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[Third Party Testing FAQ](#)

*THIRD PARTY TESTING is required to support a certification of compliance to the rules shown below for children's products that are manufactured after the effective dates listed with each rule. The laboratories in this list have been accepted as accredited to test products to one or more of these children's product safety rules, as identified in the accreditation scope for each laboratory. A manufacturer of a children's [Eleanor Rose Recalls Children's Loungewear Due to Violation of Federal Flammability Standard](#) product that must comply with one or more of these rules must support its certification of compliance with test results from one of these laboratories. -**CHECK THE:** [List of Accredited Testing Laboratories](#)*

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[CPSC RECALLS & UPDATES](#)

- [Kawasaki USA Recalls Recreational Off-Highway Vehicles Due to Risk of Injury](#)
- [URBAN626 Recalls Electric Scooters Due to Fall Hazard](#)
- [Pacific Cycle Recalls Swivel Wheel Jogging Strollers Due to Crash and Fall Hazards](#)
- [Bosco's Recalls Self-Balancing Scooters/Hoverboards Due to Fire Hazard](#)
- [Swagway Recalls Self-Balancing Scooters/Hoverboards Due to Fire Hazard](#)
- [Hoverboard LLC Recalls Self-Balancing Scooters/Hoverboards Due to Fire Hazard](#)
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- [PTX Performance Products Recalls Self-Balancing Scooters/Hoverboards Due to Fire Hazard](#)
- [Hype Wireless Recalls Self-Balancing Scooters/Hoverboards Due to Fire Hazard](#)
- [Keenford Limited Recalls Self-Balancing Scooters/ Hoverboards Due to Fire Hazard](#)
- [Razor Recalls Self-Balancing Scooters/Hoverboards Due to Fire Hazard](#)
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CUSTOMS AND BORDER PROTECTION

PROPOSED RULES

Definition of Importer Security Filing Importer [\[TEXT\]](#) [\[PDF\]](#)-

This notice of proposed rulemaking (NPRM) proposes to expand the definition of ISF Importer for certain types of shipments to ensure that the party that has the best access to the required information will be the party that is responsible for filing the ISF.

North American Free Trade Agreement: Preference Override [\[TEXT\]](#) [\[PDF\]](#)

The United States, Canada and Mexico have agreed to liberalize provisions of the North American Free Trade Agreement (NAFTA) preference rules of origin that relate to certain goods, including certain spices. However, such liberalization cannot take effect unless U.S. Customs and Border Protection (CBP) amends its regulations to allow the NAFTA preference override to apply to certain spice products and other food products. This document proposes such an amendment.

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

United States-Caribbean Basin Trade Partnership Act [\[TEXT\]](#) [\[PDF\]](#)

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General Notices	Page
<i>Proposed Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Portable Light Towers</i>	1

DATES: Comments must be received on or before August 5, 2016.

*In NY N026470, CBP classified portable light towers in heading 9405, HTSUS, specifically in subheading 9405.40.60, HTSUS, which provides for “Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included: Other electric lamps and lighting fittings: Of base metal: Other.” CBP has reviewed NY N026470 and has determined the ruling letter to be in error. **It is now CBP’s position that portable light towers are properly classified, by operation of GRIs 1, 3(b), and 6 in heading 8502, HTSUS, specifically in subheading 8502.11.00, HTSUS, which provides for “Electric generating sets and rotary converters: Generating sets with compression-ignition internal combustion piston engines (diesel or semi-diesel engines): Of an output not exceeding 75 kVA.”***

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N026470 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H270400, 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.

...

ISSUE: *Whether the subject portable light towers are classifiable in heading 8502, HTSUS, as electric generating sets, or in heading 9405, HTSUS, as lamps.*

LAW AND ANALYSIS:

...

The portable light towers consist of diesel powered electric generators mounted onto a metal chassis and a telescopic tower with high output flood lights. Heading 8502, HTSUS, provides for “Electric generating sets and rotary converters.” We find that the diesel powered electric generators components of the portable light towers at issue are described as electric “generating sets” because they include a combination of an electric generator and a diesel engine mounted together on a metal chassis. See EN 85.02. Similarly, heading 9405, HTSUS provides for “Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included.” We find that the high output flood light components are described by heading 9405, HTSUS, as lamps. As such, the portable light towers are not specifically provided for in any one heading.

GRI 2(b) states in relevant part that “[t]he classification of goods consisting of more than one material or substance shall be according to the principles of rule 3.” GRI 3(a) states that, “[w]hen, by application of rule 2(b) or for any other reason, goods are, prima facie, classifiable under two or more headings, classification shall be effected as follows: (a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.”

Pursuant to GRI 3(b) “[w]hen, 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.”

EN (IX) to GRI 3(b) states that “composite goods” means goods made up of different components wherein the components are attached to each other to form a practically inseparable whole and goods with separable components, provided these components are adapted one to the other and are mutually complementary and that together they form a whole which would not normally be offered for sale in separate parts. The portable light towers are made up of different components – diesel powered electric generators and high output flood lights. The diesel powered electric generators and their mounted light towers form an inseparable whole given that they are attached to each other. Moreover, they are mutually complementary in that the generators provide power to the lights and the lights illuminate open spaces and jobsites. Finally, they are not normally offered for sale in separate parts. As such, the portable light towers are composite goods that must be classified using GRI 3(b).

... There have been several court decisions on “essential character” for purposes of classification under GRI 3(b). [citations omitted]. Therefore, a case-by-case determination on essential character is warranted in this situation.

Applying the essential character analysis to the merchandise at issue, we find that the electric generators constitute the bulk of the subject merchandise and provide the source of energy to the flood lights. Given that the purpose of the subject merchandise is to provide light to open spaces and jobsites using the energy provided by the generators, and to provide energy to other machinery using the convenience outlets that are located on the generators, we find that the generators are indispensable to the article as a whole. Without the generators, the portable lamps are inoperable. We find that the diesel powered electric generators are the components that provide the essential character.

Accordingly, the subject merchandise is classified in heading 8502, HTSUS. Considering the power output of the diesel powered generators, which ranges from 6 kW to 8 kW, the merchandise is specifically

classified under subheading 8502.11.00, HTSUS, as “Electric generating sets and rotary converters: Generating sets with compression-ignition internal combustion piston engines (diesel or semi-diesel engines): Of an output not exceeding 75 kVA.”

HOLDING: Under the authority of GRIs 1, 3(b), and 6 the portable light towers are classified in heading 8502, HTSUS, specifically in subheading 8502.11.00, HTSUS, which provides for “Electric generating sets and rotary converters: Generating sets with compression-ignition internal combustion piston engines (diesel or semi-diesel engines): Of an output not exceeding 75 kVA.” The 2016 column one, general rate of duty is 2.5 percent ad valorem.

EFFECT ON OTHER RULINGS: NY N026470, dated May 2, 2008, is REVOKED.

Proposed Revocation of Four Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Thermal Transfer Ribbons 9

DATES: Comments must be received on or before August 5, 2016.

