

Acting Director,

Commercial and Trade Facilitation Division

**REVOCATION OF A RULING LETTER AND REVOCATION
OF TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF KNIT POLYESTER PANTS**

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

ACTION: Notice of revocation of a ruling letter and revocation of treatment relating to the tariff classification of knit polyester pants.

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 inter-

ested parties that U.S. Customs and Border Protection (“CBP”) is revoking a ruling concerning the tariff classification of knit polyester pants under the Harmonized Tariff Schedule of the United States (“HTSUS”). CBP is also revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed revocation was published on August 19, 2015, in the Customs Bulletin, Volume 49, Number 33. No comments were received in response to this notice.

DATES: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after March 28, 2016.

FOR FURTHER INFORMATION CONTACT: Robert Shervette, Office of International Trade, Tariff Classification and Marking Branch, at (202) 325-0274.

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”), become effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and 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 section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI, a notice was published on August 19, 2015, in the Customs Bulletin, Volume 49, No. 33, proposing to revoke one ruling letter pertaining to the tariff classification of knit polyester pants. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letter

(“NY”) N071298, dated August 10, 2009, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. § 1625(c)(2)), as amended by section 623 of Title VI, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transaction should have advised CBP during this notice period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N071298, CBP classified knit polyester pants as loungewear under heading 6103, HTSUS, which provides for: “[m]en’s or boys’ suits, ensembles, suit-type jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted.” Upon our review of NY N071298, we have determined that the merchandise described in that ruling is properly classified as sleepwear under heading 6107, HTSUS, which provides for: “[m]en’s or boys’ underpants, briefs, nightshirts, pajamas, bathrobes, dressing gowns and similar articles, knitted or crocheted.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking NY N071298, and revoking or modifying any other ruling not specifically identified to reflect the proper classification of the subject merchandise according to the analysis contained in Headquarters Ruling Letter (“HQ”) H140735, set forth as an attachment to this document. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

Dated: December 29, 2015

IEVA K. O’ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachment

H140735

December 29, 2015

CLA-2 OT: RR: CTF: TCM H140735 RES

CATEGORY: Classification

TARIFF NO.: 6107.99.1030

HAROLD GRUNFELD

DAVID MURPHY

GRUNFELD, DESIDERIO, LEBOWITZ, SILVERMAN & KLESTADT LLP

399 PARK AVENUE, 25TH FLOOR

NEW YORK, NY 10022-4877

RE: Revocation of NY N071298; classification of knit polyester pants from Thailand

DEAR MESSRS. GRUNFELD AND MURPHY:

This is in reference to New York Ruling Letter (“NY”) N071298, issued to you, on behalf of your client, Outerstuff, Ltd., on August 10, 2009. In NY N071298, U.S. Customs and Border Protection (“CBP”) classified boys’ pants (“pants”) under heading 6103, Harmonized Tariff Schedule of the United States (“HTSUS”). CBP has reviewed that ruling and determined that it is incorrect.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed action was published on August 19, 2015, in Volume 49, Number 33, of the *Customs Bulletin*. CBP did not receive any comments during the notice period.

FACTS:

In NY N071298, CBP described the merchandise as follows:

The sample, which you describe as sleep bottoms, is a pair of boy’s lounge pants constructed from knit polyester, piece dyed, brushed fabric. You state that the article is made from flame retardant fabric and that it is designed for use as sleepwear. The pull-on style pants have a fabric covered elastic waistband, side entry pockets and hemmed cuffs. The pants have a random, all-over Ohio State Buckeyes™ print design. The sample is a boys’ size large, 14/16. . . . The item belongs to a class of apparel that is multi-purpose in nature and is designed for wear in a variety of informal situations in and around the home.

In NY N071298, CBP classified the merchandise as loungewear under subheading 6103.43.1540, HTSUS, which provides for “[m]en’s or boys’ suits, ensembles, suit-type jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted: [t]rousers, bib and brace overalls, breeches and shorts: [o]f synthetic fibers: [t]rousers, breeches and shorts: [o]ther: [t]rousers and breeches: [b]oys’: [o]ther.”

