

U.S. Customs and Border Protection



EXTENSION OF THE AIR CARGO ADVANCE SCREENING (ACAS) PILOT PROGRAM AND REOPENING OF APPLICATION PERIOD FOR PARTICIPATION

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: On October 24, 2012, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** that announced the formalization and expansion of the Air Cargo Advance Screening (ACAS) pilot program that would run for six months. This document announces that CBP is extending the pilot period for an additional six months and reopening the application period for new participants for 30 days. The ACAS pilot is a voluntary test in which participants submit a subset of required advance air cargo data to CBP at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States.

DATES: CBP is extending the ACAS pilot program through October 26, 2013, and reopening the application period to accept applications from new ACAS pilot participants through May 23, 2013. Comments concerning any aspect of the announced test may be submitted at any time during the test period.

ADDRESSES: Applications to participate in the ACAS pilot must be submitted via email to *CBPCCS@cbp.dhs.gov*. Written comments concerning program, policy, and technical issues may also be submitted via email to *CBPCCS@cbp.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Regina Park, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs & Border Protection, via email at *regina.park@dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

On October 24, 2012, CBP published a general notice in the **Federal Register** (77 FR 65006, corrected in 77 FR 65395¹) announcing that CBP is formalizing and expanding the ACAS pilot to include other eligible participants in the air cargo environment. The notice provides a description of the ACAS pilot, sets forth eligibility requirements for participation, and invites public comments on any aspect of the test. In brief, the ACAS pilot revises the time frame for pilot participants to transmit a subset of mandatory advance electronic information for air cargo. CBP regulations implementing the Trade Act of 2002 specify the required data elements and the time frame for submitting them to CBP. Pursuant to 19 CFR 122.48a, the required advance information for air cargo must be submitted no later than the time of departure of the aircraft for the United States (from specified locations) or four hours prior to arrival in the United States for all other locations.

The ACAS pilot is a voluntary test in which participants agree to submit a subset of the required 19 CFR 122.48a data elements (ACAS data) at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States. The ACAS data is used to target high-risk air cargo. CBP is considering possible amendments to the regulations regarding advance information for air cargo. The results of the ACAS pilot will help determine the relevant data elements, the time frame within which data must be submitted to permit CBP to effectively target, identify and mitigate any risk with the least impact practicable on trade operations, and any other related procedures and policies.

Extension of the ACAS Pilot Period and Reopening of the Application Period

The October 2012 notice announced that the ACAS pilot would run for six months. The notice provided that if CBP determined that the pilot period should be extended, CBP would publish another notice in the **Federal Register**. The October 2012 notice also stated that applications from new ACAS pilot participants would be accepted until November 23, 2012. On December 26, 2012, CBP published a notice in the **Federal Register** reopening the application period for new participants until January 10, 2013 (77 FR 76064, corrected in

¹ This **Federal Register** notice, published on October 26, 2012, corrected the email address under the **ADDRESSES** heading for submitting applications or comments. The correct email address is *CBPCCS@cbp.dhs.gov*.

78 FR 315²). Although there has been a significant increase in the diversity and number of pilot participants representing a strong sample size of the air cargo community, CBP continues to receive a number of requests to participate in the pilot. In order to ensure that the broader air cargo community has a sufficient opportunity to participate in the ACAS pilot and to prepare for possible proposed regulatory changes, CBP is extending the ACAS pilot period through October 26, 2013, and reopening the application period through May 23, 2013.

Anyone interested in participating in the ACAS pilot should refer to the notice published in the **Federal Register** on October 24, 2012, for additional application information and eligibility requirements

Dated: April 18, 2013.

DAVID MURPHY,
*Acting Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, April 23, 2013 (78 FR 23946)]

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING GENERATION II MILITARY ENERGIZER
FLASHLIGHTS**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of the Generation II military Energizer flashlight, with light-emitting diodes. Based upon the facts presented, CBP has concluded in the final determination that China is the country of origin of the Generation II military Energizer flashlight, for purposes of U.S. Government procurement.

DATES: The final determination was issued on April 29, 2013. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within June 3, 2013.

FOR FURTHER INFORMATION CONTACT: Robert Dinerstein, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202–325–0132).

