

U.S. Customs and Border Protection



ACCREDITATION AND APPROVAL OF SGS NORTH AMERICA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, SGS North America, Inc., 614 Heron Drive, Bridgeport, NJ 08014, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on May 9, 2012. The next triennial inspection date will be scheduled for May 2015.

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

Dated: August 1, 2012.

IRA S. REESE,
Executive Director.

[Published in the Federal Register, August 8, 2012 (77 FR 47428)]

**ACCREDITATION AND APPROVAL OF SAYBOLT LP, AS A
COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Saybolt LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt LP, 201 Deerwood Glen Drive, Deer Park, TX 77536, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf*

DATES: The accreditation and approval of Saybolt LP, as commercial gauger and laboratory became effective on April 25, 2012. The next triennial inspection date will be scheduled for April 2015.

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

Dated: July 26, 2012.

IRA S. REESE,
Executive Director.

[Published in the Federal Register, August 8, 2012 (77 FR 47428)]

ACCREDITATION AND APPROVAL OF SAYBOLT LP, AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Saybolt LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt LP, 710 Loop 197 North, Texas City, TX 77590, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The accreditation and approval of Saybolt LP, as commercial gauger and laboratory became effective on April 03, 2012. The next triennial inspection date will be scheduled for April 2015.

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

Dated: July 26, 2012.

IRA S. REESE,
Executive Director.

[Published in the Federal Register, August 8, 2012 (77 FR 47428)]

APPROVAL OF SGS NORTH AMERICA, INC., AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of SGS North America, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, SGS North America, Inc., 2800 Loop 197 South, Texas City, TX 77592, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The approval of SGS North America, Inc., as commercial gauger became effective on April 3, 2012. The next triennial inspection date will be scheduled for April 2015.

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

Dated: August 1, 2012.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, August 8, 2012 (77 FR 47430)]

APPROVAL OF SAYBOLT LP, AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Saybolt LP, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Saybolt LP, 4025 Oak Lane, Sulfur, LA 70665, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The approval of Saybolt LP, as commercial gauger became effective on June 2, 2011. The next triennial inspection date will be scheduled for June 2014.

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

Dated: July 26, 2012.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, August 8, 2012 (77 FR 47430)]



**ACCREDITATION AND APPROVAL OF CHEM GAS
INTERNATIONAL LLC, AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of Chem Gas International LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Chem Gas International LLC, 12002 Highway 146, Dickinson, TX 77539, has been approved to gauge and accredited

to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The accreditation and approval of Chem Gas International LLC, as commercial gauger and laboratory became effective on October 19, 2011. The next triennial inspection date will be scheduled for October 2014.

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

Dated: July 26, 2012.

IRA S. REESE,
Executive Director.

[Published in the Federal Register, August 8, 2012 (77 FR 47427)]



ACCREDITATION AND APPROVAL OF AMSPEC SERVICES LLC, AS A COMMERCIAL GAUGER

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

ACTION: Notice of accreditation and approval of Amspec Services LLC, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Amspec Services LLC, 1906 Suntide Rd, Corpus Christi, TX 78409, has been approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should re-

quest and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The approval of Amspec Services LLC, as commercial gauger became effective on January 26, 2011. The next triennial inspection date will be scheduled for January 2014.

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

Dated: July 26, 2012.

IRA S. REESE,
Executive Director.

[Published in the Federal Register, August 9, 2012 (77 FR 47656)]



COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 7 2012)

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 July 2012. The last notice was published in the CUSTOMS BULLETIN on August 1, 2012.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, D.C. 20229-1177.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, Regulations & Rulings, Office of International Trade, (202) 325-0088.