In HQ 958899, HQ 958572, NY 814940, NY 814490, CBP classified thermal transfer ribbons in heading 9612, HTSUS, specifically in subheading 9216.10.10, HTSUS, which provides for “Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink pads, whether or not inked, with or without boxes: Ribbons: Measuring less than 30 mm in width, permanently put up in plastic or metal cartridges (whether or not containing spools) of a kind used in typewriters, automatic data processing or other machines” and specifically in subheading 9612.10.90, HTSUS, which provides for “Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink pads, whether or not inked, with or without boxes: Ribbons: Other,” respectively. CBP has reviewed HQ 958899, HQ 958572, NY 814940, and NY 814490 and has determined the ruling letters to be incorrect. It is now CBP’s position that the thermal transfer ribbons are properly classified, by operation of GRIs 1 (Note 2(b) to Section XVI and 6, in heading 8443, HTSUS, specifically in subheading 8443.99.25, HTSUS, which provides for “Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof: Parts and accessories: Other: Parts and accessories of printers: Other.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke HQ 958899, HQ 958572, NY 814940, NY 814490 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H262583, set forth as Attachment E 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.

...

ISSUE: Whether the thermal transfer ribbons are classified in heading 9612, HTSUS, as typewriter or similar ribbons, or in heading 8443, HTSUS, as printing machinery used for printing by means of plates.

LAW AND ANALYSIS:

...

The HTSUS provisions under consideration are as follows:

- 8443 Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof:
- 9612 Typewriter or similar ribbons, inked or otherwise prepared for giving impressions whether or not on spools or in cartridges; ink pads, whether or not inked, with or without boxes:

Legal Note 1(q) to Section XVI, HTSUS, provides that:

Typewriter or similar ribbons, whether or not on spools or in cartridges (classified according to their constituent material, or in heading 9612 if inked or otherwise prepared for giving impressions).

Legal Note 2 to Section XVI, HTSUS, provides, in relevant part:

Subject to note 1 to this section, note 1 to chapter 84 and to note 1 to chapter 85, parts of machines (not being parts of the articles of heading 8484, 8544, 8545, 8546 or 8547) are to be classified according to the following rules:

(a) Parts which are goods included in any of the headings of chapter 84 or 85 (other than headings 8409, 8431, 8448, 8466, 8473, 8487, 8503, 8522, 8529, 8538 and 8548) are in all cases to be classified in their respective headings;

(b) Other parts, if suitable for use solely or principally with a particular kind of machine, or with a number of machines of the same heading (including a machine of heading 8479 or 8543) are to be classified with the machines of that kind or in heading 8409, 8431, 8448, 8466, 8473, 8503, 8522, 8529 or 8538 as appropriate. However, parts which are equally suitable for use principally with the goods of headings 8517 and 8525 to 8528 are to be classified in heading 8517;

(c) All other parts are to be classified in heading 8409, 8431, 8448, 8466, 8473, 8503, 8522, 8529 or 8538 as appropriate or, failing that, in heading 8487 or 8548.

* * * *

*Note 1(q) to Section XVI, HTSUS, provides: “Typewriter or similar ribbons, whether or not on spools or in cartridges (classified according to their constituent material, or in heading 9612 if inked or otherwise prepared for giving impressions).” Accordingly, if the subject merchandise is prima facie classifiable under heading 9612, HTSUS, it is excluded from classification under Section XVI. In *QMS, Inc., v. United States*, 19 C.I.T. 551; 17 Int’l Trade Rep. (BNA) 1510; 1995 Ct. Intl. Trade LEXIS 104; SLIP OP. 95–65 (Ct. Int’l Trade 1995), the court examined the classification of color ink sheet rolls (“ISRs”), also known as thermal transfer ribbons in the trade. See *QMS, Inc., v. United States*, 19 C.I.T. 551, 552 (“QMS”). These ISRs were specially designed solely for use in color thermal transfer printers that were used to print graphics with automatic data processing equipment. The printers could not function as intended without color ISRs. *Id.* at 551. In their condition as imported, the ISRs consisted of a thin polymer (i.e., plastic) film to which paraffin wax pigments (or “inks”) in varying color configurations (i.e., yellow, magenta, cyan, and black) had been applied. *Id.* at 551. The ISRs varied in size, depending on the color thermal transfer printers for which they are specially designed. They were between 228 and 325 millimeters in width, between 105 and 297 meters in length, and between 50 and 74 millimeters in diameter when tightly wound around a reinforced cardboard core. *Id.* at 551–552.*

*The court first considered classification in heading 9612, HTSUS, as typewriters or similar ribbons, and found that the subject ISRs could not be classified there because of the differences in physical characteristics and printing processes between ISRS and typewriter ribbons. *Id.* at 556. The court reasoned that typewriter ribbons are typically narrow while the ISRs were wide. *Id.* at 559. The court also noted that when typewriter ribbons are used, the ink is transferred to paper by impression which occurs when the ribbon is directly impacted by a mechanical striker. Thus, the court stated that the purpose of such ribbons is to serve as a medium for printing on paper by impression from impact, not the general purpose of printing. *Id.* at 559–560. By contrast, the court found that the purpose of the ISRs was to serve as a medium for the printing of graphic images on paper by use of heat.*

*In the thermal printing process, pigmented wax is never transferred to the paper by means of impact. *Id.* at 560. As a result, the court found that the subject ISRs could not be classified in heading 9612, HTSUS.*

*Like in *QMS, Inc.*, in the present case, the subject thermal transfer ribbons also cannot be classified as typewriter ribbons of heading 9612, HTSUS, because they too are not similar enough to typewriter ribbons to be classified there. As in the case of *QMS, Inc.*, they also function as a medium for printing images onto various media by way of heat. This is in contrast to typewriter ribbon, which functions by transferring an image by way of impact. As a result, the subject thermal transfer ribbons cannot be classified in heading 9612, HTSUS, and classification under Section XVI can be considered. See also HQ H245899, dated July 23, 2014.*

The term “part” is not defined in the HTSUS. In the absence of a statutory definition, the courts have fashioned two distinct but reconcilable tests for determining whether a particular item qualifies as a

“part” for tariff classification purposes. *Bauerhin Techs. Ltd. Pshp. v. United States*, 110 F.3d 774, 779 (Fed. Cir. 1997). Under the test initially promulgated in *United States v. Willoughby Camera Stores, Inc.* (“*Willoughby*”), 21 C.C.P.A. 322, 324 (1933), an imported item qualifies as a part only if can be described as an “integral, constituent, or component part, without which the article to which it is to be joined, could not function as such article.” *Bauerhin*, 110 F.3d at 779. Pursuant to the test set forth in *United States v. Pompeo*, 43 C.C.P.A. 9, 14 (1955), a good is a “part” if it is “dedicated solely for use” with a particular article and, “when applied to that use...meets the Willoughby test.” *Bauerhin*, 110 F.3d at 779 (citing *Pompeo*, 43 C.C.P.A. at 14); *Ludvig Svensson, Inc. v. United States*, 63 F. Supp. 2d 1171, 1178 (Ct. Int’l Trade 1999) (holding that a purported part must satisfy both the Willoughby and Pompeo tests).

Here, the subject thermal transfer ribbons meet the definition of “parts” as defined by the courts because they are integral part of a printing machine without which the machine could not function. Because they do not fall under the scope of a single heading of Section XVI as goods unto themselves per Note 2(a) to Section XVI, supra, the subject thermal transfer ribbons are properly classified under heading 8443, HTSUS, as parts of printers by operation of Note 2(b) to Section XVI.

HOLDING: By application of GRIs 1 (Note 2(b) to Section XVI) and 6, the thermal transfer ribbons are classified in heading 8443, HTSUS, specifically in subheading 8443.99.25, HTSUS, which provides for “Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof: Parts and accessories: Other: Parts and accessories of printers: Other.” The general column one rate of duty is “Free.”