² The Federal Register, published on January 3, 2013, corrected the date of the close of the reopened application period from “January 8, 2013” to “January 10, 2013”.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 29, 2013, pursuant to subpart B of part 177, Customs and Border Protection (CBP) Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the Generation II military Energizer flashlights which may be offered to the United States Government under an undesignated government procurement contract. This final determination, in HQ H215657, was issued at the request of Energizer Battery Inc. under procedures set forth at 19 CFR Part 177, Subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the Generation II military Energizer flashlights assembled in the United States from foreign made parts and programmed with U.S. origin software in the United States are products of China for purposes of U.S. Government procurement.

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

Dated: April 29, 2013.

SANDRA L. BELL,
Executive Director,
Regulations and Rulings, Office of
International Trade.

HQ H215657

April 29, 2013

MAR-02 OT:RR:CTF:VS H215657 RSD

CATEGORY: MARKING

M. JASON CUNNINGHAM, ESQ.
30 SOUTH WACKER DRIVE
SUITE 2200 No. 41
CHICAGO, ILLINOIS 60606

RE: Final Determination of U.S. Government Procurement: Country of Origin of Military Energizer Flashlight

DEAR MR. CUNNINGHAM:

This is in response to your letter dated March 28, 2012, requesting a final determination on behalf of Energizer Battery, Inc. (Energizer), pursuant to subpart B Part 177 Customs and Border Protection (“CBP”) Regulations (19 CFR § 177.21 et seq.). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (codified at 19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government. This final determination concerns the country of origin of a Generation II flashlight. You have provided additional information regarding the processing operations performed on the flashlight in the United States in submissions made through email and a DVD on July 13, 2012, November 8, 2012, and February 14, 2013. We note that Energizer is a party-at-interest within the meaning of 19 CFR § 177.22(d)(1) and is entitled to request this final determination. We regret the delay in our response

FACTS:

The product at issue is a finished second generation military flashlight (Generation II) produced by Energizer Battery Inc. On January 3, 2012, our office issued an advisory ruling, H195536, to Energizer, concerning the Generation II flashlight, in which we stated that the assembly of the various foreign parts and the foreign LED into the Generation II flashlight was not sufficiently complex and significant to constitute a substantial transformation. In the advisory ruling, we indicated that the origin of the LED would determine the origin of the finished flashlight, and because the LED was of Chinese origin, the country of origin of the finished flashlight would also be China. You have subsequently requested that we reconsider our determination in the advisory ruling by requesting this final determination. You have presented additional information regarding the production of the energizer flashlight, photographs of the Generation II flashlight at various stages of manufacture, and a DVD showing the final assembly process of the flashlight.

You advise that Energizer intends to sell the Generation II flashlight to the U.S. military. The Generation II flashlight is designed to be extremely rugged so that it can withstand forceful impacts without compromising its performance or its waterproof operation. It also provides long-lasting LED and infrared lighting, which is invisible to the naked eye, but useful for signaling in military situations. The previous versions of the generation flashlights relied more upon mechanical switches, while the Generation II flashlight

uses a microprocessor and programming control, which requires more sophisticated hardware and software programming.

The Generation II flashlight also incorporates two additional innovations. The IFF Mode for the infrared light is an infrared strobe mode used to “Identify Friend or Foe.” Although the flashlight is designed to be used with two AA batteries in the field, it can actually operate with a single AA battery while maintaining the same features, but with a shorter battery life.

The production process is as follows:

1. The LED wafer is “grown” in the U.S. and exported to China. In China, the LED wafer is mounted and coated with resin and then shipped to the Energizer facility in Vermont.

2. A third party in the U.S. mounts the Chinese LED wafer onto a Chinese-origin “hex board” and coats it with resin.

3. In Vermont, the LED is combined with various imported subcomponents from China including the main PCBA, switch PCBA, head cover, pivot locks, washers, switch levers, springs, lens rings, screws, buttons, etc., to create the lens head subassembly.

4. The lens head subassembly’s wiring, soldering, and physical connections are inspected.

5. At the second work station, the following Chinese-origin flashlight body components are combined with the lens head subassembly to make the Generation II flashlight: body seal ring, end cap top plate, end cap bottom plate, end cap PCBA and switch assembly, body bracket, spring holders, battery cartridge, screws, body with overmold, hinge ring, end cap with overmold, lock wheel with screw and nut insert, belt clip, clip retainer, and clip screws. During the assembly process, one of the more important operations that must be precisely performed is the spot soldering of the wires, switches and other various components to the LED. The assembly process of the flashlight takes approximately seven minutes to complete under actual production conditions with fully trained qualified operators.