Dated: August 1, 2012

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

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00560	7/6/2012	5/25/2014	WAVE MIXER	GE HEALTHCARE BIO-SCIENCES CORP.	No
TMK 05-00997	7/30/2012	5/7/2022	CHROME HEARTS AND SCROLL DESIGN SIGN	CHROME HEARTS, LLC	No
TMK 05-00998	7/30/2012	7/2/2022	CHROME HEARTS AND SCROLL DESIGN SIGN	CHROME HEARTS, LLC	No
COP 92-00338	7/30/2012	7/30/2032	SUPER MARIOLAND	NINTENDO OF AMERICA INC.	No
COP 99-00203	7/30/2012	7/30/2032	BASIC MINIFIGURES	LEGO A/S	No
TMK 06-00642	7/30/2012	7/7/2022	INDIANA UNIVERSITY	THE TRUSTEES OF INDIANA UNIVERSITY	No
TMK 12-00818	7/30/2012	7/10/2022	A AND DESIGN	NATIONAL FOOTBALL LEAGUE	No
TMK 06-00505	7/30/2012	6/4/2022	IU (STYLIZED)	THE TRUSTEES OF INDIANA UNIVERSITY	No
TMK 12-00817	7/30/2012	8/14/2017	S SPALDING AND DESIGN	RUSSELL BRANDS, LLC	No
TMK 12-00825	7/30/2012	7/19/2015	LOVES	AMERICAN LATEX CORP.	No
TMK 12-00819	7/30/2012	3/20/2022	DESIGN	BACARDI & COMPANY LIMITED	No
TMK 06-00644	7/30/2012	8/25/2022	INDIANA UNIVERSITY	THE TRUSTEES OF INDIANA UNIVERSITY	No
TMK 02-00879	7/11/2012	4/24/2022	WOLVERINE	WOLVERINE WORLD WIDE, INC.	No
TMK 02-01005	7/6/2012	2/26/2022	A (STYLIZED)	ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 03-00063	7/11/2012	6/16/2022	BULGARI	BULGARI S.P.A.	No
TMK 03-00065	7/6/2012	7/28/2022	FERRAGAMO(& BUCKLE DESIGN)	SALVATORE FERRAGAMO S.P.A	No
TMK 02-00950	7/30/2012	7/23/2022	CARDINALS & DESIGN	ST. LOUIS CARDINALS, LLC	No
TMK 02-00951	7/30/2012	7/16/2022	TB & DESIGN	TAMPA BAY RAYS BASEBALL LTD.	No
TMK 03-00379	7/11/2012	4/2/2022	T & DESIGN	TAYLOR MADE GOLF COMPANY, INC.	No
TMK 03-00183	7/30/2012	7/6/2022	MICROSOFT	MICROSOFT CORPORATION	No
TMK 03-00204	7/11/2012	6/4/2022	CHAP STICK	WYETH	No
TMK 03-00583	7/31/2012	8/20/2022	LARGO AND L DESIGN	TOP TOBACCO, L.P.	No
TMK 03-00839	7/30/2012	3/26/2022	STONE DESIGN	VOLCOM, INC.	No
TMK 03-00642	7/6/2012	2/19/2022	DODGERS AND DESIGN	LOS ANGELES DODGERS INC.	No
TMK 04-00023	7/11/2012	7/16/2022	MISCELLANEOUS DESIGN VIAGRA (BLUE DIAMOND-SHAPED TABLET)	PFIZER INC.	No
TMK 03-00653	7/11/2012	6/29/2022	PADRES	PADRES L.P.	No
TMK 12-00716	7/11/2012	1/23/2017	VALUE GROOM	G & G DISTRIBUTION, INC. DBA RYAN'S PET SUPPLIES CORPORATION	No
TMK 04-00039	7/30/2012	7/21/2022	ZITHROMAX	PFIZER INC.	No
TMK 03-00658	7/6/2012	5/14/2022	SILHOUETTED BATTER LOGO DESIGN	MAJOR LEAGUE BASEBALL PROPERTIES, INC.	No
TMK 03-00660	7/11/2012	3/24/2022	BLUE JAYS	ROGERS BLUE JAYS BASEBALL	No
TMK 03-00662	7/30/2012	10/8/2022	M & O KNITS (& DESIGN)	M & O ACTIVEWEAR, INC.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 04-01017	7/11/2012	7/23/2022	PAPRIKA	FORTUNE DYNAMIC INC.	No
TMK 07-00073	7/30/2012	4/16/2022	CHROME HEARTS	CHROME HEARTS LLC	No
TMK 07-00074	7/30/2012	7/30/2022	CHROME HEARTS AND DESIGN	CHROME HEARTS LLC	No
TMK 12-00820	7/30/2012	7/16/2022	DEBUG	AGRO LOGISTIC SYSTEMS INC	No
TMK 07-00062	7/11/2012	4/28/2022	FIRST RESPONSE	CHURCH & DWIGHT CO., INC.	No
TMK 07-00024	7/30/2012	6/11/2022	CHROME HEARTS AND DESIGN	CHROME HEARTS LLC	No
TMK 07-00883	7/6/2012	3/19/2022	VITAMINS KIDS	VITAMINS PLAYWEAR, LTD.	No
TMK 07-01144	7/31/2012	7/30/2022	350Z	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 04-00270	7/30/2012	7/16/2022	DKNY	GABRIELLE STUDIO, INC.	No
TMK 12-00824	7/30/2012	7/9/2022	FARMER'S MARKET WINE CO.	GOLDSCHMIDT VINEYARDS LLC	No
TMK 08-00968	7/31/2012	6/9/2022	CALMEX	OCEAN GARDEN PRODUCTS, INC.	No
TMK 08-01196	7/31/2012	6/23/2022	HOMEDICS	HOMEDICS, INC.	No
TMK 08-01197	7/31/2012	4/23/2024	HOMEDICS	FKA DISTRIBUTING CO. D/B/A HOMED-ICS, INC.	No
TMK 08-01194	7/30/2012	4/23/2022	HOMEDICS	FKA DISTRIBUTING CO. D/B/A HOMED-ICS, INC.	No
TMK 09-00382	7/31/2012	7/16/2022	DECORA	LEVITON MANUFACTURING CO., INC.	No
TMK 09-01143	7/31/2012	9/17/2022	EU YAN SANG & CHINESE CHARACTERS AND TREE DEVICE	EU YAN SANG INTERNATIONAL LTD	No
TMK 12-00829	7/31/2012	7/18/2016	OFFICIAL NINTENDO SEAL	NINTENDO OF AMERICA INC.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00803	7/30/2012	7/23/2022	MACH3 TURBO	THE GILLETTE COMPANY	No
TMK 12-00804	7/30/2012	4/3/2022	HEAD & SHOULDERS	THE PROCTER & GAMBLE COMPANY	No
TMK 10-00002	7/30/2012	7/30/2022	DKNY	GABRIELLE STUDIO, INC.	No
TMK 10-00354	7/30/2012	5/14/2022	AUTONOMY	LIQUID KNITS CORPORATION	No
TMK 10-00454	7/30/2012	6/9/2022	CRA	CRA INTERNATIONAL, INC.	No
TMK 12-00715	7/11/2012	1/3/2016	UNIVOGUE SUPERIOR UNIFORM GROUP	FASHION SEAL CORP.	No
TMK 07-01212	7/30/2012	7/30/2022	G35	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 12-00220	7/30/2012	7/9/2022	CERTIFIED USB AND DESIGN	UNIVERSAL SERIAL BUS IMPLEMENTERS FORUM, INC.	No
TMK 05-00721	7/11/2012	4/16/2022	ITANIUM	INTEL CORPORATION	No
TMK 12-00690	7/6/2012	6/9/2018	YUYAMA	YUYAMA MFG. CO., LTD.	No
TMK 12-00714	7/11/2012	5/23/2016	UNIVOGUE SUPERIOR UNIFORM GROUP	FASHION SEAL CORP.	No
TMK 12-00720	7/16/2012	10/29/2012	ZAVESCA	ACTELION PHARMACEUTICALS LTD	No
TMK 12-00712	7/11/2012	7/15/2018	JOHN DEERE	DEERE & COMPANY	No
TMK 12-00713	7/11/2012	6/12/2017	DESIGN (LEAPING DEER)	DEERE & COMPANY	No
TMK 12-00816	7/30/2012	6/13/2020	ARAUJO	HOLOPONO, INC.	No
TMK 12-00696	7/11/2012	9/8/2017	EISELE VINEYARD	HOLOPONO, INC.	No
TMK 03-00655	7/6/2012	3/31/2022	WHITE SOX	CHICAGO WHITE SOX LTD.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00698	7/11/2012	12/18/2017	DESIGN OF A LEAPING DEER EN-CLOSED IN A SINGLE BORDER FRAME	DEERE & COMPANY	No
TMK 12-00697	7/11/2012	5/10/2021	COOLSCULPTING	ZELTIQ AESTHETICS, INC.	No
COP 12-00101	7/11/2012	7/11/2032	SNOWBALL FIGHT	YOUNG'S INC.	No
TMK 12-00708	7/11/2012	9/28/2020	DESIGN	DEERE & COMPANY	No
TMK 12-00709	7/11/2012	10/10/2020	ZOMETA	NOVARTIS AG	No
TMK 12-00699	7/11/2012	9/28/2020	DESIGN	DEERE & COMPANY	No
TMK 03-00064	7/11/2012	6/16/2022	BULGARI	BULGARI S.P.A.	No
TMK 12-00815	7/30/2012	6/15/2014	BVD	THE B.V.D. LICENSING CORPORATION	No
TMK 12-00721	7/20/2012	10/3/2015	LOFTEEZ	FRUIT OF THE LOOM, INC.	No
TMK 12-00686	7/6/2012	6/7/2015	DESIGN	BULLY DOG TECHNOLOGIES, LLC	No
TMK 12-00684	7/6/2012	1/3/2022	DESIGN	BULLY DOG TECHNOLOGIES, LLC	No
TMK 12-00701	7/11/2012	7/25/2020	JOHN DEERE AND DESIGN	DEERE & COMPANY	No
COP 12-00099	7/6/2012	7/6/2032	J13922: PATTERN: MISSION.	ABSECON MILLS INC	No
TMK 12-00743	7/25/2012	1/17/2022	GOLDEN STATE WARRIORS	GOLDEN STATE WARRIORS, LLC LIM-ITED LIABILITY COMPANY	No
TMK 12-00685	7/6/2012	10/11/2021	BLU-RAY 3D	BLU-RAY DISC ASSOCIATION	No
TMK 12-00689	7/6/2012	12/20/2021	RABITO AND DESIGN	KWAG MINA	No
COP 12-00097	7/6/2012	7/6/2032	BREEZE.	ABSECON MILLS INC.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 12-00700	7/11/2012	2/24/2019	GOPANO	EYEESE360, INC.	No
TMK 02-00949	7/6/2012	4/30/2022	STL (STYLIZED)	ST. LOUIS CARDINALS, L.P.	No
TMK 12-00687	7/6/2012	6/12/2022	GEAR RING	KINEKT DESIGN LLC	No
TMK 12-00747	7/25/2012	9/27/2021	LIGHTNING II	LOCKHEED MARTIN CORPORATION	No
COP 12-00102	7/11/2012	7/11/2032	BRAZIL BUTT LIFT KIT	PRODUCT PARTNERS, LLC.	No
COP 12-00103	7/11/2012	7/11/2032	DERM EXCLUSIVE KIT	BEACHBODY, LLC.	No
TMK 12-00812	7/30/2012	6/26/2022	FRUIT BLISS	SUSAN LEONE	No
TMK 05-00856	7/6/2012	3/3/2022	NEW YORK (STYLIZED LETTERING)	NEW YORK YANKEES	No
TMK 12-00688	7/6/2012	1/31/2014	MOTHER'S MILK	TRADITIONAL MEDICINALS, INC.	Yes
TMK 03-00010	7/6/2012	2/5/2022	DESIGN (STYLIZED D)	DETROIT TIGERS, INC.	No
COP 12-00098	7/6/2012	7/6/2032	EDGE OF GLORY PACKAGING.	TELEBRANDS CORP.	No
TMK 12-00683	7/6/2012	7/20/2020	PLOOM	ADAM BOWEN, JAMES MONSEES	No
TMK 12-00748	7/25/2012	5/31/2021	ECCO	ELECTRONIC CONTROLS COMPANY	No
TMK 12-00682	7/6/2012	7/1/2018	BULLY DOG	BULLY DOG TECHNOLOGIES, LLC	No
TMK 12-00742	7/25/2012	4/3/2017	F-117 NIGHTHAWK	LOCKHEED MARTIN CORPORATION	No
TMK 12-00805	7/30/2012	10/24/2016	DESIGN (LOCKHEED MARTIN STAR DESIGN)	LOCKHEED MARTIN CORPORATION	No
TMK 12-00806	7/30/2012	12/25/2021	DESIGN	LOCKHEED MARTIN CORPORATION	No
TMK 12-00680	7/6/2012	6/19/2022	TAICHENG	BEACHBODY, LLC	No
TMK 12-00807	7/30/2012	10/10/2016	F-117	LOCKHEED MARTIN CORPORATION	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00741	7/25/2012	10/11/2015	F-16	LOCKHEED MARTIN CORPORATION	No
TMK 12-00744	7/25/2012	9/16/2013	LOCKHEED MARTIN	LOCKHEED MARTIN CORPORATION	No
TMK 12-00710	7/11/2012	10/14/2018	JOBY AND DESIGN	DAYMEN US, INC.	No
TMK 12-00703	7/11/2012	11/12/2022	TRACLEER	ACTELION PHARMACEUTICALS LTD	No
TMK 12-00702	7/11/2012	9/7/2020	LEAPING DEER WITHIN A BORDER	DEERE & COMPANY	No
TMK 12-00705	7/11/2012	6/5/2017	LEAPING DEER INSIDE OF A CLOSED BORDER	DEERE & COMPANY	No
TMK 12-00676	7/6/2012	10/11/2021	BLU-RAY 3D	BLU-RAY DISC ASSOCIATION	No
TMK 12-00681	7/6/2012	4/28/2019	ACME MADE	DAYMEN CANADA ACQUISITION ULC	No
TMK 12-00704	7/11/2012	12/18/2017	DESIGN	DEERE & COMPANY	No
TMK 12-00706	7/11/2012	5/24/2021	DESIGN	DEERE & COMPANY	No
TMK 12-00711	7/11/2012	7/3/2022	CEPIA	CEPIA, LLC	No
TMK 12-00707	7/11/2012	6/25/2022	JOHN DEERE AND DESIGN	DEERE & COMPANY	No
TMK 12-00677	7/6/2012	10/25/2021	ICE PACK IN CASE OF EMERGENCY IN CASE OF EMERGENCY AND SHIELD DESIGN	ASHBURY INTERNATIONAL GROUP, INC.	No
TMK 12-00691	7/11/2012	6/11/2022	DESIGN (LEAPING DEER)	DEERE & COMPANY	No
TMK 12-00692	7/11/2012	10/19/2020	DESIGN	DEERE & COMPANY	No
TMK 12-00695	7/11/2012	10/8/2022	ALTAGRACIA	HOLOPONO INC.	No
TMK 12-00693	7/11/2012	5/1/2022	KINEKT	GLEN LIBERMAN	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 12-00100	7/11/2012	7/11/2032	AQUA FISH DINNER PLATE.	LE SOUK CERAMIOUE, INC.	No
TMK 04-00926	7/6/2012	7/23/2022	DREAMWORKS & DESIGN	DREAMWORKS ANIMATION L.L.C.	No
TMK 12-00679	7/6/2012	4/14/2019	DESIGN	HAYABUSA FIGHTWEAR INC.	No
TMK 03-00578	7/16/2012	4/28/2022	GAMBLER	REPUBLIC TOBACCO L.P.	No
TMK 12-00678	7/6/2012	12/23/2018	HAYABUSA	HAYABUSA FIGHTWEAR INC.	No
TMK 12-00694	7/11/2012	3/3/2019	DESIGN	HAYABUSA FIGHTWEAR INC.	No
TMK 02-00785	7/11/2012	3/24/2022	ROCHER	FERRERO S.P.A.	No
TMK 12-00800	7/30/2012	3/13/2022	C.O. BIGELOW	BIGELOW MERCHANDISING, LLC	No
TMK 12-00811	7/30/2012	7/15/2013	TRUE BLUE	BATH & BODY WORKS BRAND MANAGEMENT, INC.	No
TMK 12-00833	7/31/2012	5/25/2020	PROMESCENT	ABSORPTION PHARMACEUTICALS, LLC	No
TMK 12-00822	7/30/2012	3/4/2018	EMPOWER	FITNESS EQUIPMENT MANUFACTURING, LLC	No
TMK 12-00802	7/30/2012	11/11/2017	PATANOL	ALCON RESEARCH, LTD.	No
TMK 12-00823	7/30/2012	5/25/2020	PLASTIMADE QUALITY DISPOSABLE SOLUTIONS	KCH CORPORATION	No
TMK 12-00809	7/30/2012	6/24/2018	JESSICA SIMPSON	WITH YOU, INC.	No
TMK 12-00830	7/31/2012	2/12/2021	DESIGN	D.B.C. CORPORATION D/B/A DE BEUKELAER BAKING COMPANY OR DE BEUKELAER CORPORATION	Yes