The importer filed a request for reconsideration of NY N071298 on December 16, 2010, asserting that the proper classification of the pants at issue is as unisex sleepwear under heading 6108, HTSUS, which provides for “[w]omen’s or girls’ slips, petticoats, briefs, panties, night dresses, pajamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted.” Although in your request for reconsideration you discuss men’s and boys’ pajama sets, as well as pants, as NY N071298 addressed only pants, this reconsideration is limited to the pants.

ISSUE:

1. Whether the subject merchandise is classified as loungewear, or as sleepwear.

2. If the merchandise is classified as sleepwear, whether the subject merchandise is classified under heading 6107, HTSUS, as boy's sleepwear or under heading 6108, HTSUS, as unisex sleepwear.

LAW AND ANALYSIS:

Classification under the HTSUS 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 and any relative section or chapter notes." In the event that the goods cannot be classified solely on the basis of GRI 1 and if the headings and legal notes do not otherwise require, the remaining GRI 2 through 6 may be applied in order.

In understanding the language of the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System, which constitute the official interpretation of the Harmonized System at the international level, may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89-80, 54 Fed. Reg. 35127 (August 23, 1989).

The 2015 HTSUS headings under consideration in this case are as follows:

- | | |
|------|---|
| 6103 | Men's or boys' suits, ensembles, suit-type jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted: |
| 6107 | Men's or boys' underpants, briefs, nightshirts, pajamas, bathrobes, dressing gowns and similar articles, knitted or crocheted: |
| 6108 | Women's or girls' slips, petticoats, briefs, panties, night dresses, pajamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted: |

In a request for reconsideration of the ruling, the importer asserts that the merchandise in NY N071298 is unisex sleepwear and not boys' sleepwear. NY N071298 did not address whether or not the subject merchandise should be classified as unisex and not as a boys' article of apparel. We will analyze the two issues separately below.

Sleepwear versus Loungewear

In the determination of whether garments are classified as sleepwear, CBP considers factors discussed in several decisions by the United States Court of International Trade. In *Mast Industries, Inc. v. United States*, 9 C.I.T. 549, 552 (1985), *aff'd* 786 F. 2d 1144 (Fed. Cir. 1986), the Court cited several lexicographic sources; among them *Webster's Third New International Dictionary* which defined "nightclothes" as "garments to be worn to bed." Based on an examination of the garment, witness testimony, and other evidence concerning how it was marketed and advertised, the court determined that the garment at issue was designed, manufactured, and used as nightwear and, therefore, was classifiable as nightwear. *Id.* at 500-51. Likewise, in *St. Eve International, Inc. v. United States*, 11 C.I.T. 224 (1987), the court ruled that the garments at issue were manufactured, marketed and advertised as

nightwear and were chiefly used as such. The court in *St. Eve* based its conclusion on an analysis of how the garment was advertised and marketed and on an examination of the garment itself. Similarly, in *Inner Secrets/Secretly Yours, Inc. v. United States*, 19 C.I.T. 496, 505–06 (1995), based upon an examination of the merchandise at issue, witness testimony, and documentary evidence such as marketing and advertising materials, the court determined that the subject merchandise was classifiable as underwear and not outerwear.

Thus, the determination of the classification of an imported garment requires an analysis of the physical characteristics of the article and, if the article is ambiguous in design and not clearly recognizable, of the extrinsic evidence, such as marketing materials and invoices associated with the article. See HQ 967185, dated Oct. 8, 2004, (stating that CBP's policy is to carefully examine the physical characteristics of the garments in question and in some cases to consider other extrinsic evidence); HQ 962021, dated Sept. 19, 2001, (stating that for a garment not clearly recognizable as underwear or outerwear, CBP will consider other factors such as advertising, marketing, invoices, etc). CBP considers these factors in totality and no single factor is determinative of classification as each viewed alone may be flawed. See HQ 967185; HQ 964513, dated Feb. 11, 2002. Where the physical attributes of the garment do not lend support to the claim that the garment is sleepwear neither advertising nor marketing alone will be considered conclusive enough to substantiate classification for tariff purposes. See HQ 955341, dated May 12, 1994.