According to the information presented in a November 8, 2012, email, Energizer provides all the technical and quality control training necessary for the operators to be designated as qualified to produce the flashlights. The DVD submitted, demonstrates the assembly process involves putting together more than fifty parts and components in a multi-step process. The DVD shows the two work stations at the Energizer facility in St. Albans, Vermont. As explained above, at the first workstation, the operators combine various subcomponents of the lens head subassembly. After the lens heads subassembly is created, it is transferred to a second separate workstation, where the Energizer operators combine the lens head subassembly with approximately 30 other imported components to create the end product, the Generation II military flashlight.

We also note that in producing the flashlights, Energizer installs U.S. origin software that Energizer created in house. The programming allows for battery type detection; battery quantity alternative operation levels; lighting levels; and the control of power, not for the light output, but for the purposes of controlling heat and the protection of the sensitive LEDs. The code writing for the software programming was developed and completed in the United States, but the programming is transmitted to China for flashing the program to the circuitry for the lights. Along with the main white LED light, the flashlight also has four smaller LED’s that emit red, blue, green, or infrared light. A modification that Energizer has made to this model is that each of the

LEDs that emit visible light, i.e. white, red, blue, and green, can shine at high, medium, or low intensity. The original programming for this feature, like all of the programming for the flashlight, occurs in the United States and will use a proprietary source code. It is stated that Energizer has expended significant resources in connection with the redesign and development of this product in the United States. You have enclosed a spreadsheet that identifies all of the costs and country of origin data of all subcomponents used in the lens head subassembly and all the other components used in the production of the Generation II military flashlight.

ISSUE:

What is the country of origin of the Energizer military Generation II flashlight for purposes of U.S. government procurement?

LAW AND ANALYSIS:

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

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

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

See also, 19 C.F.R. § 177.22(a).

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

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

48 C.F.R. § 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item’s components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary consid-

erations in such cases. No one factor is decisive, the key issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. See C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred.

In C.S.D. 85–25, 19 Cust. Bull. 844 (1985), U.S. Customs Service (legacy agency to CBP) (hereinafter, incorporated with the reference to “CBP”) held that for purposes of the Generalized System of Preferences (“GSP”), the assembly of a large number of fabricated components onto a printed circuit board in a process involving a considerable amount of time and skill resulted in a substantial transformation. In that case, in excess of 50 discrete fabricated components (such as resistors, capacitors, diodes, integrated circuits, sockets, and connectors) were assembled. Whether an operation is complex and meaningful depends on the nature of the operation, including the number of components assembled, number of different operations, time, skill level required, attention to detail, quality control, the value added to the article, and the overall employment generated by the manufacturing process.

CBP has held in a number of cases that complex and meaningful assembly operations involving a large number of components result in a substantial transformation. For example, in HQ H047362, dated March 26, 2009, CBP found that 61 components manufactured in China and assembled into ground fault circuit interrupters (GCFIs) in Mexico in a two-phase process by skilled workers using sophisticated equipment were substantially transformed in Mexico. In particular, we took into consideration that the first phase involved the assembly of a PCB in a 42-step technically complex process that took 12 minutes and that the completed PCB had the entire major components necessary for the GCFI to fulfill its function. We also took into consideration that in the second phase the PCB would be assembled with 29 other components to form the GCFIs in a 43-step process taking approximately 10 minutes, after which the components lost their individual identities and become an integral part of the interrupters with a new name, character and use.

In HQ 962528 dated February 18, 2000, CBP considered the eligibility of a rechargeable power failure light for duty free treatment under the Generalized System of Preferences (GSP). In that case, the power failure light was assembled in Thailand from various Thai and foreign origin components including a PCB assembled in Thailand. CBP found that the process of assembling various components into a PCB resulted in a substantial transformation of the imported components. Moreover, CBP found that the assembly of the PCB with a bulb holder assembly, a plug blade assembly and an upper and lower housing assembly to make the finished power failure light substantially transformed the PCB.

By contrast, assembly operations that are minimal or simple will generally not result in a substantial transformation. For instance, in HQ 734050, dated June 17, 1991, CBP held that Japanese-origin components were not substan-

tially transformed in China when assembled in that country to form finished printers. The printers consisted of five main components identified as the “head”, “mechanism”, “circuit”, “power source”, and “outer case.” The circuit, power source and outer case units were entirely assembled or molded in Japan. The head and mechanical units were made in Japan, but exported to China in an unassembled state. All five units were exported to China where the head and mechanical units were assembled with screws and screwdrivers. Thereafter, the head, mechanism, circuit, and power source units were mounted onto the outer case with screws and screwdrivers. In holding that the country of origin of the assembled printers was Japan, CBP recognized that the vast majority of the printer’s parts were of Japanese origin and that the operations performed in China were relatively simple assembly operations.