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00882	7/31/2012	8/24/2014	DREAMGEAR	DREAMGEAR, LLC	No
TMK 12-00881	7/31/2012	4/14/2019	HAYABUSA	HAYABUSA FIGHTWEAR INC. / REPRESENTATIVE	No
TMK 12-00821	7/30/2012	3/19/2019	JESSICA SIMPSON	WITH YOU, INC.	No
TMK 12-00810	7/30/2012	9/27/2021	BESTFORM	VANITY FAIR BRANDS	No
TMK 12-00813	7/30/2012	8/26/2013	CURVATION	VANITY FAIR BRANDS LP	No
TMK 12-00722	7/20/2012	1/23/2019	UNDEROOS	FRUIT OF THE LOOM, INC.	No
TMK 12-00723	7/20/2012	4/2/2015	FUNPALS	FRUIT OF THE LOOM, INC.	No
TMK 12-00808	7/30/2012	6/5/2022	GET PLANKED AND DESIGN	CROSSVILLE, INC.	No
TMK 12-00814	7/30/2012	12/6/2021	DESIGN	SWEET PEOPLE APPAREL, INC. D/B/A MISS ME	No
COP 12-00106	7/30/2012	7/30/2032	RUDOLPH AND ME, INC. 2010 COLLECTION.	RUDOLPH AND ME, INC.	No
COP 92-00336	7/30/2012	7/30/2032	F-1 (GAME BOY)	NINTENDO OF AMERICA INC.	No
TMK 12-00790	7/30/2012	12/21/2015	PRECISION	O'REILLY AUTOMOTIVE STORES, INC.	No
TMK 12-00787	7/30/2012	7/9/2022	VENUS (STYLIZED)	THE GILLETTE COMPANY	No
TMK 12-00745	7/25/2012	6/20/2016	SR-71 BLACKBIRD	LOCKHEED MARTIN CORPORATION	No
TMK 12-00746	7/25/2012	1/27/2014	VANITY FAIR	VANITY FAIR BRANDS, LP	No
TMK 12-00727	7/25/2012	5/26/2022	NINTENDO	NINTENDO OF AMERICA INC.	No
TMK 12-00724	7/20/2012	1/31/2015	FRUIT OF THE LOOM	FRUIT OF THE LOOM INC.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00726	7/20/2012	4/29/2018	DESIGN	BACARDI & COMPANY LIMITED	No
TMK 12-00729	7/25/2012	4/8/2018	CREACLIP	CREAPRODUCTS INC.	No
TMK 12-00730	7/25/2012	6/14/2022	TAMPAX	TAMBRANDS INC.	No
TMK 12-00789	7/30/2012	6/3/2018	TRIESENCE	NOVARTIS AG	No
TMK 12-00788	7/30/2012	6/15/2013	SUN	ORACLE AMERICA, INC.	No
TMK 12-00791	7/30/2012	7/14/2022	CADILLAC	GENERAL MOTORS LLC	No
TMK 12-00725	7/20/2012	4/17/2022	MADEWELL	MADEWELL INC.	No
TMK 12-00792	7/30/2012	7/15/2018	U	UNIVERSITY OF UTAH	No
TMK 12-00718	7/16/2012	3/24/2019	LILY OF FRANCE	VANITY FAIR BRANDS, LP	No
TMK 12-00719	7/16/2012	3/12/2023	VASSARETTE	VANITY FAIR BRANDS, LP	No
TMK 06-00640	7/30/2012	6/9/2022	INDIANA	THE TRUSTEES OF INDIANA UNIVERSITY	No
TMK 12-00793	7/30/2012	10/23/2017	SOUR POWER PLUS STAR DESIGN	DORVAL TRADING CO., LTD.	No
TMK 12-00794	7/30/2012	7/26/2018	ICAPS	NOVARTIS AG	No
TMK 12-00797	7/30/2012	9/26/2016	NEVANAC	NOVARTIS AG	No
TMK 12-00796	7/30/2012	6/6/2015	TOBRADEX	ALCON RESEARCH, LTD.	No
TMK 12-00731	7/25/2012	6/13/2019	S AND DESIGN	THE BOARD OF TRUSTEES OF THE LE- LAND STANFORD JUNIOR UNIVERSITY	No
TMK 12-00732	7/25/2012	6/18/2021	DG	JAY-Y ENTERPRISE CO., INC.	No
TMK 12-00798	7/30/2012	7/24/2017	SOUR POWER QUATTRO	DORVAL TRADING CO., LTD.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 12-00795	7/30/2012	8/4/2022	ACRYSOF	ALCON RESEARCH, LTD.	No
TMK 12-00799	7/30/2012	1/3/2016	DISCOVISC	NOVARTIS AG	No
TMK 12-00717	7/16/2012	7/11/2016	OFFICIAL NINTENDO SEAL	NINTENDO OF AMERICA INC.	No
TMK 12-00728	7/25/2012	10/12/2019	EXQUISITE FORM	VANITY FAIR BRANDS, LP	No
TMK 12-00801	7/30/2012	10/9/2021	TRAVATAN	NOVARTIS AG	No
TMK 12-00751	7/30/2012	6/5/2022	IMAGE	KLIPSCH GROUP, INC.	No
TMK 12-00826	7/31/2012	9/13/2021	SHOENZEES ... ALWAYS ON THE GO, GO, GO! AND DESIGN	HELAINÉ ZWIBEL	No
TMK 12-00834	7/31/2012	9/20/2021	R RUSSELL	RUSSELL BRANDS, LLC	No
TMK 12-00767	7/30/2012	5/23/2015	DUOVISC	ALCON RESEARCH, LTD.	No
TMK 12-00769	7/30/2012	5/4/2020	DUREZOL	NOVARTIS AG	No
TMK 12-00740	7/25/2012	5/29/2021	COMTROL	COMTROL CORPORATION	No
TMK 12-00733	7/25/2012	5/26/2021	TITLEIST	ACUSHNET COMPANY	No
TMK 12-00738	7/25/2012	1/20/2019	BUDDY BEDS	DEBRA L. HOLTE	No
TMK 12-00782	7/30/2012	5/31/2021	ALCON	ALCON LABORATORIES INC.	No
TMK 12-00835	7/31/2012	3/29/2021	R RUSSELL (STYLIZED)	RUSSELL BRANDS, LLC	No
TMK 12-00739	7/25/2012	9/27/2021	JERZEES	RUSSELL BRANDS, LLC	No
TMK 12-00734	7/25/2012	12/1/2019	ZUMBA	ZUMBA FITNESS, LLC	No
TMK 12-00737	7/25/2012	5/31/2021	PRECISION	O'REILLY AUTOMOTIVE STORES, INC.	No
TMK 12-00735	7/25/2012	5/31/2021	PRECISION HUB ASSEMBLIES	O'REILLY AUTOMOTIVE STORES, INC.	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00784	7/30/2012	1/18/2021	WALLFLOWERS	BATH & BODY WORKS BRAND MANAGEMENT, INC.	No
TMK 12-00770	7/30/2012	6/8/2019	WHITE BARN CANDLE COMPANY	BATH & BODY WORKS BRAND MANAGEMENT, INC.	No
TMK 12-00773	7/30/2012	4/26/2018	GRIESHABER	NOVARTIS AG	No
TMK 12-00771	7/30/2012	5/27/2017	EXPRESS	ALCON RESEARCH, LTD.	No
TMK 12-00772	7/30/2012	11/22/2021	ZUMBA FITNESS AND DESIGN	ZUMBA FITNESS, LLC	No
TMK 12-00774	7/30/2012	5/26/2019	ULTRAVIT	NOVARTIS AG	No
TMK 12-00736	7/25/2012	9/4/2013	DESIGN (ANGLED CROSS SHAPE)	O'REILLY AUTOMOTIVE STORES, INC.	No
TMK 12-00776	7/30/2012	10/21/2017	FEBREZE	THE PROCTER & GAMBLE COMPANY	No
TMK 12-00777	7/30/2012	11/22/2021	DESIGN	ZUMBA FITNESS, LLC	No
TMK 12-00775	7/30/2012	6/22/2019	SOUR POWER	DORVAL TRADING CO., LTD.	No
TMK 12-00828	7/31/2012	3/4/2016	SUN WITH DESIGN	ORACLE AMERICA, INC.	No
TMK 12-00781	7/30/2012	7/13/2019	AZOPT	NOVARTIS AG	No
TMK 12-00786	7/30/2012	3/8/2021	MOXEZA	NOVARTIS AG	No
TMK 12-00779	7/30/2012	8/10/2020	OPTI-FREE	ALCON RESEARCH, LTD.	No
TMK 12-00778	7/30/2012	10/15/2022	PATANASE	NOVARTIS AG	No
TMK 12-00780	7/30/2012	10/7/2013	RESTOR	NOVARTIS AG	No
TMK 12-00783	7/30/2012	12/13/2013	SYSTANE	NOVARTIS AG	No
TMK 12-00785	7/30/2012	2/3/2020	VIGAMOX	NOVARTIS AG	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 12-00749	7/30/2012	3/13/2022	S4	KLIPSCH GROUP, INC.	No
TMK 12-00750	7/30/2012	7/10/2022	HD VISION	IDEA VILLAGE PRODUCTS CORP.	No
COP 12-00104	7/30/2012	7/30/2032	AQUA FISH SERVE BOWL	LE SOUK CERAMIQUE, INC.	No
TMK 12-00754	7/30/2012	1/21/2016	FIXODENT	THE PROCTER & GAMBLE COMPANY	No
TMK 12-00752	7/30/2012	4/8/2017	VGFI	NOVARTIS AG	No
TMK 12-00753	7/30/2012	2/1/2015	VIGAMOX	NOVARTIS AG	No
TMK 12-00759	7/30/2012	1/11/2017	ALCON	ALCON LABORATORIES, INC.	No
TMK 12-00756	7/30/2012	6/30/2022	DESIGN (PONTIAC EMBLEM)	GENERAL MOTORS LLC	No
TMK 12-00757	7/30/2012	12/6/2018	ALCON	ALCON LABORATORIES, INC.	No
TMK 12-00758	7/30/2012	10/27/2013	ALCON	ALCON LABORATORIES, INC.	No
TMK 12-00765	7/30/2012	10/23/2017	SMART FISH	INNOVATION FIRST, INC.	No
TMK 12-00760	7/30/2012	3/13/2022	MICRO CROISSANT	LA PETITE BRETONNE (DISTRIBUTION) INC.	No
TMK 12-00766	7/30/2012	8/30/2015	DIGHUM (STYLIZED)	DIGHUM, INC.	No
TMK 12-00761	7/30/2012	9/5/2016	PETSWAY	PETSWAY, LLC	No
TMK 12-00763	7/30/2012	1/18/2021	WARBY PARKER	JAND, INC.	No
TMK 12-00764	7/30/2012	1/17/2014	RAINBOW	RAINBOW SANDALS, INC.	No
TMK 12-00762	7/30/2012	2/28/2016	SLATKIN & CO.	BATH & BODY WORKS BRAND MAN- AGEMENT, INC.	No
TMK 12-00768	7/30/2012	12/12/2016	OZIL	NOVARTIS AG	No

CBP IPR RECORDATION — July 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00755	7/30/2012	6/9/2019	C.O. BIGELOW	BIGELOW MERCHANDISING, LLC	No
COP 12-00105	7/30/2012	7/30/2032	BEAR 1.0.	CULTO GMBH	No
TMK 12-00827	7/31/2012	1/12/2020	JESSICA SIMPSON (STYLIZED)	WITH YOU, INC.	No

Total Records: 226

Date as of: 8/1/2012

**MODIFICATION OF A RULING LETTER AND
MODIFICATION OF TREATMENT RELATING TO THE
ELIGIBILITY OF RECOVERED REFRIGERANT GAS FOR
PREFERENTIAL TARIFF TREATMENT UNDER THE
NAFTA**

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

ACTION: Modification of a ruling letter and modification of treatment relating to the eligibility of recovered refrigerant gas for preferential tariff treatment under the NAFTA.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection (CBP) is modifying a ruling letter relating to the eligibility of recovered refrigerant gas for preferential tariff treatment under the NAFTA. CBP is also modifying any treatment previously accorded by CBP to substantially identical transactions. Notice proposing these actions and inviting comments on their correctness was published in the Customs Bulletin, Volume 46, Number 23, on May 30, 2012. No comments were received.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Karen Greene, Valuation and Special Programs Branch: (202) 325–0041.