In classification of garments, evidence may be the merchandise itself. CBP has adopted that view as the crucial factor in the classification of a garment. *Mask Industries*, 9 C.I.T. at 552, (citing *United States v. Bruce Duncan Co.*, 50 C.C.P.A. 43, 46 (1963)). See also HQ 966234, dated Sept. 2, 2003. Night clothes and sleepwear are characterized by a sense of privateness or private activity such as sleeping. See *International Home Textile, Inc. v. United States*, 21 C.I.T. 280, 282 (1997), *aff'd*, 153 F.3d 1378 (Fed. Cir. 1998). Sleepwear is worn in private situations such as in one's home while alone or in the company of only intimate friends and close family. On the other hand, loungewear is "worn at informal social activities in and around the home, and for other individual, non-private activities in and around the house." *Id.* Examples of activities where loungewear is appropriate are "watching movies at home with guests, barbequing at a backyard gathering, doing outside home and yard maintenance, washing the car, walking the dog, and the like." *Id.* In essence, loungewear would be an article of clothing that lacks the sense of privateness such that a reasonable person would deem it appropriate to wear it in front of people other than close family or intimate friends. Thus, in consideration of the physical characteristics, the threshold question in the instant case is whether the pants at issue are appropriate to wear in informal social activities, such as in the examples enumerated by the court in *International Home*, or do they share the essential character of privateness or private activity.

The sample provided has some of the characteristics that are features typically found on sleepwear, such as elasticized waistband, loose fit, brushed polyester fabric for softness, and motifs printed randomly all over the pants. See HQ H030421, dated May 10, 2010; HQ H040736, dated October 26, 2009; HQ 956663, dated November 30, 1994. Other characteristics of the sample are features which have been found on both sleepwear and loungewear, such as side seam pockets and a lack of a fly. Side seam pockets will not preclude a garment from being classified as sleepwear in as much as these pockets do not interfere with a garment's practical use for sleeping. See HQ H030421; HQ 963906, dated April 4, 2001. A lack of a fly is normally suggestive of modesty, which is a feature useful for loungewear. However, there is no requirement for boy's sleepwear pants to have some type of fly feature. In addition, there are no buttons, zippers, belt loops, pleats, or insets on the pants or any other useful design features one would associate with loungewear worn at informal social gatherings. Finally, the pants have a hangtag sewn into them that says "flame-retardant sleepwear." The labeling of the pants with hangtags that have the words "sleepwear" is highly suggestive that the pants are sleepwear. Overall, the physical characteristics of the pants are consistent with sleepwear.

The extrinsic evidence submitted includes: purchase orders describing the merchandise as "100% polyester knit sleepwear," invoices describing the merchandise as "boys 100 percent polyester knit sleepwear," and excerpts of the importer's sales catalogues listing similar tops with pants sets as "pyjama sets" under the "sleepwear" section. Lastly, the importer provided information highlighting the fact that the company that makes the instant pants is primarily a sleepwear manufacturer. Noting that internal company documents, such as invoices can be viewed as self-serving, *Regali v. United States*, 16 C.I.T. 407 (1992), CBP is of the opinion that this extrinsic evidence alone would not substantiate the importer's claim for classifying the knit pants as sleepwear. However, CBP notes the consistency in the labeling of the knit pants as pajamas or sleepwear through the supply chain, e.g., the purchase orders (sleepwear), invoices (pyjamas pants), the knit pants themselves (flame-retardant sleepwear hangtag), and the fact that the manufacturer primarily makes sleepwear. Thus, the extrinsic evidence does not contradict the analysis of the physical characteristics but is consistent with the conclusion that the instant pants are sleepwear and not loungewear.

Collectively, in consideration of the totality of factors, the extrinsic evidence coupled with an examination of the physical characteristics of the sample support finding that the instant pants should be classified as sleepwear and not loungewear. This finding is in accord with that in HQ H040736, dated October 26, 2009, wherein similar merchandise stylized for girls was classified as girls' pajamas in heading 6108, HTSUS.

Unisex versus Boys' Wear

General Note ("GN") 9 to Chapter 61 states in relevant part that "[g]arments which cannot be identified as either men's or boys' garments or as women's or girls' garments are to be classified in the headings covering women's or girls' garments."