EFFECT ON OTHER RULINGS: HQ 958572, dated February 5, 1996, HQ 958899, dated February 14, 1996, NY 814940, dated September 28, 1995, and NY 814490, dated September 28, 1995 are hereby REVOKED.

Proposed Revocation of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Galaxolide® Mixtures 22

DATES: Comments must be received on or before August 5, 2016.

In NY N196797 and NY C85217, CBP classified various Galaxolide® mixtures in heading 2932, HTSUS, specifically in subheading 2932.99.70, HTSUS, which provides for “Heterocyclic compounds with oxygen hetero-atom(s) only: Other: Other: Aromatic: Other: Other.” CBP has reviewed NY N196797 and NY C85217 and has determined the ruling letters to be in error. **It is now CBP’s position that the Galaxolide® mixtures are properly classified, by operation of GRI 1, in heading 3302, HTSUS, specifically in subheading 3302.90.10, HTSUS, which provides for “Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages: Containing no alcohol or not over 10 percent of alcohol by weight: Other.”**

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N196797 and NY C85217 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H274972, set forth as Attachment C 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.

ISSUE: Whether the subject Galaxolide® mixtures are properly classified in heading 2932, HTSUS, as heterocyclic compounds with oxygen hetero-atom(s) only, or in heading 3302, HTSUS, as mixtures with a basis of one or more odoriferous substances, of a kind used in industry.

LAW AND ANALYSIS:

...

The products at issue consist of Galaxolide®, a heterocyclic compound represented by a distinct structural diagram, dissolved in diethyl phthalate or in isopropyl myristate. Like other Galaxolide®

mixtures, the instant products are incorporated as active ingredients in perfumes and other fragrance products. Our research indicates that diethyl phthalate and isopropyl myristate, both known diluents, are added to Galaxolide® for the express purpose of reducing the latter's viscosity and rendering it in usable form for incorporation in perfumes. See Horst Surburg and Johannes Panten, Common Fragrance and Flavor Materials: Preparation, Properties and Uses (6th ed. 2016). Our research further indicates that diethyl phthalate also functions as a fixative, which is "a substance that prevents too rapid volatilization of the components of a perfume and tends to equalize...rates of volatization" and which "thus increases the odor life of a perfume and keeps the odor unchanged." Richard J. Lewis, Sr., *Hawley's Condensed Chemical Dictionary* 566–67 (15th ed. 2007); see also U.S. Food and Drug Admin., *Phthalates*, <http://www.fda.gov/Cosmetics/ProductsIngredients/Ingredients>. American Chemistry Council, *Diethyl Phthalate (DEP) in Cosmetics Deemed Safe*, <https://phthalates.americanchemistry.com/Phthalates-Basics/Personal-Care-Products/Diethyl-Phthalate-DEP-in-Cosmetics-Deemed-Safe.html> (last visited May 23, 2016). As such, neither additive enables or enhances the safe use or transportation of Galaxolide®, which can in fact be safely maintained or transported in its undiluted form. See NY C87142, dated May 11, 1998 (classifying Galaxolide® "neat"). Instead, these additives enable fabrication of the finished perfumes and, in the case of the Galaxolide® 50 DEP, extend these perfumes' shelf lives. Consequently, neither product at issue is covered by Note 1(e) to Chapter 29. Because the subject products do not otherwise satisfy Note 1 to Chapter 29, they are excluded from heading 2932, HTSUS.¹ We next consider heading 3302, HTSUS, which applies, inter alia, to mixtures with a basis in one or more odoriferous substances, of a kind used as raw materials in the industry. Chapter Note 2 to Chapter 33 states as follows:

The expression "odoriferous substances" in heading 3302 refers only to the substances of heading 3301, to odoriferous constituents isolated from those substances or to synthetic aromatics.

With respect to "aromatics," Additional U.S. Note 2(a) to Section Note VI states as follows:

2. For the purposes of the tariff schedule:

(a) The term "aromatic" as applied to any chemical compound refers to such compound containing one or more fused or unfused benzene rings...

EN 33.02 states, in pertinent part, as follows:

This heading covers the following mixtures provided they are of a kind used as raw materials in the perfumery, food or drink industries (e.g., in confectionery, food or drink flavourings) or in other industries (e.g., soapmaking):

(6) Mixtures of one or more odoriferous substances (essential oils, resinoids, extracted oleoresins or synthetic aromatics) combined with added diluents or carriers such as vegetable oil, dextrose or starch...

Pursuant to Chapter Note 2 to Chapter 33, heading 3302, HTSUS, applies, inter alia, to synthetic aromatics, which are synthetic compounds containing at least one benzene ring, mixed with one or more substances. EN 33.02 states that the substances with which these synthetic aromatics may be mixed include diluents and carriers.

Galaxolide® is a synthetic substance that, according to its structural diagram, contains the requisite benzene ring of an aromatic compound within the meaning of Additional U.S. Note 2(a) to Section Note VI. See U.S. Patent No. 4,162,256 (issued July 24, 1979). It can therefore be described as a "synthetic aromatic" and, in effect, as an "odoriferous substance" within the meaning of Note 2 to Chapter 33. Because the instant products are mixtures consisting of an odoriferous substance and diluents, and

¹ We also considered whether the instant products are covered by Note 1(f) to Chapter 29, which provides for: "The products mentioned in (a), (b), (c), (d) or (e) above with an added stabilizer (including an anticaking agent) necessary for their pressurization or transport." However, while diethyl phthalate prevents volatilization of the final perfume, neither it nor isopropyl myristate stabilizes Galaxolide® when added to it.

because they are used as raw materials for perfumery products, they are described by EN 33.02 as examples of products classifiable in heading 3302. Consequently, we find that the instant products are properly classified in heading 3302, HTSUS, as mixtures with bases in an odoriferous substance, of a kind used as raw materials in the industry.

HOLDING: *By application of GRI 1, the subject Galaxolide® mixtures are properly classified in heading 3302, HTSUS. They are specifically classified in subheading 3302.90.1050, HTSUSA (Annotated), which provides for: “Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages: Other: Containing no alcohol or not over 10 percent of alcohol by weight: Other.” The 2016 column one general rate of duty is free.*

EFFECT ON OTHER RULINGS: *New York Ruling Letters N196797, dated February 3, 2012, and NY C85217, dated March 18, 1998, are hereby REVOKED in accordance with the above analysis.*

Proposed Revocation of Two Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of a Rolling Pullman Case, Backpacks, a Tote Bag, and an Insulated Lunch Bag 33

DATES: Comments must be received on or before August 5, 2016.

In NY M82559 and NY M84189, CBP classified a rolling Pullman case, backpacks, a tote bag, and an insulated lunch bag in heading 4202, HTSUS, specifically in subheadings 4202.12.80, HTSUS (rolling bag), 4202.92.08, HTSUS (insulated lunch bag), and 4202.92.30, HTSUS (backpacks and tote bag), as bags with an outer surface of textile materials. CBP has reviewed NY M82559 and NY M84189 and has determined the ruling letters to be in error. It is now CBP’s position that the rolling pullman case, backpacks, a tote bag, and an insulated lunch bag are properly classified, by operation of GRIs 1 and 6, in heading 4202, HTSUS, specifically in subheadings 4202.12.20, HTSUS (rolling pullman case), 4202.92.10, HTSUS (insulated lunch bag), and 4202.92.45, HTSUS (backpacks and tote bag), as bags with an outer surface of other than textile materials.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY M82559 and NY M84189 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H275674, set forth as Attachment C 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.