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 commu-

nity'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, notice proposing to modify New York Ruling Letter (NY) N161355, dated May 20, 2011, was published in the Customs Bulletin, Volume 46, Number 23, on May 30, 2012. No comments were received.

Although in this notice, CBP is specifically referring to the modification of NY N161355, dated May 20, 2011, 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 have advised CBP during the notice period.

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

In NY N161355, CBP held that refrigerant gas recovered in Canada did not qualify for preferential tariff treatment under the NAFTA. We have reviewed the ruling and determined that the analysis is not correct. It is now our position that refrigerant gas recovered in Canada from used refrigerant equipment is eligible for preferential tariff treatment under the NAFTA.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY N161355 and any other ruling not specifically identified, in order to reflect the proper interpretation of the NAFTA according to the analysis contained in Headquarters Ruling Letter (HRL) H172315, set forth as an attachment to this document. Additionally, pursuant to 19 U.S.C.

1625(c)(2), CBP is modifying any treatment previously accorded by CBP to substantially identical transactions.

Dated: July 19, 2012

MONIKA R. BRENNER
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachment

HQ H172315

July 19, 2012

OT:RR:CTF:VS H172315 KSG

JOHN F. MULVIHILL

UPS

*ONE UPS WAY**CHAMPLAIN NY 12919*

RE: Used refrigerant gas; modification of NY N161355; recovery of refrigerant gas; disassembly; NAFTA

DEAR MR. MULVIHILL:

This is in response to your letter dated June 7, 2011, submitted on behalf of Pure Chem Separation, Inc., requesting that we modify New York Ruling Letter (NY) N161355 with respect to the issue of whether imported used refrigerant gas recovered from used equipment in Canada qualifies as an originating good under the North American Free Trade Act (“NAFTA”). Your additional submission dated October 24, 2011, was considered in this decision. Upon review of NY N161355, we have determined that the portion of the ruling related to the eligibility of the refrigerant gas for NAFTA preference is incorrect as is set forth below.

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, of the North American Free Trade Agreement implementation Act (Pub. L. 103–182, 107 Stat. 2057), notice of the proposed action was published on May 30, 2012, in Volume 46, Number 23, of the Customs Bulletin. No comments were received in response to this notice.

FACTS:

Pure Chem imports used refrigerant gas (“R-22”) from Canada. The R-22 is recovered from used refrigeration equipment undergoing service or dismantling in Canada. The country of origin of the used refrigerant gas and the used refrigeration equipment is unknown. The recovery in Canada requires specialized equipment (shown in the photographs that are part of your submission) operated by trained workers. Once the R-22 is recovered, it is pumped into 1000 lb. cylinders for importation into the U.S.

You state that the used refrigeration equipment is classified in subheadings 8415.10 through 8415.83, 8418.10 through 8418.69, or 8419.89, of the Harmonized Tariff Schedule of the United States (“HTSUS”). CBP ruled in NY N161355, dated May 20, 2011, that R-22 is classified in subheading 2903.49.9010, HTSUS. CBP also ruled in NY N161355 that used R-22 does not qualify for preferential treatment because the tariff shift rule is not satisfied. You are not contesting the classification of the R-22.

ISSUE:

Whether used R-22 recovered in Canada from used refrigeration equipment qualifies for preferential tariff treatment under the NAFTA.

LAW AND ANALYSIS:

General Note (“GN”) 12, HTSUS, incorporates Article 401 of NAFTA into the HTSUS. General Note 12(a)(i) provides, in pertinent part:

(ii) Goods that originate in the territory of a NAFTA party under the terms of subdivision (b) of this note and that qualify to be marked as goods of Canada under the terms of the marking rules set forth in regulations issued by the Secretary of the Treasury (without regard to whether the goods are marked), when such goods are imported into the customs territory of the United States and are entered under a subheading for which a rate of duty appears in the “Special” subcolumn followed by the symbol “CA” in parentheses, are eligible for such duty rate, in accordance with section 201 of the NAFTA Implementation Act.

Accordingly, the imported product will be eligible for the “Special” “CA” rate of duty provided it is a NAFTA “originating” good under GN 12(b), HTSUS, and qualifies to be marked as a product of Canada under the NAFTA Marking Rules. GN 12(b), HTSUS, provides, in pertinent part:

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. (emphasis added)

The R-22 was not produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials. Therefore, we must consider whether the imported R-22 is a result of production and satisfies the tariff-shift rule set forth in GN 12 (t), HTSUS.

The tariff shift rule for goods of subheading 2903.49, HTSUS, under NAFTA is as follows:

A change to subheadings 2903.41 through 2903.51 from any other subheading, including another subheading within that group, except from headings 2901 through 2902....

The applicable rule set forth in GN 12(t), HTSUS, for goods of subheading 2903.49, HTSUS, requires a subheading change except from headings 2901 or 2902. Since refrigeration equipment is not classified in subheadings 2901, 2902, or 2903 (or chapter 29 at all), HTSUS, the tariff-shift rule would be satisfied

However, in order for imported used R-22 to be considered an originating good as provided in GN 12(t), HTSUS, it also must undergo production in Canada.

The disassembly provision set forth at 19 CFR 181.132 states that for purposes of implementing the rules of origin provisions of GN 12, HTSUS, and Chapter 4 of the NAFTA, except as provided in 181.132(b), disassembly is considered to be production and a component recovered from a used good disassembled in the territory of a party will be considered to be an originating good provided that the recovered component satisfies all applicable requirements of Annex 401 and Part 181.

In Headquarters Ruling Letter (“HRL”) 563321, dated November 22, 2005, CBP cited to 19 CFR 181.132 and held that used automobile alternators and starters recovered from vehicles in Mexico were eligible for preferential tariff treatment. In HRL H004446, dated April 11, 2007, CBP held that the disassembly in Canada of automotive parts from used vehicles qualified as production.

This case involves the recovery of used R-22 from used refrigerant equipment in Canada. We find that the recovery of refrigerant gas in Canada from used equipment is the result of disassembly similar to the disassembly of a vehicle in a NAFTA country, and pursuant to 19 CFR 181.132 would constitute production for the purposes of GN 12, HTSUS.

We next have to determine if the used R-22 would qualify to be marked as a product of Canada. The hierarchy set forth in 19 CFR 102.11 is applicable to determine the country of origin marking of goods produced in countries that are a party to the NAFTA. Pursuant to 19 CFR 102.11, the country of origin for non-textile goods is determined to be the country in which:

(a)(1) The good is wholly obtained or produced;

(a)(2) The good is produced exclusively from domestic materials:

Since the used R-22 is of unknown origin, 19 CFR 102.11(a)(1) and (2) are not satisfied.

The next rule is 102.11(a)(3) which provides as follows: Each foreign material incorporated in that good undergoes an applicable change in tariff classification set out in section 102.20 and satisfies any other applicable requirements of that section, and all other applicable requirements of these rules are satisfied. However, 19 CFR 102.17(b) provides that a foreign material is not considered to have undergone an applicable change in tariff classification specified in 19 CFR 102.20 if it was disassembled.

The provision in 19 CFR 102.11(b) is inapplicable. The single material that imparts the essential character to the good, the R-22 is of unknown origin. Therefore, this rule cannot be used to determine the country of origin of the imported R-22.

Since the country of origin of the R-22 cannot be determined pursuant to 19 CFR 102.11(a) or (b), the NAFTA preference override set forth in 19 CFR 102.19 is triggered. The provision set forth in 19 CFR 102.19(a) provides that if a good is originating under the NAFTA as in this case, and not determined under

19 CFR 102.11(a), 102.11(b), or 19 CFR 102.21 to be a good of a single NAFTA country, the country of origin is the last NAFTA country in which that good underwent production other than minor processing, provided that a Certificate of Origin has been completed and signed for the good.

In HRL H004446, dated April 11, 2007, CBP applied 19 CFR 102.19(a) to used automobile parts disassembled from vehicles of unknown origin. CBP held that the origin of the disassembled part was Canada, the last country in

which the good underwent production other than minor processing, provided that a Certificate of Origin had been completed and signed for the good.

Similarly in this case, 19 CFR 102.19(a) is applicable. Canada is the last country in which the good underwent processing and the processing involved was more than minor processing, so the country of origin for marking and duty purposes would be Canada.

HOLDING:

The imported used refrigerant gas is an originating good as provided in GN 12(t), HTSUS pursuant to 19 CFR 181.132. The country of origin of the recovered refrigerant gas for marking and duty purposes is Canada provided that a Certificate of Origin has been completed and signed for the good.

EFFECT ON OTHER RULINGS:

NY N161355, dated May 20, 2011, is hereby MODIFIED.

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

Sincerely,

MONIKA R. BRENNER

for

MYLES B. HARMON,

Director,

Commercial & Trade Facilitation Division

cc: Richard Dunkel
NIS
U.S. Customs and Border Protection
New York, NY



**PROPOSED REVOCATION OF ONE RULING LETTER AND
PROPOSED REVOCATION OF TREATMENT RELATING TO
THE TARIFF CLASSIFICATION OF A HOLE SAW KIT**

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

ACTION: Notice of proposed revocation of one ruling letter and proposed revocation of treatment relating to the tariff classification of a hole saw kit.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter concerning the tariff classification of a hole saw kit. Similarly, CBP intends to revoke any treatment previously

accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATES: Comments must be received on or before September 21, 2012.

ADDRESSES: Written comments are to be addressed to the U.S. Customs and Border Protection, Office of International Trade, Regulations & Rulings, Attention: Trade and Commercial Regulations Branch, 799 9th Street, N.W., 5th Floor, Washington, D.C. 20229-1179. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Laurance W. Frierson, Tariff Classification and Marking Branch: (202) 325-0371.

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 U.S. Customs and Border Protection (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 public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 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 a ruling letter pertaining to the classification of a hole saw kit. Although in this

notice, CBP is specifically referring to the revocation of New York Ruling Letter (“NY”) N090938, dated February 10, 2010, this notice covers any rulings on this merchandise that may exist, but that have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the 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 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 decision on this notice.