CBP first considered the country of origin of a military flashlight made by Energizer in HQ H008708 dated May 7, 2007. We found that the various imported components (individual parts and subassemblies) were substantially transformed as a result of the operations performed in the United States to produce the replacement lens head assembly and the finished flashlight. Under each manufacturing scenario, we concluded that the imported components lost their individual identities and became an integral part of a new article possessing a new name, character, and use. However, unlike the scenario here, in support of this conclusion, we noted that the U.S. origin LED imparted the essential character to both the replacement part and the finished product, as it generated the primary light of both products. We also recognized that Energizer had expended significant resources in connection with the design and development of the flashlight in the United States. We also pointed out that the U.S.-origin LED and the labor performed in the United States during the assembly and testing operations represented the majority of the costs associated with the production of both the replacement lens head subassembly and the finished flashlight.

In HQ H017620, dated February 5, 2008, CBP considered the country of origin of the prior model Generation I flashlight for government procurement purposes. We determined that the manufacturing operations performed in the U.S. to produce the replacement lens head subassembly and the finished flashlight resulted in a substantial transformation of the imported components. In support of this conclusion, we explained that the U.S.-origin LED imparted the essential character to both the replacement part and the finished product, as it generates the primary light of both products. We also recognized that Energizer had expended significant resources in connection with the design and development of the subject flashlight in the United States. Moreover, the U.S.-origin LED and the labor performed in the United States during the assembly and testing operations represented a majority of the costs associated with the production of both the replacement lens head subassembly and the finished flashlight. We followed this analysis in an advisory ruling, HQ H057777 dated July 16, 2009, concerning the revised Generation II flashlight and determined that the various imported components (individual parts and subassemblies) were substantially transformed as a result of the operations performed in the U.S. to produce both the lens head subassembly and the finished flashlight. In support of this conclusion, we agreed that the U.S. origin LED imparts the essential character to the Generation II flashlight as it generates the primary light of the flashlight.

As previously noted, in contrast to HQ H017620 and HQ H057777, we indicated in the advisory ruling H195536 that the U.S. assembly of the various foreign parts and LED into the military Generation II flashlight did not result in a substantial transformation. We mentioned that the LED still imparted the essential character of the finished flashlight, and since it was not of U.S. origin, the country of origin of the flashlight for government procurement purposes would not be the United States. You have now provided additional information with this request for a final determination regarding the assembly process of the Generation II military flashlight. Some of the information was presented on a DVD showing the assembly process.

Upon consideration of the additional information that you have provided and our observations of the assembly process shown in the DVD, we continue to believe that our conclusion in advisory ruling H195536 that the foreign made components and parts do not undergo a substantial transformation when they are assembled together in the United States was correct. We note virtually all of the components of the military Generation II flashlight, including the most important component, the LED, are of Chinese origin. All of the components arrive in the United States ready for assembly into the Generation II flashlight. Only the assembly process is done in the United States. Although the assembly process involves putting together a number of different parts to produce the flashlight, most of this work consists of rather simple insertions, relatively simple attaching and fastening of the components and parts together. This work seems to involve following a fairly straightforward routine and does not seem to be exceptionally complex, and it only takes several minutes to complete. You point out that the operators must solder some of the components together, but we do not believe that the soldering involved in this case is a particularly complex operation that is indicative of a substantial transformation, when compared to the operation performed in China in creating the various parts including the LED of the flashlight.

It is also noted that in the United States, the Generation II flashlight is programmed with software that is written in the United States. We observe, however, that the programming is not essential to the basic operation of the flashlight. The programming constitutes only an enhancement how the flashlight operates, but it does not change its fundamental nature. While the programming does provide the flashlight with some additional features, such as being able to detect the battery type installed in the flashlight, and controlling the power level for protection of the LEDs, the programming is not sufficiently complex enough to change the identity or the character of the device. The flashlight could still function as a flashlight without the software programming; after the software is loaded onto the device, it still remains a flashlight.

Consequently, we find that the assembly and programming operations Energizer performs in the United States on the various imported components (individual parts and subassemblies) do not create a new article of commerce with a new name, character, and use. Therefore, we find the imported components, including the LED, from China are not substantially transformed as a result of the operations performed in the United States to produce both the lens head subassembly and the completed Generation II military flashlight. Accordingly, we find that the country of origin of the Generation II military flashlight for government procurement purposes remains the country of origin of the components and subassemblies, including the LED, China.