ISSUE: *Whether the essential character of the instant bags is imparted by the textile material or by the plastic sheeting on the outer surface.*

LAW AND ANALYSIS:

...

The subheadings covering the instant bags refer only to part of the materials or components contained therein. Therefore, under GRI 3(a), these subheadings must be regarded as equally specific in relation to the article and the article must be classified as if it consisted of the material or component which gives it its essential character, pursuant to GRI 3(b).

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.” The classification of the instant bags will thus turn on which component imparts the essential character to the whole.

CBP has generally determined that the material comprising the bulk of the exterior surface area of a bag imparts the essential character. See e.g., HQ 962817, dated January 14, 2002 (“Customs believes that the four

panels with an outer surface of plastic impart the essential character. These panels comprise the bulk of the outer surface of the bag. We also note that the material of these four panels is thicker and more rigid than the material used for the two side panels. Thus, we believe that these panels contribute significantly to the shape or form of the bag. Lastly, we note that when the bag is “collapsed” for storage, only the top and bottom panels (with an outer surface of plastic) are visible”); HQ H025873, dated September 3, 2010 (classifying a cooler bag in accordance with the majority of the exterior surface area). However, the plastic front panel of an insulated food or beverage bag might impart the essential character to the whole in cases where the style of the front panel significantly outweighs the remaining factors. See e.g., HQ H088427, dated May 29, 2015.

In NY M82559 and NY M84189, CBP held that the essential character of the bags in question was determined by the textile material which comprised the majority of the external surface area of the bags, even though the plastic front panels featured visually appealing designs such as cartoon characters. However, as noted in HQ H088427, the relative external surface area is not the only factor in the classification of such bags. In this case, the plastic front panels of the instant bags feature the popular cartoon characters Dora the Explorer, Tinkerbell, and Spongebob, and characters from the Cars movie. **These bags have an immediate visual appeal that is geared towards children, a particularly demanding and vociferous group of customers who are not likely to concern themselves with the composition, cost, sturdiness, or durability of a bag as opposed to the appeal of the design and the specific character represented.** Unlike HQ H088427, HQ H025873, or HQ 962817, where the visual appearance of the front panel of the bags differed only in minor respects from the remainder of the exterior, the plastic front panel of the instant bags is clearly distinct and given the factors discussed above, is likely to play a significant role in the decision to purchase and use the bag.

This conclusion is consistent with past rulings wherein CBP has determined that the essential character of similar bags was determined by a plastic front panel with a similarly appealing design. See e.g., HQ 964768, dated April 26, 2001 (backpack featuring the “Pooh” and “Tigger” characters on the front); NY N261757, dated March 19, 2015 (insulated cooler bag featuring Darth Vader on the front panel); NY N237048, dated February 06, 2013 (tote bag featuring several Disney Princesses on the front).

HOLDING: By application of GRI 1, GRI 3(b) and GRI 6, the rolling Pullman case is classified in heading 4202, HTSUS, specifically subheading 4202.12.20, HTSUS, which provides for “Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials or with paper: Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels and similar containers: With outer surface of plastics or of textile materials: With outer surface of plastics.” The 2016, column one, general rate of duty is 20% ad valorem.

By application of GRI 1, GRI 3(b) and GRI 6, the insulated lunch bag is classified in heading 4202, HTSUS, specifically subheading 4202.92.10, HTSUS, which provides for “Trunks,...and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials or with paper: Other: With outer surface of sheeting of plastic or of textile materials: Insulated food or beverage bags: Other.” The 2016, column one, general rate of duty is 3.4% ad valorem.

The backpacks and tote bag are classified in heading 4202, specifically subheading 4202.92.45, HTSUS, which provides for “Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels,

spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers...: Other: With outer surface of sheeting of plastic or of textile materials: Travel, sports and similar bags: Other.” The 2016 column one, general rate of duty is 20% ad valorem.

EFFECT ON OTHER RULINGS: NY M82559, dated May 2, 2006, and NY M84189, dated June 16, 2006, are hereby revoked.

Proposed Modification of Three Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of Cranks and Chain Rings that are Parts of Bicycle Cotterless-Type Crank Sets 44

DATES: Comments must be received on or before August 5, 2016.

In NY K81790 and NY K80388, CBP classified chain rings and cranks that are parts of bicycle cranksets that utilize pinch bolts but no cotters in subheading 8714.99.80, HTSUS, which provides for other “Parts and accessories of vehicles of heading 8711 to 8713: Other: Other: Other.” CBP has reviewed NY K81790, NY K80388, and HQ 083052 and has determined the ruling letters to be in error. It is now CBP’s position that chain rings and cranks that are parts of bicycle cranksets that utilize pinch bolts but no cotters are properly classified, by operation of HTSUS General Rule Interpretation 6, in subheading 8714.96.50, HTSUS, which provides for “Parts and accessories of vehicles of heading 8711 to 8713: Other: Pedals and crank-gear, and parts thereof: Cotterless-type crank sets and parts thereof.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to modify NY K81790, NY K80388, and HQ 083052 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H243595, set forth as Attachment D 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.

ISSUE: Are certain SRM chainrings, as described herein, properly classified under HTSUS subheading 8714.96.90 as “Parts and accessories of vehicles of heading 8711 to 8713: Other: Pedals and crank-gear, and parts thereof: Other crank-gear and parts thereof,” or under HTSUS subheading 8714.96.50 as “Parts and accessories of vehicles of heading 8711 to 8713: Pedals and crank-gear, and parts thereof: Cotterless-type crank sets and parts thereof”?

Are certain SRM cranks and the crank at issue in HQ 093052, as described herein, properly classified under HTSUS subheading 8714.99.80 as “Parts and accessories of vehicles of heading 8711 to 8713: Other: Other,” or under HTSUS subheading 8714.96.50 as “Parts and accessories of vehicles of heading 8711 to 8713: Other: Pedals and crank-gear, and parts thereof: Cotterless-type crank sets and parts thereof”?

LAW AND ANALYSIS:

...

The SRM crankset, as mentioned in the FACTS section above, consists of chainrings, crank, a spider, pinch bolts (in some iterations), washers, screws, bolts, and end caps. This is typical of most bicycle cranksets. As noted above, the spider is a multi-pronged piece upon which the chainrings are affixed with bolts and screws on one side and to which one of the two cranks is affixed with the pinch bolts and nuts. An example of an unassembled complete crankset appears as follows in Image 1:

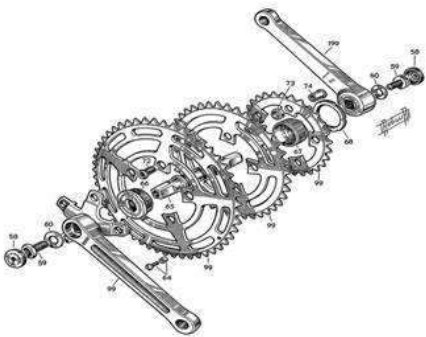


Image 1

Image 1b below shows a side view of a crankset with each part identified:

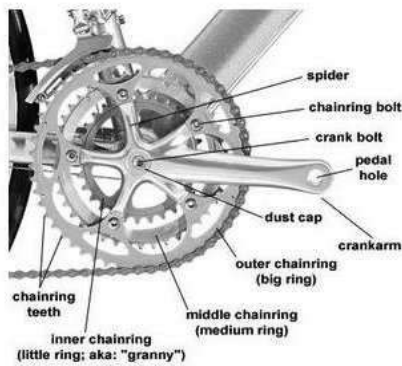


Image 1b

The following (Image 1c) is a more simplified blown up view of an unassembled crankset:

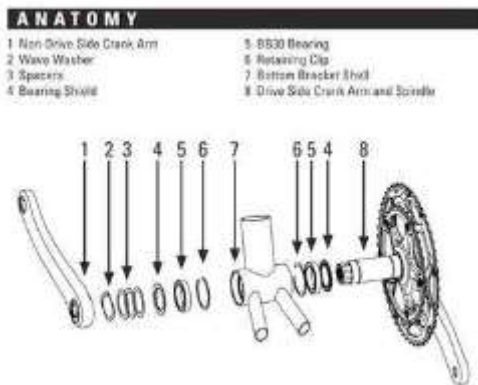


Image 1c

In Images 1 and 1b, the three large circular pieces with “teeth” lining their entire outer edges are chainrings. The subject chainrings are of the same design and have the same dimensions as the chainrings they are designed to replace on stock bicycles. In Image 1c, the long cylinder-like pieces that are fitted onto the spindle and then protrude out are the crankarms, or simply, cranks. The pedals of the bicycle are screwed into the holes at the outer end of the cranks. Note the spindle in relation to the chainrings and cranks in Image 1c. The subject cranks are similar in design and have the same longitudinal dimensions as the cranks they are designed to replace on stock bicycles. Thus, it is without question that the subject chainrings and cranks are parts of crank gear, as specifically covered under subheading 8714.96. Therefore, subheading 8714.99 is not applicable, as a basket provision for articles not specifically covered elsewhere in HTSUS, to either article at issue in this case.

We must now determine if the SRM chainrings and cranks are, as parts of crank gear of subheading 8714.96, parts of cottered cranksets or cotterless cranksets. To do so, we will discuss the differences between cottered cranksets and cotterless cranksets.

Cottered cranksets

The following photograph (Image 2) is of a typical cotter for a bicycle cottered crankset assembly. Note the flat face of one side and the nut and washer affixed to one end but not the other end:



Image 2

An illustration of how the cotter fits into a crank and onto the spindle is as follows in Image 3:



Image 3

In Image 3, the cotter is secured to the crank with the nut and washer after it is inserted into the crank and thereby fitted onto the spindle. The flat face of the cotter fits snugly onto the flat side of the spindle in this assembly. The following Image 4 is a photograph of a cotter inserted into a crank without the securing nut and washer:



Image 4

The following Image 5 is a photograph of flat-faced spindles onto which the crank and cotter is fitted:



Image 5

The following Image 5b is a photograph of a fully-assembled cotted crankset:



Image 5b

Cotterless cranksets

In a cotterless crankset assembly, the cranks are fitted onto the spindle by inserting the end of the spindle in the corresponding hole of the crank. The following photograph (Image 6) shows four different types of cotterless spindles:



Image 6

As shown, cotterless spindles come in different shapes and the hole of the corresponding crank is, of course, shaped accordingly. Upon being fitted onto the spindle, the cotterless crank is secured to the spindle either exclusively with an end cap/bolt or a combination of the end cap/bolt and pinch bolts screwed into the end of the crank. The following (Image 7) is a photograph of a crank secured exclusively via an end bolt, with a cross-section cut out for illustration purposes:



Image 7

The following (Image 8) is an illustration of a crank with pinch bolts at the end and an end cap. This is similar to the SRM cranks at issue. Note the ridges on the inside of the hole in the crank:

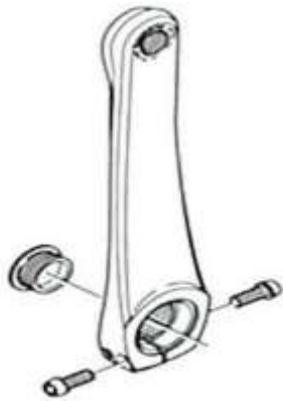


Image 8

The following (Image 9) is a photograph of the same type of crank fitted onto the spindle. Note the end cap secured in place:



Image 9

Analysis

You assert that the method of attaching the subject crank to the axle by means of a splined spindle from the axle inserted into a matched hole in the crank and then secured by pinch bolts at the end of the crank is descriptive of a cotterless crank. You specifically disagree with HQ 083052, *supra*, in which CBP determined that the pinch bolt in this type of crankset assembly “fits very comfortably within [the definition]” of a cotter. HQ 083052 cited the Webster’s Third New International Dictionary, Unabridged (1986) for guidance on the definition of a cotter, which that dictionary defined as “a wedge shaped or tapered piece used to fasten together parts of a machine or structure by being driven into a tapered opening through one or all of the parts.” The ruling also cited another dictionary that defined a cotter as “a pin, wedge, key or the like, fitted or driven into an opening to secure something or hold parts together.” *Random House Dictionary of the English Language, The Unabridged Edition (1973)*.

The latter definition is also stated verbatim in the online dictionary *Dictionary.com (2016)*. A more recent definition of a cotter defines it as “a wedge-shaped or tapered piece used to fasten together parts of a structure.” [http://www.merriam-webster.com/dictionary/cotter \(2016\)](http://www.merriam-webster.com/dictionary/cotter).

Engineering-dictionary.org defines cotterless crankset as “bicycle crankset in which the crankarms are fastened to the axle by means of nuts or bolts instead of cotter pins.” http://www.engineering-dictionary.org/Cotterless_crank. The same definition is offered verbatim on an automotive site. See http://www.automotivedictionary.org/Dictionary-of-Automotive-Terms/H/6/N/2/P/A/9/I/3/Cotterless_crank.

In the HOLDING section of HQ 083052, CBP concluded that “the term ‘cotterless’ was not used in the common sense of ‘absence of a cotter’ but in a commercial sense and ‘cotterless’ referred to the attachment of the crank to the axle piece by mounting bolts and crank arm caps.” In reaching that conclusion, CBP cited CBP Letter HQ 069847 (June 11, 1982), which was circulated as C.I.E. N36/75. Upon review of the present case, we find the conclusion reached in HQ 083052 to be in error.

Our reading of the general definition of a cotter pin is that its pertinent defining characteristic is that it is tapered or wedge-shaped, as shown in Image 2. This is true no matter the source of the definition, even the definition cited in HQ 083052. In this context, that shape is critical to how the various pieces of the cotted crankset are fitted together. As noted above, a cotted crank spindle is flat on one side (see Image 5) so that the flat side of the cotter can fit snugly together, as shown in Images 3 and 4. This is basically how a cotted crankset is fitted together. The nut and washer that screw onto the end of the cotter that protrudes out of one end of the crank after insertion are what secures the cotter pin in place.