In determining whether garments are identifiable as men's or boys' or as women's or girls', CBP considers the following factors: (1) sizing, (2) construction, (3) styling, and (4) other factors such as packaging, labeling, etc. See Headquarters Ruling ("HQ") 952241, dated October 25, 1992, (citing Guidelines for the Reporting of Imported Products in Various Textile and Apparel Categories ("Textile Guidelines"), 53 Fed. Reg. 52564 (Dec. 28, 1988)). Other factors may be considered and any factor may be determinative by itself or in combination with one or more factors. *Id.* Other factors to consider include examining how an article is marketed and advertised. See *St. Eve International, Inc. v. United States*, *supra* (determining the classification of a garment based on an analysis of how it was advertised, marketed, and on an examination of the garment itself); *Mast Industries, Inc. v. United States*, *supra* (classifying a garment based on an analysis of an examination of the garment, witness testimony, and marketing and advertising materials). See also HQ 967185, *supra* (stating that CBP's policy is to carefully examine the physical characteristics of the garments in question and when that is not substantially helpful, to also consider other extrinsic evidence, such as marketing materials, packaging, labeling, and invoices associated with the article). Thus, these factors are analyzed below in turn.

(1) Sizing: According to the importer's memo and the purchase orders, the sleep pants come in sizes 8 - 20. The sample provided is a size large (14/16). In general, girls' clothing sizes are 7 - 16, and boys' clothing sizes are 8-20. <http://pages.ebay.com/buy/guides/apparel-accessories-buying-guide/sizingcharts/>; <http://www.sizeguide.net/size-guide-children-size-chart.html> Thus, because the size scale of the pants is consistent with boys' sizes, the factor of sizing weighs in favor of finding that the pants at issue are a boys' article of clothing and not unisex wear.

(2) Construction: The sleep pants at issue are composed of a 100% knit polyester flame-retardant fabric, which upon visual and tactile inspection has a light weight and slightly medium thickness of fabric. Although the importer does not explain what aspects of the construction of the pants are unisex features versus boys' or girls' features, CBP observes that there is nothing about the construction of the pants that would place it in either the boys' or girls' category of clothing. Instead, the construction of the pants is neutral in regards to gender categorization. Therefore, because the factor of construction does not favor placing the garment in one gender category over the other, this factor supports a finding that the instant pants are of a unisex construction.

(3) Styling: In regard to the design of the sleep pants, the sample provided is red with motifs of the Ohio State Buckeyes team logo randomly scattered all over the pants. Other similar boys' sleep pants of the importer come in the team colors and randomly scattered team logo motifs of the respective college sports team the pants are representing in the same style as that of the sample. The importer has not provided any information as to whether clothing that has sport team logos printed is traditionally marketed toward boys or to both sexes equally. A comparison of the styles of boys' versus girls' garments sold as sleepwear in the stores the importer listed as customers—Wal-mart, JC Penney, and Kohl's—shows that girls' sleep pants in general tend to come in light colors, such as various shades of pinks, blues, greens, purples, etc., with characters on them such as Hello Kitty, princesses,

etc., or designs such as hearts or flowers. Boys' styles of pants in these stores tended to come in dark and bold colors such as navy blue, black, red, and have on the pants cartoon characters such as dogs, cars, dinosaurs, and Sponge Bob™, or designs such as camouflage, plaids, sports motifs, etc. In addition, none of these retailers' online stores carried the college sport team boys' sleep pants. Kohl's was the only retailer that sold other licensed sports apparel, such as t-shirts, hats, and jerseys, and these garments were listed in boys' sizes and not girls' sizes. Overall, the style of the instant sleep pants is more similar to colors and designs marketed to boys than to girls. Therefore, the style factor weighs in favor of finding that the sleep pants at issue here are intended to be used as a boys' garment.