HOLDING:

Based upon the specific facts of this case, we find that the imported components of the flashlight and replacement lens head subassembly are not substantially transformed as a result of the described assembly operations and programming operations performed in the United States. The country of origin for government procurement purposes of the Generation II military flashlight is China.

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

Sincerely,

SANDRA L. BELL,

Executive Director,

Office of Regulations and Rulings,

Office of International Trade

[Published in the Federal Register, May 3, 2013 (78 FR 26058)]


**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 4 2013)

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 April 2013. The last notice was published in the CUSTOMS BULLETIN on April 24, 2013.

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: MAY 2 2013

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

CBP IPR RECORDATION — April 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00377	4/17/2013	1/31/2016	NUVAIR	NU VENTURE DIVING CO.	No
TMK 13-00378	4/17/2013	4/19/2015	PAMPERS	THE PROCTER & GAMBLE COMPANY	No
TMK 93-00111	4/11/2013	8/30/2018	TREE DESIGN LOGO	TBL LICENSING LLC	No
TMK 13-00344	4/11/2013	2/22/2021	M MONSTER ENERGY	MONSTER ENERGY COMPANY	No
TMK 13-00369	4/11/2013	9/28/2020	CHANGE YOUR WATER CHANGE YOUR LIFE	ENAGIC USA, INC.	No
TMK 93-00115	4/11/2013	2/7/2019	TIMBERLAND STYLIZED	TBL LICENSING LLC	No
TMK 13-00390	4/17/2013	11/6/2022	FUNTAB	SHAGHAL, LTD.	No
TMK 13-00379	4/17/2013	8/21/2022	M&P	SMITH & WESSON CORP.	No
COP 93-00092	4/11/2013	4/11/2033	BUGS BUNNY STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00095	4/11/2013	4/11/2033	TWEETY STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00097	4/11/2013	4/11/2033	SYLVESTER STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00099	4/11/2013	4/11/2033	WILE E. COYOTE STYLE GUIDE (1992)	WARNER BROS.	No
TMK 01-00357	4/11/2013	4/24/2020	TIMBERLAND	TBL LICENSING LLC.	No
TMK 13-00391	4/17/2013	3/5/2023	VINOZGO	MARK CHRISTIAN KAISER	No
TMK 03-00706	4/11/2013	4/10/2023	BIC & DESIGN	BIC CORPORATION	No
TMK 03-00708	4/11/2013	3/30/2023	LIGHTER CONFIGURATION DESIGN	BIC CORPORATION	No
TMK 03-00575	4/11/2013	3/16/2023	WITTNAUER	WESTFIELD LICENSING COMPANY	No
TMK 03-00737	4/11/2013	6/1/2023	BLAZERS	TRAIL BLAZERS INC.	No
TMK 03-00738	4/11/2013	10/12/2023	BULLETS AND DESIGN	WASHINGTON BULLETS L.P.	No

CBP IPR RECORDATION — April 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 04-00235	4/11/2013	8/19/2023	DALLAS MAVERICKS WITH HORSE DESIGN	DALLAS BASKETBALL LIMITED	No
TMK 04-01098	4/17/2013	3/4/2023	DETROIT LIONS	DETROIT LIONS INC.	No
TMK 05-00117	4/17/2013	2/1/2023	VINCE LOMBARDI TROPHY SUPER BOWL AFC VS NFC VS NFC NFL	NATIONAL FOOTBALL LEAGUE	No
TMK 05-00163	4/11/2013	7/23/2015	ACTIVISION	ACTIVISION PUBLISHING, INC.	No
TMK 05-00369	4/11/2013	8/9/2014	TIMBERLAND	TBL LICENSING LLC.	No
TMK 13-00364	4/11/2013	11/6/2022	CHANEL	CHANEL, INC.	No
TMK 13-00365	4/11/2013	11/13/2022	CC	CHANEL, INC.	No
TMK 05-00582	4/11/2013	10/16/2014	TIMBERLAND	TBL LICENSING LLC.	No
TMK 79-00017	4/11/2013	10/11/2017	STYLIZED TREE DESIGN	TBL LICENSING LLC.	No
TMK 92-00211	4/11/2013	8/20/2015	TIMBERLAND AND TREE DESIGN	LOGO TBL LICENSING LLC	No
TMK 13-00380	4/17/2013	11/30/2019	SWIFFER	THE PROCTER & GAMBLE COMPANY	No
TMK 06-01021	4/11/2013	4/6/2023	BEAUTIFUL	ESTEE LAUDER INC.	No
TMK 13-00367	4/11/2013	11/23/2013	CAPTURE	PARFUMS CHRISTIAN DIOR, S.A.	No
TMK 13-00394	4/17/2013	10/7/2013	HYPNOTIC POISON	PARFUMS CHRISTIAN DIOR, S.A.	No
TMK 13-00393	4/17/2013	1/20/2020	FOX	FOX HEAD INC	No
TMK 06-01484	4/11/2013	5/4/2023	MEPRON	GLAXOSMITHKLINE LLC.	No
TMK 07-00255	4/11/2013	8/10/2023	EFFEXOR	WYETH LLC	No
TMK 08-00136	4/11/2013	1/14/2023	KROGER	THE KROGER CO. OF MICHIGAN	No