In contrast to how a cotted crankset is designed, a cotterless crankset has splines notched into the outer diameter of the end(s) of the spindle, as shown on the last three spindles in Image 6 from left to right, and the crank(s) (in some cases, the spindle is integrated onto the spider and/or the opposite crank, as shown in Image 1c) have corresponding splines notched into the inside of the spindle hole at the end of the crank, as shown in Image 8. (In earlier designs, the spindle has a rectangular knob at its end and the crank has a corresponding rectangular hole at its end, as shown in the first spindle in Image 6 from left to right.) The spindle and crank are fitted together by inserting the splined end of the spindle into the splined spindle hole of the crank. As noted above, the crank is secured to the spindle either exclusively with an end cap or bolt cap or with pinch bolts in conjunction with an end cap or bolt cap, as shown in Images 8 and 9.

While HQ 083052 finds that the pinch bolts fit within the definition of a cotter, we disagree with that finding. We find that the pinch bolts are more akin to the nut and washer of the cotter pin of cotted cranksets in that the pinch bolts secure the assembly in place after the principal parts, the spindle and crank(s), along with the spider, have been fitted together. There is no corresponding part for the cotter pin on cotterless cranksets as a cotter is not needed to fit the principal parts together. Furthermore, the pinch bolts are not tapered or wedge-shaped, rather they are shaped like conventional bolts with a head that is shaped for a corresponding wrench and a cylinder-shaped body with winding grooves running along its length. In short, the pinch bolts are not designed to and do not perform the equivalent function of a cotter pin in a cotted crankset.

Given the foregoing, we find that the pinch bolts are not cotters. We also find that cranksets that utilize such pinch bolts but do not utilize a cotter pin are not cotted cranksets, but are in fact cotterless cranksets. It also follows that the parts of cranksets that utilize pinch bolts but not a cotter pin, including chainrings, are parts of a cotterless crankset, not a cotted crankset. Consequently, the subject chainrings and cranks are identified as parts of cranksets that are cotterless. Therefore, in accordance with GRI 6, the subject chainrings and cranks and other SRM chainrings and cranks that are parts of SRM cranksets that do not utilize a cotter pin to be fitted together are properly classified under HTSUS subheading 8714.96.50 as “Parts and accessories of vehicles of heading 8711 to 8713: Other: Pedals and crank-gear, and parts thereof: Cotterless-type crank sets and parts thereof...”

We note again that CBP Ruling HQ 083052 (April 21, 1989) held that pinch bolts that are used as described above are parts of a cotted crankset, not a cotterless crankset. Based on the foregoing, the crank at issue in HQ 083052 is a part of a cotterless crankset and as such is properly classified under HTSUS subheading 8714.96.50 as “Parts and accessories of vehicles of heading 8711 to 8713: Other: Pedals and crank-gear, and parts thereof: Cotterless-type crank sets and parts thereof...” Consistent with our findings and conclusion here, we now find the holding in HQ 083052 to be incorrect and therefore HQ 083052 is to be modified accordingly.

HOLDING: *By application of GRI 6, the subject chainrings and cranks that are parts SRM cranksets that do not utilize a cotter pin to be fitted together are properly classified under HTSUS subheading 8714.96.50 as “Parts and accessories of vehicles of heading 8711 to 8713: Other: Pedals and crank-gear, and parts thereof: Cotterless-type crank sets and parts thereof...” The general column one rate of duty, for merchandise classified under this subheading is free.*

EFFECT ON OTHER RULINGS:

CBP Ruling NY K81790 (February 3, 2004) is hereby MODIFIED only with respect to the tariff classification of Chainrings and Cranks.

CBP Ruling NY K80388 (November 17, 2003) is hereby MODIFIED only with respect to the tariff classification of Chainrings and Cranks.

CBP Ruling HQ 083052 (April 21, 1989) is hereby MODIFIED only with respect to the tariff classification of Cranks (referred to as “Crank Arm Blanks” in that ruling).

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

Proposed Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of a Cable Cutter 65

DATES: Comments must be received on or before August 5, 2016.

In NY N021177, CBP classified a cable cutter in subheading 8203.20, HTSUS, specifically in subheading 8203.20.60, HTSUS, which provides for “Files, rasps, pliers (including cutting pliers), pincers, tweezers, metal cutting shears, pipe cutters, bolt cutters, perforating punches and similar handtools, and base metal parts thereof: Pliers (including cutting pliers), pincers, tweezers and similar tools, and parts thereof: Other: Other (except parts).” CBP has reviewed NY N021177 and has determined the ruling letter to be in error. It is now CBP’s position that the cable cutter is properly classified, by operation of GRIs 1 and 6, in heading 8203, HTSUS, specifically in subheading 8203.30.00, HTSUS, which provides for “Files, rasps, pliers (including cutting pliers), pincers, tweezers, metal cutting shears, pipe cutters, bolt cutters, perforating punches and similar handtools, and base metal parts thereof: Metal cutting shears and similar tools and similar tools, and parts thereof.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N021177 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H270402, 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.

...
ISSUE: *Whether the cable cutter (item number 40507) is classified as “pliers” of subheading 8203.20, HTSUS, or as “metal cutting shears” of subheading 8203.30, HTSUS.*

LAW AND ANALYSIS:

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

The ENs to heading 8203 address the types of hand tools covered in this heading and the ENs provide, in relevant part, as follows:

- (B) Pliers (including cutting pliers), pincers, tweezers and similar tools, including:*
 - (1) Pliers (e.g., seal closers and pliers, sheep ear and other animal marking pliers, gas pipe pliers, pliers for inserting or extracting cotter pins, eyelet and eyelet closing pliers; plier type saw sets).*
 - (2) Pincers (e.g., farriers’ tongs and smiths’ tongs).*
 - (3) Tweezers (e.g., watchmakers’, florists’, philatelists’, depilating).*
 - (4) Nail pullers (jaw type, working on the pincer principle).*
- (C) Metal cutting shears and similar tools, including tinmen’s snips, and other sheet metal or wire cutting shears.*

(emphasis in original).

As is evident from the ENs above, both pliers of subheading 8203.20, HTSUS, and shears of heading 8203.30, HTSUS, are capable of performing a cutting function. A critical difference is that while both tools work around a pivot, “the cutting blades of shears slide past each other to perform their cutting function.” See NY N026888, dated May 2, 2008 (classifying “Oval Head Cutters” and “Flush Cutting Shears” as pliers of subheading 8203.20 because “[t]he cutting edges of these blades are not similar to shears since they do not slide past each other.”). The cutting blades of the subject cable cutter do slide past each other when cutting cable. The kinds of cable that can be cut include both copper and aluminum, which are base metals, as defined in Note 3 to Section XV, HTSUS. Accordingly, the subject cable cutter is classifiable as “metal cutting shears” of subheading 8203.30, HTSUS, as described EN (C) to heading 8203. See NY N231636, dated September 6, 2012 (classifying a “Cable Cutter ... for cutting copper and aluminum cable” that “consist of two handles that operate to shear-type blades around a pivot” under subheading 8302.30, HTSUS).

HOLDING: *By application of GRIs 1 and 6, the cable cutter (item number 40507) is classified under subheading 8203.30, HTSUS, and specifically under subheading 8203.30.0000, HTSUS, which provides for “Files, rasps, pliers (including cutting pliers), pincers, tweezers, metal cutting shears, pipe cutters, bolt cutters, perforating punches and similar handtools, and base metal parts thereof: Metal cutting shears and similar tools and similar tools, and parts thereof.” The column one, general rate of duty is free.*

EFFECT ON OTHER RULINGS: *NY N021177, dated December 28, 2007, is hereby REVOKED.*

Proposed Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of the LG Chromebase 73

DATES: Comments must be received on or before August 5, 2016.