(4) Other factors: Other factors include things such as how an article is marketed, advertised, and labeled. The importer's invoices and purchase orders, Exhibits E and G, respectively, in the importer's memorandum, list the pants at issue as either "boys 100 percent polyester knit sleepwear" or "boy's 100% polyester knit sleepwear." In a catalogue excerpt titled NFL Sleepwear, Exhibit B, there is a page with the label of "Boys FR Sleeper" that has pajamas with NFL team logos for the New England Patriots printed randomly all over a pair of pants and a second page with "unisex" on the top of it that has pajama sets that also has the Patriot NFL team logos printed randomly all over both the pants and matching top of the pajama set. In another catalogue excerpt with the title of MLB Sleepwear, Exhibit C, there is a page with the label of "Boys FR Sleeper" that has pajamas with MLB team logos for the Boston Red Sox printed randomly all over a pair of pants and a second page with "unisex" on the top of it that has pajama sets that also have the Boston Red Sox team logos printed randomly all over both the pants and matching top of the pajama set.

Although the importer did not include a catalogue for the type of pants at issue—garments with college team logos—one can deduce from the excerpts of the professional sports related sleepwear catalogues that there is an inconsistency on how the importer advertises similar garments to retailers in regard to being unisex versus boys' wear. There is no explanation provided as to why seemingly similar styled pants are labeled differently. Even though the importer's catalogues for the professional sports related garments are inconsistent in how they market similar styled pants, the fact that similar pants are considered boys' wear coupled with the importer's internal documentation demonstrating that the importer and manufacturer view the pants at issue as boys' garments, all weigh in favor of a finding that the pants at issue are boys' wear and not unisex wear.

Overall, an analysis of the factors provided in the Textile Guidelines and used in HQ 952241—the sizing, construction, styling, advertising and marketing of the garment—demonstrate that the instant pants are intended to be used by boys and, hence, are identifiable as boys' garments. Therefore, the pants at issue are not classifiable as a unisex garment in heading 6108, HTSUS.

Therefore, the instant pants are properly classified as boys' sleepwear in heading 6107, HTSUS, as [m]en's or boys' underpants, briefs, nightshirts, pajamas, bathrobes, dressing gowns and similar articles, knitted or crocheted."

HOLDING:

Pursuant to GRI 1, the instant pants are classified under subheading 6107.99.1030, HTSUSA, which provides for “[m]en’s or boys’ underpants, briefs, nightshirts, pajamas, bathrobes, dressing gowns and similar articles, knitted or crocheted: [o]ther: [o]f other textile materials: [o]f man-made fibers: [s]leepwear.” The general, column one, rate of duty is 14.9 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 World Wide Web at www.usitc.gov/tata/hts/.

EFFECTS ON OTHER RULINGS:

NY N071298, dated August 10, 2009, is hereby revoked.

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

Sincerely,

IEVA K. O’ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division



**TEMPORARY MAILING ADDRESS FOR THE NATIONAL
COMMODITY SPECIALIST DIVISION, REGULATIONS AND
RULINGS, OFFICE OF INTERNATIONAL TRADE**

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

ACTION: Notice of temporary change of office location.

SUMMARY: The mail room servicing the Director, National Commodity Specialist Division, Regulations and Rulings, in the Office of International Trade, of U.S. Customs and Border Protection is relocating within New York and a temporary location has been established to receive correspondence. Until further notice, beginning on January 28, 2016, non-electronic correspondence should be sent to the Director, National Commodity Specialist Division, Regulations and Rulings, Office of International Trade, 1100 Raymond Boulevard, Newark, New Jersey 07102. Please note that e-rulings procedures will remain the same and will not be affected by the temporary change in office location.

EFFECTIVE DATE: January 28, 2016.

FOR FURTHER INFORMATION CONTACT: Deborah Marinucci, Acting Director, National Commodity Specialist Division, Regulations and Rulings, Office of International Trade, (646) 733-3070.

SUPPLEMENTARY INFORMATION:

Background

The National Commodity Specialist Division (NCSO), Regulations and Rulings, in the Office of International Trade, U.S. Customs and Border Protection (CBP), is relocating. While the relocation process is underway, the address provided for the Director, National Commodity Specialist Division, Regulations and Rulings, in the Office of International Trade, at section 177.2(a) of title 19 of the Code of Federal Regulations (19 CFR 177.2(a)), will be inaccurate. Until the relocation process is complete, a temporary mailing location has been established and all correspondence to the NCSO should be sent to the following address: Director, National Commodity Specialist Division, Regulations and Rulings, Office of International Trade, 1100 Raymond Boulevard, Newark, New Jersey 07102. Mail received at this temporary location will be delivered to the appropriate NCSO location. Please note that e-rulings procedures will remain the same and will not be affected by the temporary change in office location.