In NY N090938, set forth as Attachment A to this document, CBP classified a hole saw kit in subheading 8207.50.20, Harmonized Trade Schedule of the United States (HTSUS), which provides for “Interchangeable tools for handtools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screw-driving), including dies for drawing or extruding metal, and rock drilling or earth boring tools; base metal parts thereof: Tools for drilling, other than for rock drilling, and parts thereof: With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten or over 0.1 percent of vanadium.” It is now CBP’s position that the merchandise involved in NY N090938 is properly classified, by operation of GRI 1, in heading 8202, HTSUS, which provides, in pertinent part, for “Handsaws, and metal parts thereof; blades for saws of all kinds (including slitting, slotting or toothless saw blades), and base metal parts thereof.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP proposes to revoke NY N090938, and any other ruling not specifically identified, to reflect the tariff classification of the subject merchandise according to the analysis contained in proposed Headquarters Ruling Letter (“HQ”) H097658, set forth as Attachment B to this notice. Additionally,

pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: August 1, 2012

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N090938

February 10, 2010

CLA-2-82:OT:RR:NC:1:104

CATEGORY: Classification

TARIFF NO.: 8207.50.2055; 8202.99.0000

Ms. JAMARA ROSS
CENTRAL PURCHASING, LLC.
3491 MISSION OAKS BLVD.
CAMARILLO, CA 93011

RE: The tariff classification of a bi-metal hole saw kit from China.

DEAR Ms. ROSS:

In your letter dated January 13, 2010, you requested a tariff classification ruling.

The item subject to this ruling request is referred to as a bi-metal hole saw kit (SKU# 93421). You state that the kit includes six ¾" to 2 ½" steel hole saws, two ¼" and ⅞" mandrels with steel pilot drills, one threaded mandrel adaptor and a fitted carry case. The mandrels are attached to and inseparable from the pilot drills. The mandrels are simply used to fit the hole saws to the pilot drill bits. As such, the mandrels are essentially extensions to the bits. The pilot drills are twist drills. The cutting parts of the hole saws and the pilot drills are made from M3 High Speed Steel. The kit is used to cut holes through drywall, wood, plastic and metal. While used predominately with power hand drills, the kit can also be used with drill presses. In your letter, you request the classification of (1) the kit is imported packaged for retail sale and (2) hole saws and mandrels with pilot drills when imported separately.

General Rule of Interpretation (GRI) 1, HTSUSA, states in part that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes. Goods that are, prima facie, classifiable under two or more headings, are classifiable in accordance with GRI 3, HTSUSA. GRI 3(a) states in part that when two or more headings each refer to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific, even if one heading gives a more precise description of the good.

The instant tool kit consists of at least two different articles that are, prima facie, classifiable in different subheadings. It consists of articles put up together to carry out a specific activity (i.e., drilling). Finally, the articles are put up in a manner suitable for sale directly to users without repacking. Therefore, the kit in question is within the term "goods put up in sets for retail sale." GRI 3(b) states in part that goods put up in sets for retail sale, which cannot be classified by reference to 3(a), are to be classified as if they consisted of the component which gives them their essential character. It is this office's opinion that the hole saws and the mandrels/pilot drills equally impart to the set its essential character. Inasmuch as no essential character can be determined, GRI 3(b) does not apply. GRI 3(c) says that, if neither GRI 3(a) nor GRI 3(b) applies, merchandise shall be classified in the heading which occurs last in numerical order among those equally meriting consideration.

The applicable subheading for the complete bi-metal hole saw kit (SKU# 93421) and the separately imported mandrels with pilot drills will be 8207.50.2055, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Interchangeable tools for hand tools, whether or not power operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screw-driving), including dies for drawing or extruding metal, and rock drilling or earth boring tools; base metal parts thereof: Tools for drilling, other than for rock drilling, and parts thereof: With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten or over 0.1 percent of vanadium: Twist drills: Other. The rate of duty will be 5 percent ad valorem.

The applicable subheading for the hole saws, when separately imported, will be 8202.99.0000, HTSUS, which provides for which provides for Other saw blades, and parts thereof: Other (including parts). The rate of duty will be free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <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 Patricia O'Donnell at (646) 733-3011.

Sincerely,

ROBERT B. SWIERUPSKI

Director

National Commodity Specialist Division

[ATTACHMENT B]

HQ H097658
CLA-2 OT:RR:CTF:TCMH097658 LWF
CATEGORY: Classification
TARIFF NO.: 8202.99.00

MR. HEIDAR NURISTANI
CENTRAL PURCHASING, INC.
3491 MISSION OAKS BLVD.
CAMARILLO, CA 93012

RE: Revocation of New York Ruling Letter (“NY”) N090938; Classification of a hole saw kit from China

DEAR MR. NURISTANI:

This letter is in response to your request, dated March 1, 2010, for the reconsideration of New York Ruling Letter (“NY”) N090938, dated February 10, 2010, concerning the classification of a bi-metal hole saw kit (SKU #93421) from China. In NY N090938, U.S. Customs and Border Protection (CBP) classified the kit in subheading 8207.50.20, Harmonized Trade Schedule of the United States (HTSUS), which provides for “Interchangeable tools for handtools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screwdriving), including dies for drawing or extruding metal, and rock drilling or earth boring tools; base metal parts thereof. Tools for drilling, other than for rock drilling, and parts thereof: With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten or over 0.1 percent of vanadium.” CBP has reviewed NY N090938 and finds the ruling to be incorrect. Accordingly, for the reasons set forth below, we intend to revoke that ruling.

FACTS:

The merchandise at issue consists of a bi-metal hole saw kit (SKU #93421) (the “hole saw kit”) used to cut holes through drywall, wood, plastic, and metal. The hole saw kit includes six ¾” to 2½” steel hole saws, two ¼” and ⅝” mandrels permanently attached to steel pilot drills, and one threaded mandrel adapter. Each kit is imported in a hard-plastic carrying case that is designed to transport and protect the kit components.

You state that the value and material breakdown of the hole saw kit consists of the following: six steel hole saws (61% of value and 0.845kg); two mandrels with steel pilot drills (26% of value and 0.255kg).

ISSUE:

Whether the hole saw kit is classifiable at GRI 3(b) in heading 8202, HTSUS, as parts of saws, or at GRI 3(c) in heading 8207, HTSUS, as tools for power-operated handtools?

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation (GRIs). The systematic detail of the HTSUS is such that most goods are classified by application of GRI 1, that is, according to the terms of the headings of the tariff schedule and any relative section or chapter Notes. In the event that the goods cannot be classified solely on the

basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

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

GRI 3 provides, in relevant part:

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:

...

- (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.

* * * * *

The 2011 HTSUS subheadings under consideration are as follows:

8202	Handsaws, and metal parts thereof; blades for saws of all kinds (including slitting, slotting or toothless saw blades), and base metal parts thereof: Other saw blades, and parts thereof:
8202.99.00	Other (including parts)...
	* * * * *
8207	Interchangeable tools for handtools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screwdriving), including dies for drawing or extruding metal, and rock drilling or earth boring tools; base metal parts thereof:
8207.50	Tools for drilling, other than for rock drilling, and parts thereof:
8207.50.20	With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten or over 0.1 percent of vanadium...
	* * * * *

The hole saw kit is classified as a “set” pursuant to GRI 3(b). GRI 3(b) states that “[g]oods put up in sets for retail sale shall be classified as if they consisted of the material or component which gives them their essential character.” *See* EN (X) to GRI 3(b).¹ There is no dispute that the hole saws and mandrels are classifiable in different headings. The six hole saws are

¹ EN (X) to GRI 3(b) provides, in relevant part:

For the purpose of this Rule, the term ‘goods put up in sets for retail sale’ shall be taken to mean goods which:

appropriately classified in heading 8202, HTSUS, as saw blades; and the two mandrels are appropriately classified in heading 8207, HTSUS, as tools for drilling. Furthermore, the kit is “put up together” to enable a user to carry out the specific activity of cutting holes through drywall, wood, plastic, and metal. Lastly, it is imported ready for retail sale, that is, in a hard-plastic carrying case designed to transport and protect the kit components. As such, the hole sawkit shall be classified as if it consisted of the material or component which gives the kit its essential character.

The “essential character” of an article is “that which is indispensable to the structure, core or condition of the article, *i.e.*, what it is.” *Structural Industries v. United States*, 360 F. Supp. 2d 1330, 1336 (Ct. Int’l Trade 2005). EN VIII to GRI 3(b) explains that “[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.” Recent court decisions on the essential character for GRI 3(b) purposes have looked primarily to the role of the constituent material in relation to the use of the goods. *See Estee Lauder, Inc. v. United States*, No. 07–00217, 2012 Ct. Int’l Trade LEXIS 23, *17–18; *Structural Industries*, 360 F. Supp. 2d 1330; *Conair Corp. v. United States*, 29 C.I.T. 888 (2005); *Home Depot USA, Inc. v. United States*, 427 F. Supp. 2d 1278 (Ct. Int’l Trade 2006), *aff’d* 491 F.3d 1334 (Fed. Cir. 2007).

The instant merchandise consists of six hole saws and two mandrels. As imported, the hole saws predominate in quantity, value, and bulk of the kit. Whereas the mandrels account for 26% of the value of the kit and weigh 0.225kg, the six hole saws account for 61% of the value of the kit and weigh approximately three times as much as the mandrels. Additionally, the primary purpose of the hole saw kit is to cut holes through drywall, wood, plastic, and metal. Insomuch as the hole saws are integral to the activity of cutting, the hole saws are indispensable to the condition of the merchandise. Consequently, we find that the components which impart the essential character of the hole saw kit are the hole saws.

The specially shaped, hard-plastic plastic carrying case in which the hole saw kit is imported is classifiable in accordance with GRI 5(a).² Accordingly, the case is classified with the hole saw kits.

(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).

² GRI 5(a) provides as follows:

In addition to the foregoing provisions, the following rules shall apply in respect of the good referred to therein:

(a) Camera cases, musical instrument cases, gun cases, drawing instrument case, necklace cases and similar containers, specially shaped or fitted to contain a specific article or set of articles, suitable for long-term use and entered with the articles for which they are intended, shall be classified with such articles when of a kind normally sold therewith. This rule does not, however, apply to containers which give the whole its essential character.

We note that our decision is distinguishable from Headquarters Ruling Letter (“HQ”) 963775, dated November 21, 2000. In HQ 963775, CBP addressed the classification of a lock installation kit consisting of a hole saw for cutting a hole for the lock mechanism, a wood spade bit for cutting a hole for the latch mechanism, and a mandrel pilot drill bit. As CBP was unable to determine whether the hole saw, wood spade bit, or mandrel imparted the lock installation kit with its essential character, CBP applied GRI 3(c) and classified the kit in heading 8207, HTSUS, that heading which comes last in numerical order amongst those headings that merit equal consideration. By contrast, the instant hole saw kit is put up for sale for the exclusive purpose of cutting holes and does not contain a wood spade bit to be used for boring or drilling. As discussed *supra*, the hole saws impart the kit with its essential character, and the hole saw kit is properly classified under heading 8202, HTSUS.

HOLDING:

By application of GRI 1, GRI 3(b), and GRI 5(a), the hole saw kit and carrying case is classified under heading 8202, HTSUS, specifically subheading 8202.99.00, HTSUS, which provides for “Handsaws, and metal parts thereof; blades for saws of all kinds (including slitting, slotting or toothless saw blades), and base metal parts thereof: Other saw blades, and parts thereof: Other (including parts).” The column one, general rate of duty under this provision in 2012 is free.