In NY N257812, CBP classified the LG Chromebase in heading 8543, HTSUS, specifically in subheading 8543.70.96, HTSUS, which provides for “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Other: Other: Other.” CBP has reviewed NY N257812 and has determined the ruling letter to be in error. It is

now CBP's position that the LG Chromebase is properly classified, by operation of GRI 1, in heading 8471, HTSUS, specifically in subheading 8471.49.00, HTSUS, which provides for "Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in code form and machines for processing such data, not elsewhere specified or included: Other automatic data processing machines: Other, entered in the form of systems."

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N257812 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H264746, 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.

...

ISSUE: Whether the LG Chromebase (model number 22CV241-W) is classified as "automatic data processing machines" of heading 8471, HTSUS, or as other "electrical machines" of heading 8543, HTSUS.

LAW AND ANALYSIS:

...

We note that NY N257812 properly took the position that a machine that is inoperable without Internet access is not classifiable under heading 8471; but, it has been confirmed that the LG Chromebase does, in fact, contain such functionality. The first requirement set forth in Note 5(A) to Chapter 84 is that an automatic data processing machine of heading 8471 must be capable of "[s]toring the processing program or programs and at least the data immediately necessary for the execution of the program." Note 5(A)(i) to Chapter 84, HTSUS. The LG Chromebase contains a hard drive as well as memory and cache capable of storing programs and data immediately necessary for program execution. The native Chrome OS is stored and processed on the machine itself, although the end users may install a different OS. Moreover, the end users can write or download native Chrome OS applications and other web-based applications, a significant portion of which remain functional on the LG Chromebase regardless of whether there is Internet connectivity.

The applications described above must also comport with the second requirement set forth in Note 5(A) to Chapter 84, which is that an automatic data processing machine of heading 8471 must be capable of "[b]eing freely programmed in accordance with the requirements of the user." Note 5(A)(ii) to Chapter 84, HTSUS. In HQ H075336, dated May 16, 2011, CBP analyzed the meaning of "freely programmable" in this context and explained as follows:

... [excerpt and citation omitted]

If the software applications for use with the LG Chromebase were limited to those sold through the Chrome OS Web Store, then the CBP criteria for "freely programmable" machines, as endorsed by the CAFC in Optrex, would not be satisfied. However, LGEUS has confirmed that this is not the case. The LG Chromebase is not limited to fixed programs and there are no hardware or software blocks preventing the end user from downloading off-the-shelf, third party applications. Moreover, the ChromeWeb Store is not the exclusive source of applications that can be downloaded for use on the LG Chromebase; other sources are available online and programs can be manually created by the end users.

Except for what is discussed above, none of the other requirements for automatic data processing machine of heading 8471, HTSUS, are in controversy in this case; and, in light of the discussion, the LG Chromebase is properly classified under subheading 8471.49.0000, HTSUS. See, e.g., HQ H075336, cited above (classifying the Apple iPod Touch under heading 8471, HTSUS). We note that CBP's classification of the LG Chromebase under subheading 8543.70.9650, HTSUS, in NY N257812 was the direct result of inaccurate factual statements proffered by LGEUS.

HOLDING: By application of GRIs 1 and 6, the LG Chromebase (model number 22CV241-W) is classified under heading 8471, HTSUS, and specifically under subheading 8471.49.0000, HTSUS,

which provides for “Automatic data processing machines and units thereof ...: Other automatic data processing machines: Other, entered in the form of systems.” The column one, general rate of duty is free.

EFFECT ON OTHER RULINGS: NY N257812, dated October 24, 2014, is hereby REVOKED.

Agency Information Collection Activities:

Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers 82

Arrival and Departure Record (Forms I-94 and I-94W) and Electronic System for Travel Authorization 85

Cargo Systems Messaging Service

CSMS [16000570](#) ACE Production Outage, Saturday, July 9, 2016 @ 2200 to 0200 ET Sunday, July 10

CSMS [16000569](#) ACE Quota Webinar Recordings Available on CBP.gov

CSMS [16000568](#) Harmonized Tariff Query In CERT Corrected

CSMS [16000567](#) ACE Production Outage, Thurs July 7,2016 @0600-0630 ET,impact ACE CargoRel & EntrySummary

CSMS [16000566](#) LEGACY ACE Certification Outage, today Wednesday, July 6, 2016 1700 ET to 2000 ET

CSMS [16000565](#) New Draft ACE CATAIR Chapter Posted to CBP.gov

CSMS [16000564](#) Updated ACE Development/Deployment Schedule Posted to CBP.gov

CSMS [16000563](#) The Notice of Arrival of Pesticides and Devices Pilot is Now Open to All Importers

CSMS [16000562](#) END Of Increased Surveillance Of FDA-Regulated Products From Tianjin, China

CSMS [16000561](#) Food and Drug Administration and Tobacco Products under the Deeming Rule

CSMS [16000560](#) National Webinar for Trade and PGAs on July 7, 2016

CSMS [16000559](#) Additional PGAs in ACE Export Processing Webinar – July 11, 2016

CSMS [16000558](#) Updated PGA Message Set Supporting Document Posted to CBP.gov

CSMS [16000557](#) FDA ACE Entries: Common Errors

CSMS [16000556](#) [SAME AS ABOVE, 16000557]

CSMS [16000555](#) Harmonized System Update (HSU) 1607 - Additional Information

CSMS [16000554](#) FDA Review Response Time Frames in ACE

CSMS [16000553](#) ACE Production Outage, Saturday, July 2, 2016 @ 2200 to 0200 ET Sunday, July 3

CSMS [16000552](#) Harmonized System Update (HSU) 1607 created June 30, 2016

CSMS [16000551](#) CBP Form 3461 Available on CBP.gov

CSMS [16000550](#) Updated ACE Entry Summary Business Rules and Process Document Available on CBP.gov

FEDERAL TRADE COMMISSION [Home](#)

FISH & WILDLIFE [F&W Importing / Exporting Website](#)

FOOD & DRUG ADMINISTRATION

FDA Recalls Market Withdrawals, & Safety Alerts

- [Whole Body Cryotherapy \(WBC\): A 'Cool' Trend that Lacks Evidence, Poses Risks](#)
- [Mister Cookie Face LLC, a Subsidiary of Fieldbrook Foods Corporation, Announces a Voluntary Recall of Sundae Shoppe Ice Cream Dipped Variety Cones for the Possible Presence of Undeclared Peanuts](#)
- [Cumberland Farms Announces Voluntary Recall of Sea Salt Caramel Delights Flavor of Cumberland Farms Premium Chocolate Treats Due to Possible Presence of Peanuts](#)
- [Dream Body Weight Loss Issues Voluntary Nationwide Recall of Dream Body 450mg, Dream Body Extreme Gold 800mg, Dream Body Advanced 400mg Due to Undeclared Sibutramine](#)

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FOREIGN ASSETS CONTROL OFFICE[Specially Designated Nationals List](#)[Resource Center](#)[OFAC Recent Actions](#)**INTERNATIONAL TRADE ADMINISTRATION****NOTICES****Antidumping or Countervailing Duty Investigations, Orders, or Reviews:**

Advance Notification of Sunset Reviews

[\[TEXT\]](#) [\[PDF\]](#)

May Anniversary Dates

[\[TEXT\]](#) [\[PDF\]](#)

Opportunity to Request Administrative Review

[\[TEXT\]](#) [\[PDF\]](#)