CBP IPR RECORDATION — April 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 08-00138	4/11/2013	12/24/2022	KROGER	THE KROGER CO. OF MICHIGAN	No
TMK 08-00739	4/11/2013	7/29/2023	DESIGN ONLY	MILLER MANUFACTURING COMPANY	No
TMK 08-01218	4/11/2013	3/11/2023	HOMEDICS	FKA DISTRIBUTING CO., LLC D/B/A HO-MEDICS LLC	No
TMK 09-00402	4/11/2013	1/28/2023	L LITTMANN QUALITY AND DESIGN	3M COMPANY	No
TMK 09-00403	4/11/2013	2/4/2023	LITTMANN	3M COMPANY	No
TMK 06-01030	4/11/2013	1/2/2023	YOUTH-DEW	ESTEE LAUDER INC.	No
TMK 13-00376	4/12/2013	8/31/2020	ANESPA	ENAGIC INC.	No
TMK 09-01190	4/11/2013	8/22/2019	DESIGN (TREE DESIGN LOGO)	TBL LICENSING LLC.	No
TMK 13-00366	4/11/2013	1/18/2021	MONSTER ENERGY	MONSTER ENERGY COMPANY	No
TMK 01-00356	4/11/2013	7/24/2020	TREE DESIGN LOGO	TBL LICENSING LLC.	No
TMK 13-00368	4/11/2013	1/18/2021	M MONSTER ENERGY (STYLIZED)	MONSTER ENERGY COMPANY	No
TMK 10-01300	4/11/2013	12/24/2022	DESIGN	ADIDAS INTERNATIONAL B.V. LLC	No
TMK 11-00770	4/11/2013	7/2/2023	ZEASORB	STIEFEL LABORATORIES INC.	No
TMK 11-00777	4/11/2013	8/28/2023	PANOXYL	STIEFEL LABORATORIES INC.	No
TMK 02-01004	4/11/2013	12/22/2021	NY (STYLIZED)	NEW YORK YANKEES	No
TMK 12-00219	4/17/2013	3/4/2023	USB-IF	UNIVERSAL SERIAL BUS IMPLEMENTERS FORUM INC.	No
TMK 13-00363	4/11/2013	11/6/2022	CC	CHANEL INC.	No
TMK 13-00392	4/17/2013	12/11/2022	M (STYLIZED)	MEDAMORPHIS LLC	No

CBP IPR RECORDATION — April 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 13-00387	4/17/2013	3/26/2023	DON'T GET SICK, JUST PEEL AND STICK.	FIRST DEFENSE HOLDINGS LLC	No
TMK 13-00381	4/17/2013	9/17/2016	CONCORDE AND DESIGN	CONCORDE BATTERY CORPORATION	No
TMK 13-00374	4/11/2013	4/3/2022	S	G-UNIT BRANDS INC.	No
TMK 13-00373	4/11/2013	3/13/2022	S	G-UNIT BRANDS INC.	No
TMK 13-00372	4/11/2013	10/30/2022	BUFFALO RIVER	HIGHLAND SPORTS PTY LIMITED	No
TMK 13-00375	4/11/2013	2/14/2022	KREEPE	INNOVATION FIRST, INC.	No
TMK 03-00264	4/11/2013	5/4/2023	KNICKS AND DESIGN	MSG HOLDINGS, L.P.	No
TMK 13-00371	4/11/2013	3/12/2023	ASHLEY	ASHLEY FURNITURE INDUSTRIES, INC.	No
TMK 13-00370	4/11/2013	7/31/2022	ESS	EYE SAFETY SYSTEMS, INC.	No
COP 13-00052	4/11/2013	4/11/2033	LOOFA DOG	MULTIPET INTERNATIONAL, INC.	No
TMK 13-00346	4/11/2013	4/15/2017	MAGNAFLOW	CAR SOUND EXHAUST SYSTEM, INC.	No
TMK 13-00388	4/17/2013	9/8/2022	LIFELINE AND DESIGN	CONCORDE BATTERY CORPORATION	No
TMK 13-00347	4/11/2013	11/13/2017	WEAR YOUR MUSIC	AZU, INC	No
TMK 13-00352	4/11/2013	11/23/2013	DESIGN	HERMES INTERNATIONAL CORPORATION	No
TMK 13-00356	4/11/2013	9/28/2022	STORM	ALL WEATHER SAFETY WHISTLE CO.	No
TMK 05-00282	4/11/2013	2/25/2023	HARDWOOD CLASSICS	NBA PROPERTIES, INC.	No
TMK 13-00358	4/11/2013	8/16/2021	M	MONSTER ENERGY COMPANY	No