Duty rates are provided for convenience only 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>.

EFFECT ON OTHER RULINGS:

In accordance with the above analysis, NY N090938, dated February 10, 2010, is hereby REVOKED.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**PROPOSED MODIFICATION AND REVOCATION OF
RULING LETTERS AND PROPOSED REVOCATION OF
TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF POLYURETHANE COATED GLOVES**

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

ACTION: Notice of modification and revocation of ruling letters and proposed revocation of treatment relating to the tariff classification of polyurethane coated gloves.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by Section 623 of Title VI (Customs Modern-

ization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection (CBP) proposes to revoke New York Ruling Letter (NY) N013115, dated July 19, 2007, and to modify New York Ruling Letter N042821, dated November 21, 2008, with regard to the tariff classification of polyurethane coated gloves under the Harmonized Tariff Schedule of the United States (HTSUS). CBP also proposes to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATES: Comments must be received on or before September 21, 2012.

ADDRESSES: Written comments are to be addressed to Customs and Border Protection, Office of International Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 799 9th Street, N.W. 5th Floor, Washington, D.C. 20229–1179. Submitted comments may be inspected at Customs and Border Protection, 799 9th Street N.W., Washington, D.C. 20229 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: Claudia Garver, Tariff Classification and Marking Branch: (202) 325–0024

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, as amended (19 U.S.C. 1625 (c)(1)), this notice advises interested parties that CBP is proposing to revoke one ruling letter and modify a second ruling pertaining to the tariff classification of polyurethane coated gloves. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letter N013115, dated July 19, 2007 (Attachment A), and the modification of New York Ruling Letter N042821, dated November 21, 2008, (Attachment B), 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., 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 proposes 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 of this proposed action.

In NY N013115 and NY N042821, CBP determined that three styles of polyurethane coated gloves were classified in heading 3926, HTSUS, which provides for "Other articles of plastics and articles of other materials of headings 3901 to 3914."

Pursuant to 19 U.S.C. 1625(c)(1), CBP proposes to revoke NY N013115 and modify NY N042821, and to revoke or modify any other ruling not specifically identified, in order to reflect the proper classification of the polyurethane coated gloves in heading 6116, HTSUS, according to the analysis contained in proposed Headquarters Ruling Letter (HQ) H220278, set forth as Attachment C to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: August 1, 2012

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N013115

July 19, 2007

CLA-2-39:RR:NC:TAB:354

CATEGORY: Classification

TARIFF NO.: 3926.20.1050

Ms. JUNG PATTON
SHOWA Co. (U.S.A.), Inc.
575 ANDOVER PARK WEST
SUITE 105
SEATTLE, WA 98188

RE: The tariff classification of work gloves from Malaysia.

DEAR MS. PATTON:

In your letter dated June 13, 2007, you requested a tariff classification ruling.

You state that both styles of submitted gloves, style #540 (HPPE Palm Fit Glove) and #541 (HPPE Palm Plus Glove), are 100% High Performance Polyethylene Fiber (HPPE) string knit gloves featuring a polyurethane palm coating on the outer surface of the palms, from fingertips to wrist, which also overlaps the backside fingertips. A polyurethane coating has also been applied to the underside fabric of the palms. The gloves are used for assembly operations where cut resistance and dexterity is desired. The essential character of both styles is imparted by the material of the palm side, from fingertips to wrist.

With regards to the palm side material we note that the classification of plastics and textile combinations is governed by Note 2 to Chapter 59, Harmonized Tariff Schedule of the United States (HTSUS), which provides, in pertinent part, that:

2. Heading 5903 applies to:

(a) Textile fabrics, impregnated, coated, covered or laminated with plastics, whatever the weight per square meter and whatever the nature of the plastic material (compact or cellular), other than...

(3) Products in which the textile fabric is either completely embedded in plastics or entirely coated or covered on both sides with such material, provided that such coating or covering can be seen with the naked eye with no account being taken of any resulting change of color (chapter 39);...

For these gloves, the fabric that makes up the palm sides is coated with polyurethane on both the palm side as well as on the underside of the palm, thereby coating both sides with such material. Therefore, both styles are classified in chapter 39, HTSUS.

The applicable subheading for both styles will be 3926.20.1050, Harmonized Tariff Schedule of the United States (HTSUS), which provides for other articles of plastics and articles of other materials of headings 3901 to 3914: articles of apparel and clothing accessories (including gloves): gloves: seamless...other: other. The rate of duty will be free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <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 Deborah Marinucci at 646-733-3054.

Sincerely,

ROBERT B. SWIERUPSKI

Director,

National Commodity Specialist Division

[ATTACHMENT B]

N042821

November 21, 2008

CLA-2-61:RR:NC:TA:354

CATEGORY: Classification

TARIFF NO.: 3926.20.1050; 6116.10.5520

MR. JOHN ENGELMANN
PERFORMANCE FABRICS INC.
560 FIFTH STREET NW SUITE 402
GRAND RAPIDS, MI 49504

RE: The tariff classification of gloves from China.

DEAR MR. ENGELMANN:

In your letter dated October 23, 2008, you requested a classification ruling.

Style 9010 is a string-knit work glove with a polyurethane coating, which covers the entire palm as well as a portion of the palmside cuff, and overlaps the backside fingertips and sides of the wearer's hands and fingers. You have indicated that the weight of the coating is less than 50% of the weight of the glove. The glove features an inner lining on the palmside, which you state is constructed of a resin coated 100% polyester crepe woven fabric. The glove also features a ribbed knit wrist with an overlock stitch finish at the bottom cuff and the "HEXAMOR" trademark located on the center backside of the glove. You state that the fiber content of the gloves is 100% Taeki5 (an ultra-high molecular weight polyethylene man-made fabric).

Style 9004 is a string-knit work glove with a rubber (nitrile) dip coating, which covers the entire palm as well as a portion of the palmside cuff, and overlaps the backside fingertips and sides of the wearer's hands and fingers. You have indicated that the weight of the coating is less than 50% of the weight of the glove. The glove features an inner lining on the palmside, which you state is constructed of a resin dot coated 100% polyester crepe woven fabric. The glove also features a ribbed knit wrist with an overlock stitch finish at the bottom cuff and the "HEXAMOR" trademark located on the center backside of the glove. You state that the fiber content of the gloves is 100% nylon.

You assert that styles 9010 and 9004 are properly classified as 6116.10.6500 Harmonized Tariff Schedule of the United States (HTSUS) that provides for gloves in which the weight of the coating is greater than 50 percent of the weight of the glove. Styles 9010 and 9004 contain a coating which is less than 50 percent of the weight of the glove. Therefore your assertion for the classification of 6116.10.6500 (HTSUS) is not applicable.

Style 9003 is a string-knit work glove with a complete palmside, from fingertips to wrist made of a textile fabric that has been completely coated on both sides with a polyurethane plastic. Polyurethane plastic also covers a portion of the palmside cuff, and overlaps the backside fingertips and sides of the wearer's hands and fingers. You have indicated that the weight of the coating is less than 50% of the weight of the glove. The glove features an inner lining on the palmside, which you state is constructed of a resin coated 100% polyester crepe woven fabric. The glove also features a ribbed knit wrist with an overlock stitch finish at the bottom cuff, the "HEXAMOR" trademark located on the center backside of the glove and a label sewn onto the backside cuff bottom that states "Armor Inside!" You state that the fiber content of the

gloves is 100% Taeki5 (an ultra-high molecular weight polyethylene man-made fabric). The palmside polyurethane coated knitted fabric imparts the essential character of the glove. With regards to the palmside polyurethane coated knitted fabric of style 9003 we note that: Note 2 to Chapter 59, Harmonized Tariff Schedule of the United States (HTSUS), defines the scope of heading 5903, under which textile fabrics which are coated, covered, impregnated, or laminated with plastics are classifiable. Note 2 states in part that heading 5903, HTSUS, applies to:

(a) Textile fabrics, impregnated, coated, covered or laminated with plastics, whatever the weight per square meter and whatever the nature of the plastic material (compact or cellular), other than:

(3) Products in which the textile fabric is either completely embedded in plastics or entirely coated or covered on both sides with such material, provided that such coating or covering can be seen with the naked eye with no account being taken of any resulting change of color (chapter 39).

As the palmside fabric of style 9003 is entirely coated on both sides with plastic, it is considered a plastic product of chapter 39, HTSUS. Therefore, your assertion for classification as a coated knit glove in chapter 61 is not applicable.

The applicable subheading for style 9003 will be 3926.20.1050, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Other articles of plastics and articles of other materials of headings 3901 to 3914: Articles of apparel and clothing accessories (including gloves, mittens and mitts): Seamless: Other: Other. The duty rate will be free.

The applicable subheading for the styles 9004 and 9010 will be 6116.10.5520, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Gloves, mittens and mitts, knitted or crocheted: impregnated, coated or covered with plastics or rubber: Other: Without fourchettes: Other: Containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof . . . Subject to man-made fiber restraints. The duty rate will be 13.2% 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/>.

Styles 9004 and 9010 fall within textile category 631. With the exception of certain products of China, quota/visa requirements are no longer applicable for merchandise which is the product of World Trade Organization (WTO) member countries. The textile category number above applies to merchandise produced in non-WTO member-countries. Quota and visa requirements are the result of international agreements that are subject to frequent renegotiations and changes. To obtain the most current information on quota and visa requirements applicable to this merchandise, we suggest you check, close to the time of shipment, the "Textile Status Report for Absolute Quotas" which is available on our web site at www.cbp.gov. For current information regarding possible textile safeguard actions on goods from China and related issues, we refer you to the web site of the Office of Textiles and Apparel of the Department of Commerce at otexa.ita.doc.gov.

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 Deborah Marinucci at 646-733-3054.

Sincerely,

ROBERT B. SWIERUPSKI

Director

National Commodity Specialist Division

[ATTACHMENT C]

HQ H220278
CLA-2 RR:CTF:TCM H220278 CKG
CATEGORY: Classification
TARIFF NO: 6116.10.55

Ms. JUNG PATTON
SHOWA Co. (U.S.A.), INC. 575 ANDOVER PARK WEST
SUITE 105
SEATTLE, WA 98188

RE: Revocation of NY N013115 and modification of NY N042821; classification of polyurethane coated gloves

DEAR Ms. PATTON:

This is in reference to New York Ruling Letter (NY) N013115, issue to you on July 19, 2007, and NY N042821, issued to Performance Fabrics on November 21, 2008. NY N013115 and N042821 classified three styles of polyurethane coated gloves in heading 3926, HTSUS, as articles of plastic. For the reasons set forth below, we have determined that the classification of these gloves in heading 3926, HTSUS was incorrect.

FACTS:

NY N013115 described the styles 540 and 541 as follows:

Style #540 (HPPE Palm Fit Glove) and #541 (HPPE Palm Plus Glove), are 100% High Performance Polyethylene Fiber (HPPE) string knit gloves featuring a polyurethane palm coating on the outer surface of the palms, from fingertips to wrist, which also overlaps the backside fingertips. A polyurethane coating has also been applied to the underside fabric of the palms. The gloves are used for assembly operations where cut resistance and dexterity is desired.