Certain Amorphous Silica Fabric from the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Brass Sheet and Strip From Germany

[\[TEXT\]](#) [\[PDF\]](#)

Carbon Steel Butt-Weld Pipe Fittings From Brazil, Japan, Taiwan, Thailand, and the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam

[\[TEXT\]](#) [\[PDF\]](#)

Certain Frozen Warmwater Shrimp From Brazil, India, the People's Republic of China and Thailand

[\[TEXT\]](#) [\[PDF\]](#)

Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Stainless Steel Sheet and Strip From the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)

Stainless Steel Butt-Weld Pipe Fittings from Italy

[\[TEXT\]](#) [\[PDF\]](#)

Stilbenic Optical Brightening Agents from Taiwan

[\[TEXT\]](#) [\[PDF\]](#)

Truck and Bus Tires from the People's Republic of China

[\[TEXT\]](#) [\[PDF\]](#)**Meetings:**

Environmental Technologies Trade Advisory Committee

[\[TEXT\]](#) [\[PDF\]](#)

United States Manufacturing Council

[\[TEXT\]](#) [\[PDF\]](#)**Trade Missions:**

Cyber Security Trade Mission to Turkey

[\[TEXT\]](#) [\[PDF\]](#)**INTERNATIONAL TRADE COMMISSION****NOTICES****Antidumping or Countervailing Duty Investigations, Orders, or Reviews:**

Diocetyl Terephthalate From Korea

[\[TEXT\]](#) [\[PDF\]](#)

Finished Carbon Steel Flanges From India, Italy, and Spain

[\[TEXT\]](#) [\[PDF\]](#)

Wooden Bedroom Furniture from China

[\[TEXT\]](#) [\[PDF\]](#)**Complaints:**

Certain Access Control Systems and Components Thereof

[\[TEXT\]](#) [\[PDF\]](#)**Investigations; Determinations, Modifications, and Rulings, etc.:**

Alloy Magnesium From China

[\[TEXT\]](#) [\[PDF\]](#)

Certain Tissue Paper Products from China

[\[TEXT\]](#) [\[PDF\]](#)**Terminations of Investigations on the Basis of Withdrawals of the Complaints:**

Certain Automated Teller Machines and Point of Sale Devices

[\[TEXT\]](#) [\[PDF\]](#)

CALIFORNIAOffice of Environmental Health Hazard AssessmentProposition 65 List dated 08/25/15*Latest 60 Day Notices*[AG Number 2016-00690\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: JEWELRY BOXES

[AG Number 2016-00689\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Exercise balls

[AG Number 2016-00688\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Granulated Instant Coffee

[AG Number 2016-00687\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Sandals

[AG Number 2016-00686\(View Details\)](#)

Chemical: Diisononyl phthalate (DINP)

Source: BSSN Bolster Roll, Item No. 10860H

[AG Number 2016-00685\(View Details\)](#)

Chemical: Di-n-butyl phthalate (DBP)

Source: Children's sandals

[AG Number 2016-00684\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Fitness balls

[AG Number 2016-00683\(View Details\)](#)

Chemical: Diisononyl phthalate (DINP)

Source: Plastic liners

[AG Number 2016-00682\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: LBD Protective Clothing PVC Rain Suit, Style No. 9835

[AG Number 2016-00681\(View Details\)](#)

Chemical: Arsenic (inorganic arsenic compounds), Arsenic (inorganic oxides), Lead

Source: Wakaya Calcium Bentonite Clay Powder

[AG Number 2016-00680\(View Details\)](#)

Chemical: Lead

Source: Dukan Diet Goji Berries

[AG Number 2016-00679\(View Details\)](#)

Chemical: Diisononyl phthalate (DINP)

Source: Cando Foam Wedge, Item No. 312001

[AG Number 2016-00678\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: TKO Training Gloves; UPC: 846816052471

[AG Number 2016-00676\(View Details\)](#)

Chemical: Wood dust

Source: EasyClean Pine Animal Bedding, EasyClean Cedar Animal Bedding

[AG Number 2016-00675\(View Details\)](#)

Chemical: Di-isodecyl phthalate (DIDP)

Source: Core Products Vinyl AB Contour Pillow, UPC No. 7-82944-01101-3

[AG Number 2016-00674\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Portfolio Covers

Comments: References AG Number 2015-00896

[AG Number 2016-00673\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Chairs with Vinyl/PVC Upholstery, Chairs with Foam Padding

Comments: References AG Number 2016-00500

[AG Number 2016-00672\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Tubing

[AG Number 2016-00671\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Tool Grips, Vinyl/PVC Hoses

[AG Number 2016-00670\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Tubing

[AG Number 2016-00669\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Hoses

[AG Number 2016-00668\(View Details\)](#)

Chemical: Lead

Source: Brass Terminals

[AG Number 2016-00667\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Napkin Rings

[AG Number 2016-00666\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Coated Cables

[AG Number 2016-00665\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Spring Collar Grips

[AG Number 2016-00664\(View Details\)](#)

Chemical: Lead

Source: Brass Cylinders

[AG Number 2016-00663\(View Details\)](#)

Chemical: Lead

Source: Quick Couplers

[AG Number 2016-00662\(View Details\)](#)

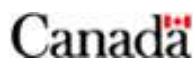
Chemical: Lead

Source: TekSupply brass hose bibbs

[AG Number 2016-00661\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Anthony Logistics For Men The Essential Traveling Case, UPC No. 8-02609-13117-4



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[Consumer Product Safety](#) [Canada Consumer Product Safety Act Page](#)

Report an Incident Involving a Consumer Product or a Cosmetic

Incident report forms: www.healthcanada.gc.ca/reportaproduct ***Recalls & Safety Alerts:***

RECALLS & ALERTS:

- ◆ [Fempro Consumer Products ULC recalls Incognito Intimate Wipes](#)
- ◆ [Home Depot of Canada Inc. Recalls Hampton Bay Traditional Swing with Canopy](#)
- ◆ [Longo's brand Hot Red Thai Chili Peppers recalled due to Salmonella](#)
- ◆ [Verano Food Purveyors brand Mushroom Soup recalled due to potential presence of dangerous bacteria](#)
- ◆ [Veg-Pak Produce Ltd. brand Hot Peppers – Red Thai recalled due to Salmonella](#)
- ◆ [Canada Herb brand fresh chili peppers recalled due to Salmonella](#)
- ◆ [Nirav brand Sweet Mango Pickle and Sweet Lemon Pickle recalled due to undeclared mustard](#)
- ◆ [Chr a Pulpe recalled due to undeclared sulphites](#)
- ◆ [Canada Herb brand fresh chili peppers recalled due to Salmonella](#)
- ◆ [Fjord Laks brand fish products recalled due to potential growth of dangerous bacteria if sold refrigerated](#)
- ◆ [Asian Legend brand Fried Noodles recalled due to undeclared egg](#)
- ◆ [Great Value brand Original Bagels recalled due to undeclared sesame](#)
- ◆ [Fjord Laks brand Scottish Smoked Salmon recalled due to potential growth of dangerous bacteria if sold refrigerated](#)
- ◆ [FOREST RIVER issued a recall on the ALLSTAR, ALLSTAR XL, and TITAN models](#)

ANTIDUMPING:

- ◆ [Stainless Steel Sinks](#)
- ◆ [Large diameter carbon and alloy steel line pipe](#)

* * *

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