CBP IPR RECORDATION — April 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00354	4/11/2013	2/26/2023	JC ORIGINAL	JOHNSON CREEK ENTERPRISES, LLC	No
TMK 13-00345	4/11/2013	3/16/2014	HITACHI	KABUSHIKI KAISHA HITACHI SEISAKUSHO D/B/A HITACHI, LTD.	No
TMK 13-00357	4/11/2013	5/17/2021	M	MONSTER ENERGY COMPANY	No
TMK 13-00362	4/11/2013	5/8/2021	ESS	EYE SAFETY SYSTEMS INC.	No
TMK 13-00353	4/11/2013	1/29/2023	DESIGN	NEW ENGLAND PATRIOTS LLC	No
TMK 13-00348	4/11/2013	3/19/2023	ESS (STYLIZED)	EYE SAFETY SYSTEMS, INC.	No
TMK 13-00349	4/11/2013	3/13/2017	EDMUNDO	MIZKAN AMERICAS, INC.	No
TMK 04-00215	4/11/2013	11/23/2023	BOSTON CELTICS AND DESIGN	BANNER SEVENTEEN, LLC.	No
COP 13-00051	4/11/2013	4/11/2033	LOOFA DOG.	MULTIPET INTERNATIONAL INC.	No
TMK 13-00351	4/11/2013	9/26/2015	DESIGN (WHISTLE)	ALL WEATHER SAFETY WHISTLE CO.	No
TMK 13-00350	4/11/2013	5/17/2021	M	MONSTER ENERGY COMPANY	No
TMK 13-00355	4/11/2013	7/15/2018	LIGHTSCOOP	KEN KOBRE PHOTOGRAPHY KENNETH R. KOBRE	No
TMK 13-00360	4/11/2013	11/8/2021	M STYLIZED	MONSTER ENERGY COMPANY	No
TMK 13-00359	4/11/2013	11/1/2021	TORO AND DESIGN	THE TORO COMPANY	No
TMK 13-00361	4/11/2013	10/28/2017	MAGNAGROW	PQ CORPORATION	No
TMK 03-00707	4/11/2013	1/30/2023	BIC & DESIGN	BIC CORPORATION	No
TMK 13-00386	4/17/2013	2/5/2023	SILVANO	SILVANO APPAREL, INC.	No
TMK 13-00383	4/17/2013	10/23/2018	CHARMIN AND DESIGN	THE PROCTER & GAMBLE COMPANY	No