NY N042821 classified two styles of gloves, 9010 and 9004, in heading 6116, HTSUS, and classified one style, 9003, in heading 3926, HTSUS. The subject styles are described as follows:

Style 9010 is a string-knit work glove with a polyurethane coating, which covers the entire palm as well as a portion of the palmside cuff, and overlaps the backside fingertips and sides of the wearer's hands and fingers. You have indicated that the weight of the coating is less than 50% of the weight of the glove. The glove features an inner lining on the palmside, which you state is constructed of a resin coated 100% polyester crepe woven fabric. The glove also features a ribbed knit wrist with an overlock stitch finish at the bottom cuff and the "HEXAMOR" trademark located on the center backside of the glove. You state that the fiber content of the gloves is 100% Taeki5 (an ultra-high molecular weight polyethylene man-made fabric).

Style 9004 is a string-knit work glove with a rubber (nitrile) dip coating, which covers the entire palm as well as a portion of the palmside cuff, and overlaps the backside fingertips and sides of the wearer's hands and fingers. You have indicated that the weight of the coating is less than 50% of the weight of the glove. The glove features an inner lining on the palmside, which you state is constructed of a resin dot coated 100% polyester crepe woven fabric. The glove also features a ribbed knit wrist

with an overlock stitch finish at the bottom cuff and the “HEXAMOR” trademark located on the center backside of the glove. You state that the fiber content of the gloves is 100% nylon.

Style 9003 is a string-knit work glove with a complete palmside, from fingertips to wrist made of a textile fabric that has been completely coated on both sides with a polyurethane plastic. Polyurethane plastic also covers a portion of the palmside cuff, and overlaps the backside fingertips and sides of the wearer’s hands and fingers. You have indicated that the weight of the coating is less than 50% of the weight of the glove. The glove features an inner lining on the palmside, which you state is constructed of a resin coated 100% polyester crepe woven fabric. The glove also features a ribbed knit wrist with an overlock stitch finish at the bottom cuff, the “HEXAMOR” trademark located on the center backside of the glove and a label sewn onto the backside cuff bottom that states “Armor Inside!” You state that the fiber content of the gloves is 100% Taeki5 (an ultra-high molecular weight polyethylene man-made fabric).

ISSUE:

Whether the subject gloves are classified in heading 3926, HTSUS, as other articles of plastic, or heading 6116, HTSUS, as gloves.

LAW AND ANALYSIS:

Classification of goods under the HTSUS is governed by the General Rules of Interpretation (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 GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

3926:	Other articles of plastics and articles of other materials of headings 3901 to 3914:
3926.20:	Articles of apparel and clothing accessories (including gloves, mittens and mitts):
	Gloves, mittens and mitts:
3926.20.10:	Seamless . . .
	* * * * *
6116:	Gloves, mittens and mitts, knitted or crocheted:
6116.10:	Impregnated, coated or covered with plastics or rubber:
	Other:
	Without fourchettes:
	Other:
6116.10.55:	Containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof
	* * * * *

Legal Note 1 to Section XI provides, in pertinent part:

1. This section does not cover:

(h) Woven, knitted or crocheted fabrics, felt or nonwovens, impregnated, coated, covered or laminated with plastics, or articles thereof, of chapter 39;

Note 2 to Chapter 39 provides as follows:

2. This chapter does not cover:

(p) Goods of section XI (textiles and textile articles);

Note 2 to Chapter 59 provides, in pertinent part:

2. Heading 5903 applies to:

(a) Textile fabrics, impregnated, coated, covered or laminated with plastics, whatever the weight per square meter and whatever the nature of the plastic material (compact or cellular), **other than** (emphasis added):

...

(3) Products in which the textile fabric is either completely embedded in plastics or entirely coated or covered on both sides with such material, provided that such coating or covering can be seen with the naked eye with no account being taken of any resulting change of color (chapter 39);

...

(5) Plates, sheets or strip of cellular plastics combined with textile fabric, where the textile fabric is present merely for reinforcing purposes (Chapter 39).

* * * * *

NY N013115 and N042821 classified three styles of polyurethane coated gloves in heading 3926, HTSUS, as articles of plastic. For the reasons set forth below, we believe that these gloves (style nos. 540, 541 and 9003) were incorrectly classified in heading 3926, HTSUS, and that they are correctly classified in heading 6116, HTSUS.

Note 2(p) to Chapter 39, HTSUS, states that the Chapter does not cover goods of Section XI (textiles and textile articles). Note 1(h) to Section XI, however, excludes, *inter alia*, articles of knitted or crocheted fabrics coated, covered, impregnated or laminated with plastics, of Chapter 39. Although these notes would appear to conflict, Note 2 to Chapter 59, HTSUS, clarifies the scope of Chapter 39 with regard to textiles coated with plastics.

Pursuant to Chapter 59, Note 2(a)(5), Chapter 39 is intended to cover products composed primarily of plastic, where the textile fabric is present merely for reinforcement. In the instant case, the textile component of the gloves is present for more than mere reinforcement. The textile material allows the gloves to be put on and removed without difficulty. In addition, the textile material permits the gloves to be worn more comfortably, since plastic directly against the wearer's skin would invite and trap perspiration. Furthermore, Note 2(a)(3) only directs the classification of textile articles entirely coated or covered on both sides to Chapter 39. The instant gloves are coated only on the inside and outside of the palmside, not including the wrist cuff. The remainder of the gloves are composed of non-coated textile fabric. Thus, the gloves are not described by the terms of heading 3926, HTSUS, which provides for articles of plastic. Instead, they are considered to be made of one material, a partially coated textile, at GRI 1, and are thus classified as textile articles in Section XI. See HQ 086358, dated June 19, 1991.

Heading 6116, HTSUS, provides for gloves, and includes textile gloves coated with plastic. At GRI 1, heading 6116, HTSUS captures the merchandise in its entirety. Even if heading 3926, HTSUS, described the subject gloves, and even if they were not excluded from Chapter 39 on the basis of Note 2(p) to that Chapter, the EN to heading 3926, HTSUS, indicates that the heading includes only plastic articles not described more specifically elsewhere in the tariff schedule. Heading 6116, HTSUS, provides for “gloves”, including coated or impregnated gloves, a considerably more specific description of the merchandise than “other article of plastic.” As the subject gloves are more specifically provided for in heading 6116, HTSUS, they are precluded from classification in heading 3926, HTSUS.

We further note that although subheading 3926.20, HTSUS, also provides for gloves of plastic, the instant articles must first meet the terms of the heading before we can consider the application of the accompanying subheadings. As the subject merchandise is not properly classifiable at the four digit level in heading 3926, HTSUS, it is improper to invoke subheading 3926.20, as only the four digit headings are comparable. Furthermore, subheading 6116.10, HTSUS, also provides for gloves impregnated or coated with plastics. It is therefore clear that gloves impregnated with plastics are not automatically classified in heading 3926, HTSUS. The relevant chapter, section and explanatory notes clarify when it is appropriate to classify such merchandise in heading 3926, HTSUS—e.g., when they are coated entirely on both sides by plastic, or when the textile material is merely present for reinforcement.

Finally, CBP has classified textile gloves coated with plastic material in heading 6116, HTSUS, in multiple rulings. See HQ 953768, dated July 23, 1993, HQ 086358, dated June 19, 1991, HQ 088539, dated June 6, 1991, HQ 955193, dated April 19, 1994, and HQ 965716, dated September 18, 2002.

Moreover, CBP based the classification of gloves composed of only textile fabrics with plastic coating solely on GRI 1, noting that some prior rulings had erroneously utilized GRI 3(b) to classify similar merchandise without first considering GRI 1. In HQ 086358, CBP further noted that classification based on GRI 3(b) was appropriate when classifying gloves composed of what the HTSUS would consider to be two or more separate and distinct materials, but that textile gloves which are merely coated with plastic are considered to be made of one material, in which case classification will be according to GRI 1.

The glove styles 540 and 541 (NY N013115) and 9003 (NY N042821) were incorrectly classified as articles of plastic of heading 3926. They are correctly classified in heading 6116, HTSUS, as gloves. NY N013115 is thus hereby revoked, and NY N042821 is modified with respect to the classification of style 9003.

HOLDING:

Styles 540, 541 and 9003 are classified in heading 6116, HTSUS, specifically subheading 6116.10.55, HTSUS, which provides for “Gloves, mittens and mitts, knitted or crocheted: Impregnated, coated or covered with plastics or rubber: Other: Without fourchettes: Other: Containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof.”

The 2012 general, column one rate of duty is 13.2%.

EFFECT ON OTHER RULINGS:

NY N013115 is hereby revoked, and NY N042821 is hereby modified with respect to the classification of style 9003.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division


GENERAL NOTICE**19 CFR PART 177****NOTICE OF PROPOSED REVOCATION OF RULING
LETTER AND PROPOSED REVOCATION OF TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF AN
AUTOMOBILE HEATER CONTROLLER ASSEMBLY**

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

ACTION: Notice of proposed revocation of ruling letter and treatment concerning the tariff classification of an automobile heater controller assembly.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter relating to the tariff classification of an automobile heater controller assembly under the Harmonized Tariff Schedule of the United States. CBP also proposes to revoke any treatment previously accorded by it to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATES: Comments must be received on or before September 21, 2012.

ADDRESSES: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Office of International Trade, Attention: Trade and Commercial Regulations Branch, 799 9th Street, 5th Floor, N.W., Washington, D.C. 20229–1179. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, N.W., Washington,

D.C. during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Dwayne S. Rawlings, Tariff Classification and Marking Branch, (202) 325-0092.

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 that 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 intends to revoke one ruling letter pertaining to the tariff classification of an automobile heater controller assembly. Although, in this notice, CBP is specifically referring to the revocation of NY N075384, dated October 7, 2009, (Attachment B) this notice covers any rulings on this merchandise that 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 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 of this proposed action.

In NY N075384, CBP classified an automobile heater controller assembly in heading 8708, HTSUS, specifically subheading 8708.29.50, HTSUS, which provides for "Parts and accessories of the motor vehicles of headings 8701 to 8705: Other parts and accessories of bodies (including cabs): Other: Other." It is now CBP's position that the heater controller assembly is properly classified in heading 8537, HTSUS, specifically under subheading 8537.10.90, HTSUS, which provides for "Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of chapter 90, and numerical control apparatus, other than switching apparatus of heading 8517: For a voltage not exceeding 1,000 V: Other."

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to revoke ruling NY N075384, and any other ruling not specifically identified, in order to reflect the proper analysis contained in proposed ruling HQ H083278 (Attachment A). CBP also intends to revoke any treatment previously accorded by it to substantially identical transactions.