When the relocation process is complete and a permanent address is established, CBP will publish in the **Federal Register** amendments to the regulations to reflect the new mailing address (*see* 19 CFR 177.2(a)) and announce the cessation of mail forwarding operations through the address provided in this notice.

Dated: January 8, 2016.

Alice A. Kipel,
*Executive Director,
Regulations and Rulings,
Office of International Trade.*

[Published in the Federal Register, January 14, 2016 (81 FR 1960)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
CERTIFICATE OF REGISTRATION**

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

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

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Certificate of Registration. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before February 12, 2016 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 Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

SUPPLEMENTARY INFORMATION:

This proposed information collection was previously published in the **Federal Register** (80 FR 61221) on October 9, 2015, 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. CBP invites the general public and other Federal agencies to comment on proposed and/ or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/ startup costs and operations and maintenance costs). The comments that are submitted will be summarized

and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Certificate of Registration.

OMB Number: 1651-0010.

Abstract: Travelers who do not have proof of prior possession in the United States of foreign made articles and who do not want to be assessed duty on these items can register them prior to departing on travel. In order to register these articles, the traveler completes CBP Form 4457, Certificate of Registration for Personal Effects Taken Abroad, and presents it at the port at the time of export. This form must be signed in the presence of a CBP official after verification of the description of the articles is completed. CBP Form 4457 is accessible at: <http://www.cbp.gov/newsroom/publications/forms?title=4457&=Apply>.

CBP Form 4455, Certificate of Registration, is used primarily for the registration, examination, and supervised lading of commercial shipments of articles exported for repair, alteration, or processing, which will subsequently be returned to the United States either duty free or at a reduced duty rate. CBP Form 4455 is accessible at: <http://www.cbp.gov/newsroom/publications/forms?title=4455&=Apply>.

CBP Forms 4455 and 4457 are provided for by 19 CFR 10.8, 10.9, 10.68, 148.1, 148.8, 148.32 and 148.37.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected on CBP Forms 4455 and 4457.

Type of Review: Extension (with no change).

Affected Public: Businesses.

CBP Form 4455

Estimated Number of Respondents: 60,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 9,960.

CBP Form 4457

Estimated Number of Respondents: 140,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 7,000.

Dated: January 7, 2016.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, January 13, 2016 (81 FR 1636)]

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**AGENCY INFORMATION COLLECTION ACTIVITIES:
ADMINISTRATIVE RULINGS**

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

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Administrative Rulings. CBP is proposing that this information collection be extended with a change to the burden hours but no change to the information required. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before March 14, 2016 to be assured of consideration.

ADDRESSES: Written comments may be mailed to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION:

CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimates of the burden of the collection of

information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Administrative Rulings.

OMB Number: 1651-0085.

Abstract: The collection of information in 19 CFR part 177 is necessary in order to enable Customs and Border Protection (CBP) to respond to requests by importers and other interested persons for the issuance of administrative rulings. These rulings pertain to the interpretation of applicable laws related to prospective and current transactions involving classification, marking, and country of origin. The collection of information in Part 177 of the CBP Regulations is also necessary to enable CBP to make proper decisions regarding the issuance of binding rulings that modify or revoke prior CBP binding rulings. This collection of information is authorized by 19 U.S.C. 66, 1202, (General Note 3(i), Harmonized Tariff Schedule of the United States). The application to obtain an administrative ruling is accessible at: <https://apps.cbp.gov/erulings>.

Current Actions: CBP proposes to extend the expiration date of this information collection with a change to the burden hours based on updated estimates, but no change to the information collected.

Type of Review: Extension (with change).

Affected Public: Businesses.

Rulings:

Estimated Number of Respondents: 3,000.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 30,000.

Appeals:

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 40 hours.

Estimated Total Annual Burden Hours: 8,000.

Dated: January 11, 2016.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, January 14, 2016 (81 FR 1959)]