CBP IPR RECORDATION — April 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00389	4/17/2013	3/26/2023	FILTER YOUR LIFE	FIRST DEFENSE HOLDINGS LLC	No
TMK 13-00335	4/11/2013	2/1/2021	M MONSTER ENERGY	MONSTER ENERGY COMPANY	No
TMK 13-00385	4/17/2013	1/7/2023	DIVX	DIVX LLC	No
TMK 03-00797	4/11/2013	10/5/2023	BIC & BOY DESIGN	BIC CORPORATION	No
TMK 05-00370	4/11/2013	7/5/2014	TREE DESIGN LOGO	TBL LICENSING, LLC.	No
TMK 13-00336	4/11/2013	8/29/2016	M MONSTER ENERGY	MONSTER ENERGY COMPANY	No
TMK 13-00337	4/11/2013	1/16/2021	DESIGN	CLEARWATER SYSTEMS LLC	No
TMK 13-00338	4/11/2013	2/7/2016	MONSTER ENERGY	MONSTER ENERGY COMPANY	No
TMK 13-00339	4/11/2013	12/13/2016	STAR & CHEVRON DESIGN ON SHOE	CONVERSE INC.	No
TMK 13-00340	4/11/2013	2/10/2021	ALL STAR AND DESIGN	CONVERSE INC.	No
COP 13-00050	4/11/2013	4/11/2033	BODY BEAST (2012)	BEACHBODY, LLC	No
TMK 13-00342	4/11/2013	9/30/2013	UNLEASH THE BEAST!	MONSTER ENERGY DRINK	No
TMK 13-00341	4/11/2013	11/6/2022	SUNTRAC	MEETA SHARMA	No
TMK 13-00334	4/11/2013	1/12/2019	AE	RETAIL ROYALTY COMPANY	No
TMK 13-00343	4/11/2013	2/23/2020	DOLPHIN WATERCARE AND DESIGN	CLEARWATER SYSTEMS CORPORATION	No
TMK 13-00384	4/17/2013	2/25/2023	NOKIA	NOKIA CORPORATION	No
TMK 13-00382	4/17/2013	7/12/2015	TIDE	THE PROCTER & GAMBLE COMPANY	No

Total Records: 107

AGENCY INFORMATION COLLECTION ACTIVITIES:**Entry and Immediate Delivery Application
and Simplified Entry**

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

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651-0024.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Entry and Immediate Delivery Application (Forms 3461 and 3461 ALT) and Simplified Entry. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (78 FR 9719) on February 11, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before May 23, 2013.

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

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

SUPPLEMENTARY INFORMATION: CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information

collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Entry and Immediate Delivery Application and Simplified Entry

OMB Number: 1651–0024

Form Number: CBP Form 3461 and Form 3461 ALT

Abstract: All items imported into the United States are subject to examination before entering the commerce of the United States. There are two procedures available to effect the release of imported merchandise, including “entry” pursuant to 19 U.S.C. 1484, and “immediate delivery” pursuant to 19 U.S.C. 1448(b). Under both procedures, CBP Forms 3461 and 3461 ALT are the source documents in the packages presented to Customs and Border Protection (CBP). The information collected on CBP Forms 3461 and 3461 ALT allow CBP officers to verify that the information regarding the consignee and shipment is correct and that a bond is on file with CBP. CBP also uses these forms to close out the manifest and to establish the obligation to pay estimated duties in the time period prescribed by law or regulation. CBP Form 3461 is also a delivery authorization document and is given to the importing carrier to authorize the release of the merchandise.

CBP Forms 3461 and 3461 ALT are provided for by 19 CFR 141 and 142. These forms and instructions are accessible at: <http://www.cbp.gov/xp/cgov/toolbox/forms/>

Simplified Entry is a program for ACE entry summary filers in which importers or brokers may file Simplified Entry data in lieu of filing the CBP Form 3461. This data consists of 12 required elements: importer of record; buyer name and address; buyer employer identification number (consignee number), seller name and address;

manufacturer/supplier name and address; Harmonized Tariff Schedule 10-digit number; country of origin; bill of lading; house air waybill number; bill of lading issuer code; entry number; entry type; and estimated shipment value. Three optional data elements are the container stuffing location; consolidator name and address, and ship to party name and address. The data collected under the Simplified Entry program is intended to reduce transaction costs, expedite cargo release, and enhance cargo security. The Simplified Entry filing minimizes the redundancy of data submitted by the filer to CBP through receiving carrier data from the carrier. This design allows the participants to file earlier in the transportation flow. Guidance on using Simplified Entry may be found at http://www.cbp.gov/xp/cgov/trade/trade_transformation/simplified_entry/

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

Type of Review: Extension (without change)

Affected Public: Businesses

CBP Form 3461

Estimated Number of Respondents: 6,029.

Estimated Number of Responses per Respondent: 1,410.

Estimated Total Annual Responses: 8,500,890.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,125,223.

CBP Form 3461 ALT

Estimated Number of Respondents: 6,795.

Estimated Number of Responses per Respondent: 1,390.

Estimated Total Annual Responses: 9,444,069.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 472,203.

Simplified Entry

Estimated Number of Respondents: 500

Estimated Number of Responses per Respondent: 1,410.

Estimated Total Annual Responses: 705,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 117,030.

Dated: April 17, 2013.

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

[Published in the Federal Register, April 23, 2013 (78 FR 23945)]