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

Dated: August 1, 2012

MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N075384

October 7, 2009

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

CATEGORY: Classification

TARIFF NO.: 8708.29.5060

RALPH GARCIA

MANAGER-INTERNATIONAL TRADE COMPLIANCE

MITSUBISHI MOTORS NORTH AMERICA, INC.

6400 KATELLA AVE.

CYPRESS, CA 90630-5208

RE: The tariff classification of a dashboard component from Japan

DEAR MR. GARCIA

In your letter dated September 10, 2009, you requested a tariff classification ruling.

The item under consideration has been identified as a Heater Controller Assembly (Part # 7820A064HA), which is designed specifically for use on Mitsubishi automobiles.

The Heater Controller Assembly is a heater and air conditioning control assembly that mounts on the instrument panel. Its primary function is to control the air flow and air temperature within an automobile for the comfort of the driver and passengers. As a secondary function, you state in your request that the Controller Assembly also provides a mounting surface for several air conditioning components as well as an aesthetic finish which matches the contours of the instrument panel.

The Heater Controller Assembly, consists of the following components -

1. One Heater Controller – A mounting subcomponent made from molded plastic
2. Two incandescent bulbs
3. Three Lever Knobs, Heater Control
4. One hole plug – Made from plastic to cover unused hole
5. One Controller, Heater Unit Damper (Switch for rear defogger)
6. One Switch – Heater Blower
7. One Switch – A/C
8. Two wires – Heater Control
9. Two clips – Heater Control Wire
10. Two clips – Heater Control Panel
11. One Heater Control Panel
12. Three Labels – Heater control



13. Three plastic knobs

In your request, you propose classification of the Heater Controller Assembly (Part # 7820A064HA) in subheading 8537.10.9070 of the Harmonized Tariff Schedule of the United States (HTSUS) which provides for “Boards,

panels, consoles ..., equipped with two or more apparatus of heading 8535 or 8536 ... : For a voltage not exceeding 1,000 V: Other: Other: Other.” Based on the information provided, the Heater Controller Assembly only incorporates **one** electrical item classifiable in HTSUS headings 8535 or 8536; a Heater Blower Switch classifiable in HTSUS heading 8536.

Classification of goods in the Harmonized Tariff Schedule of the United States (HTSUS) is governed by the General Rules of Interpretation (GRIs). GRI 1.states “... classification shall be determined according to the terms of the headings” Heading 8708 provides for “Parts ... of ... motor vehicles”

General Note 3. (h) (vi) to the HTSUS states “ ... a reference to ‘*headings*’ encompasses subheadings indented thereunder.” Subheading 8708.29 provides for “Parts ... of ... motor vehicles ... : Other parts ... of bodies ... : Other.”

The applicable classification subheading for the Heater Controller Assembly (Part # 7820A064HA) will be 8708.29.5060, HTSUS, which provides for “Parts ... of ... motor vehicles ... : Other parts ... of bodies ... : Other: Other.” The rate of duty will be 2.5%.

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 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 Richard Laman at 646-733-3017.

Sincerely,

ROBERT B. SWIERUPSKI

Director

National Commodity Specialist Division

[ATTACHMENT B]

HQ H083278
CLA-2 OT:RR:CTF:TCM H083278DSR
CATEGORY: Classification
TARIFF NO.: 8537.10.90

MR. RALPH GARCIA
MITSUBISHI MOTORS NORTH AMERICA, INC.
6400 KATELLA AVENUE
CYPRESS, CA 90630

RE: Revocation of NY N075384; tariff classification of a motor vehicle heater controller assembly

DEAR MR. GARCIA:

This letter is in reference to New York Ruling Letter (NY) N075384, issued to you on October 7, 2009, regarding the classification under the 2009 Harmonized Tariff Schedule of the United States (HTSUS) of a motor vehicle heater controller assembly (“assembly”) designed exclusively for use in Mitsubishi automobiles. The ruling classified the assembly under subheading 8708.29.50, HTSUS, which provides for “Parts ... of ... motor vehicles ...: Other parts ... of bodies ...: Other: Other,” dutiable at 2.5% *ad valorem*.

CBP has reviewed the tariff classification of the assembly and has determined that the cited ruling is in error. Therefore, NY N075384 is revoked for the reasons set forth in this ruling.

FACTS:

The item in question is identified as a “Heater Controller Assembly (part number 7820A064HA),” and its primary function is to control the airflow and air temperature within an automobile for the comfort of the driver and passengers. As a secondary function, you state that the assembly provides a mounting surface for several air conditioning components as well as an aesthetic finish that matches the contours of the instrument panel.

A thorough examination of the assembly identifies the following components:

1. One heater controller – a mounting subcomponent made from molded plastic incorporating a printed circuit board (PCB) populated with active and passive components including two lamp-holders with incandescent lamps
2. Three light emitting diode (LED) lamps
3. One electrical rotary switch that regulates fan speed
4. Three electrical push-button switches for the vehicle’s rear defogger and A/C on/off control, and the recirculation of interior air
5. Two mechanical rotary levers with Bowden cables¹ for directing air flow and temperature
6. One heater control cover panel with identifying labels
7. Three plastic knobs

¹ A Bowden cable is a type of flexible cable used to transmit mechanical force or energy by the movement of an inner cable (most commonly of steel or stainless steel) relative to a hollow outer cable housing. The cable housing is generally of composite construction, consisting of a spiral steel wire, often coated with plastic, and with a plastic outer sheath.

ISSUE:

Whether the motor vehicle heater controller assembly in question is classified under heading 8708, HTSUS, as a part or accessory of the motor vehicles of headings 8701 to 8705; or under subheading 8537.10.90, HTSUS, as a base equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRI's). 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 GRI's 2 through 6 may then be applied in order. In addition, in interpreting the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System 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[00e2][0080][0091]80, 54 Fed. Reg. 35127 (August 23, 1989).

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

8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of chapter 90, and numerical control apparatus, other than switching apparatus of heading 8517: * * *
8708	Parts and accessories of motor vehicles of headings 8701 to 8705. * * * *

Initially, Section XVI, Note 1(l), HTSUS, excludes articles of Section XVII. Heading 8708, parts and accessories of motor vehicles, is in Section XVII. However, Section XVII, Note 2(f), HTSUS, states the following:

The expressions “parts” and “parts and accessories” do not apply to the following articles, whether or not they are identifiable as for the goods of this section: ... Electrical machinery or equipment (chapter 85).

The question, therefore, is whether the heater assembly is described by a provision in Chapter 85.

Heading 8536, HTSUS, covers 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 and other connectors, junction boxes), for a voltage not exceeding 1,000 volts. The subject heater assembly consists of several individual, but interconnected, switches intended to contribute together to electrically control or provide power (not exceeding 1,000 volts) to several apparatus of a motor vehicle, i.e., the vehicle's heater, fan, rear defogger, and A/C. Each of those switches meets the plain language of heading 8536, HTSUS.

In order to be classified in heading 8537, HTSUS, a device must be equipped with two or more apparatus of heading 8535 or 8536, HTSUS.

Under General Note 4 to Section XVI, machines composed of interconnected units, intended to contribute together to a clearly defined function covered by one of the headings in Chapter 84 or 85, falls to be classified as a functional unit in the heading appropriate to that function. Also, the ENs to heading 8537, HTSUS, state the following:

[The goods of the heading] consist of an assembly of apparatus of the kind referred to in the two preceding headings (e.g., switches and fuses) on a board, panel, console, etc., or mounted in a cabinet, desk, etc. They usually also incorporate meters, and sometimes also subsidiary apparatus such as transformers, valves, voltage regulators, rheostats or luminous circuit diagrams.

Contrary to our statement in NY N075384 that the assembly “only incorporates one electrical item classifiable in HTSUS headings 8535 or 8536; a Heater Blower Switch classifiable in HTSUS heading 8536,” the subject heater assembly meets the plain language of heading 8537, HTSUS because it is an assembly of “two or more” devices of heading 8536, HTSUS. By operation of Section XVII, Note (2)(f), HTSUS, it is eliminated from consideration as a good of heading 8708, HTSUS.

HOLDING:

By application of GRI 1, the subject merchandise identified as “Heater Controller Assembly (part number 7820A064HA),” is classifiable under heading 8537, HTSUS. Specifically, it is classifiable under subheading 8537.10.90, HTSUS, which provides for “Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of chapter 90, and numerical control apparatus, other than switching apparatus of heading 8517: For a voltage not exceeding 1,000 volts: Other.” The column one, general rate of duty is 2.7%.

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 on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY N075384, dated October 7, 2009, is hereby revoked.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

AGENCY INFORMATION COLLECTION ACTIVITIES:**Protest**

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

ACTION: 60 Day Notice and request for comments; Extension of an existing collection of information: 1651–0017.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning Protest (CBP Form 19). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before October 9, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th 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, 799 9th Street NW., 5th 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 Office of

Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Protest.

OMB Number: 1651-0017.

Form Number: Form 19.

Abstract: CBP Form 19, *Protest*, is used by an importer, filer, or any party at interest to petition CBP, or protest any action or charge made by the port director with respect to imported merchandise. The information collected on CBP Form 19 is authorized by Sections 514 and 514(a) of the Tariff Act of 1930 and provided for by 19 CFR part 174. This form is accessible at http://forms.cbp.gov/pdf/CBP_Form_19.pdf.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 19.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 3,750.

Estimated Number of Total Annual Responses: 45,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 45,000.

Dated: August 3, 2012.

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

[Published in the Federal Register, August 8, 2012 (77 FR 47429)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Petroleum Refineries in Foreign Trade Sub-zones

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

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

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Petroleum Refineries in Foreign Trade Sub-zones. This

request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before October 9, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th 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, 799 9th Street NW., 5th 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 Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Petroleum Refineries in Foreign Trade Sub-zones.

OMB Number: 1651–0063.

Form Number: None.

Abstract: The Foreign Trade Zones Act, 19 U.S.C. 81c(d) contains specific provisions for petroleum refinery sub-zones. It permits refiners and U.S. Customs and Border Protection (CBP) to assess the relative value of such multiple products at the end of the manufacturing period during which these products were produced when the actual quantities of these products resulting

from the refining process can be measured with certainty. Also, the amendment permits the products refined in a sub-zone during a manufacturing period to be attributed to a given crude introduced into production during the period, to the extent that such products were producible or could have been produced from quantities removed from the sub-zone if Industry Standards of Potential Production on a Practical Operating Basis (known as producibility) is utilized.

19 CFR 146.4(d) provides that the operator of the refinery sub-zone is required to retain all records relating to the above mentioned activities for five years after the merchandise is removed from the sub-zone. Further, the records shall be readily available for CBP review at the sub-zone.

Instructions on compliance with these record keeping provisions are available in the Foreign Trade Zone Manual which is accessible at: http://www.cbp.gov/linkhandler/cgov/trade/cargo_security/cargo_control/ftz/ftzmanual.ctt/FTZManual2.doc.

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.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 81.

Estimated Number of Total Annual Responses: 81.

Estimated Time per Response: 1000 hours.

Estimated Total Annual Burden Hours: 81,000.

Dated: August 3, 2012.

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

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