

# Bureau of Customs and Border Protection

## *General Notices*

(T.D. 03-25)

### FOREIGN CURRENCIES

#### VARIANCES FROM QUARTERLY RATES FOR MAY, 2003

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in Treasury Decision 03-19 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): May 26, 2003

Australia dollar:

May 06, 2003 .....	\$0.638300
May 07, 2003 .....	.636200
May 08, 2003 .....	.642400
May 09, 2003 .....	.644800
May 10, 2003 .....	.644800
May 11, 2003 .....	.644800
May 12, 2003 .....	.648200
May 13, 2003 .....	.645800
May 14, 2003 .....	.647400
May 15, 2003 .....	.642500
May 16, 2003 .....	.650200
May 17, 2003 .....	.650200
May 18, 2003 .....	.650200
May 19, 2003 .....	.656000
May 20, 2003 .....	.657200
May 21, 2003 .....	.656300
May 22, 2003 .....	.658500
May 23, 2003 .....	.657500
May 24, 2003 .....	.657500
May 25, 2003 .....	.657500
May 26, 2003 .....	.657500
May 27, 2003 .....	.658500
May 28, 2003 .....	.647900
May 29, 2003 .....	.647700

FOREIGN CURRENCIES—Variances from quarterly rates for May 2003  
continued):

Australia dollar (continued):

May 30, 2003 .....	.651300
May 31, 2003 .....	.651300

Brazil real:

May 01, 2003 .....	\$0.343348
May 02, 2003 .....	.343643
May 03, 2003 .....	.343643
May 04, 2003 .....	.343643
May 05, 2003 .....	.333890
May 06, 2003 .....	.333556
May 07, 2003 .....	.337268
May 08, 2003 .....	.344234
May 09, 2003 .....	.347464
May 10, 2003 .....	.347464
May 11, 2003 .....	.347464
May 12, 2003 .....	.347826
May 13, 2003 .....	.347222
May 14, 2003 .....	.344828
May 15, 2003 .....	.341763
May 16, 2003 .....	.337496
May 17, 2003 .....	.337496
May 18, 2003 .....	.337496
May 19, 2003 .....	.335289
May 20, 2003 .....	.332226
May 21, 2003 .....	.333056
May 22, 2003 .....	.334448
May 23, 2003 .....	.341647
May 24, 2003 .....	.341647
May 25, 2003 .....	.341647
May 26, 2003 .....	.341647
May 27, 2003 .....	.329598
May 28, 2003 .....	.331126
May 29, 2003 .....	.340948
May 30, 2003 .....	.335683
May 31, 2003 .....	.335683

Canada dollar:

May 08, 2003 .....	\$0.716846
May 09, 2003 .....	.717875
May 10, 2003 .....	.717875
May 11, 2003 .....	.717875
May 12, 2003 .....	.720202
May 13, 2003 .....	.719528
May 14, 2003 .....	.725374
May 15, 2003 .....	.726903
May 16, 2003 .....	.731422
May 17, 2003 .....	.731422
May 18, 2003 .....	.731422
May 19, 2003 .....	.735078
May 20, 2003 .....	.743716
May 21, 2003 .....	.740850

FOREIGN CURRENCIES—Variances from quarterly rates for May 2003  
continued):

## Canada dollar (continued):

May 22, 2003 .....	.731048
May 23, 2003 .....	.725531
May 24, 2003 .....	.725531
May 25, 2003 .....	.725531
May 26, 2003 .....	.725531
May 27, 2003 .....	.727061
May 28, 2003 .....	.721137
May 29, 2003 .....	.726269
May 30, 2003 .....	.729288
May 31, 2003 .....	.729288

## Denmark krone:

May 09, 2003 .....	\$0.154847
May 10, 2003 .....	.154847
May 11, 2003 .....	.154847
May 12, 2003 .....	.155654
May 13, 2003 .....	.154895
May 14, 2003 .....	.154835
May 16, 2003 .....	.155521
May 17, 2003 .....	.155521
May 18, 2003 .....	.155521
May 19, 2003 .....	.157356
May 20, 2003 .....	.157431
May 21, 2003 .....	.157679
May 22, 2003 .....	.157567
May 23, 2003 .....	.158793
May 24, 2003 .....	.158793
May 25, 2003 .....	.158793
May 26, 2003 .....	.158793
May 27, 2003 .....	.159681
May 28, 2003 .....	.158113
May 29, 2003 .....	.159375
May 30, 2003 .....	.158421
May 31, 2003 .....	.158421

## Mexico peso:

May 02, 2003 .....	\$0.098087
May 03, 2003 .....	.098087
May 04, 2003 .....	.098087
May 05, 2003 .....	.098087
May 08, 2003 .....	.098241
May 09, 2003 .....	.098883
May 10, 2003 .....	.098883
May 11, 2003 .....	.098883
May 12, 2003 .....	.098155
May 13, 2003 .....	.098561
May 14, 2003 .....	.098629

## New Zealand dollar:

May 19, 2003 .....	\$0.585500
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FOREIGN CURRENCIES—Variances from quarterly rates for May 2003  
continued):

New Zealand dollar (continued):

May 20, 2003 .....	.586000
May 21, 2003 .....	.583500
May 22, 2003 .....	.582900
May 23, 2003 .....	.582500
May 24, 2003 .....	.582500
May 25, 2003 .....	.582500
May 26, 2003 .....	.582500
May 27, 2003 .....	.583400

Norway krone:

May 12, 2003 .....	\$0.146886
May 15, 2003 .....	.146182
May 16, 2003 .....	.147102
May 17, 2003 .....	.147102
May 18, 2003 .....	.147102
May 19, 2003 .....	.146972
May 20, 2003 .....	.147362
May 21, 2003 .....	.149031
May 22, 2003 .....	.148843
May 23, 2003 .....	.149768
May 24, 2003 .....	.149768
May 25, 2003 .....	.149768
May 26, 2003 .....	.149768
May 27, 2003 .....	.150489
May 28, 2003 .....	.148854
May 29, 2003 .....	.149961
May 30, 2003 .....	.149439
May 31, 2003 .....	.149439

South Africa rand:

May 01, 2003 .....	\$0.137495
May 05, 2003 .....	.137174
May 06, 2003 .....	.137174
May 07, 2003 .....	.136472
May 08, 2003 .....	.138313
May 09, 2003 .....	.137552
May 10, 2003 .....	.137552
May 11, 2003 .....	.137552
May 12, 2003 .....	.136705
May 13, 2003 .....	.136054

Sweden krona:

May 06, 2003 .....	\$0.124914
May 07, 2003 .....	.124611
May 08, 2003 .....	.125549
May 09, 2003 .....	.125439
May 10, 2003 .....	.125439
May 11, 2003 .....	.125439
May 12, 2003 .....	.125881
May 13, 2003 .....	.125298

FOREIGN CURRENCIES—Variances from quarterly rates for May 2003  
continued):

Sweden krona (continued):

May 14, 2003 .....	.125282
May 15, 2003 .....	.125066
May 16, 2003 .....	.126183
May 17, 2003 .....	.126183
May 18, 2003 .....	.126183
May 19, 2003 .....	.127275
May 20, 2003 .....	.127146
May 21, 2003 .....	.127779
May 22, 2003 .....	.127738
May 23, 2003 .....	.128337
May 24, 2003 .....	.128337
May 25, 2003 .....	.128337
May 26, 2003 .....	.128337
May 27, 2003 .....	.128982
May 28, 2003 .....	.128436
May 29, 2003 .....	.129067
May 30, 2003 .....	.128776
May 31, 2003 .....	.128776

Switzerland franc:

May 27, 2003 .....	\$0.778150
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Dated: June 3, 2003

RICHARD B. LAMAN,  
*Chief,*  
*Customs Information Exchange.*

(T.D. 03-24)

## FOREIGN CURRENCIES

## DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR MAY, 2003

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): May 26, 2003

European Union euro:

May 01, 2003	\$1.123800
May 02, 2003	1.120000
May 03, 2003	1.120000
May 04, 2003	1.120000
May 05, 2003	1.127100
May 06, 2003	1.135400
May 07, 2003	1.134000
May 08, 2003	1.145300
May 09, 2003	1.149800
May 10, 2003	1.149800
May 11, 2003	1.149800
May 12, 2003	1.155700
May 13, 2003	1.149900
May 14, 2003	1.149800
May 15, 2003	1.145700
May 16, 2003	1.154200
May 17, 2003	1.154200
May 18, 2003	1.154200
May 19, 2003	1.168600
May 20, 2003	1.168500
May 21, 2003	1.170700
May 22, 2003	1.170000
May 23, 2003	1.178600
May 24, 2003	1.178600
May 25, 2003	1.178600
May 26, 2003	1.178600
May 27, 2003	1.185300
May 28, 2003	1.174200
May 29, 2003	1.183500
May 30, 2003	1.176600
May 31, 2003	1.176600

South Korea won:

May 01, 2003	\$0.000824
May 02, 2003	.000824
May 03, 2003	.000824
May 04, 2003	.000824
May 05, 2003	.000822
May 06, 2003	.000833
May 07, 2003	.000834

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list  
for February, 2003 (continued):

South Korea won (continued):

May 08, 2003 .....	.000834
May 09, 2003 .....	.000832
May 10, 2003 .....	.000832
May 11, 2003 .....	.000832
May 12, 2003 .....	.000839
May 13, 2003 .....	.000836
May 14, 2003 .....	.000833
May 15, 2003 .....	.000836
May 16, 2003 .....	.000833
May 17, 2003 .....	.000833
May 18, 2003 .....	.000833
May 19, 2003 .....	.000837
May 20, 2003 .....	.000832
May 21, 2003 .....	.000837
May 22, 2003 .....	.000837
May 23, 2003 .....	.000837
May 24, 2003 .....	.000837
May 25, 2003 .....	.000837
May 26, 2003 .....	.000837
May 27, 2003 .....	.000834
May 28, 2003 .....	.000833
May 29, 2003 .....	.000828
May 30, 2003 .....	.000826
May 31, 2003 .....	.000826

Taiwan N.T. dollar:

May 01, 2003 .....	\$0.028694
May 02, 2003 .....	.028736
May 03, 2003 .....	.028736
May 04, 2003 .....	.028736
May 05, 2003 .....	.028736
May 06, 2003 .....	.028818
May 07, 2003 .....	.028818
May 08, 2003 .....	.028860
May 09, 2003 .....	.028860
May 10, 2003 .....	.028860
May 11, 2003 .....	.028860
May 12, 2003 .....	.028860
May 13, 2003 .....	.028818
May 14, 2003 .....	.028818
May 15, 2003 .....	.028860
May 16, 2003 .....	.028860
May 17, 2003 .....	.028860
May 18, 2003 .....	.028860
May 19, 2003 .....	.028902
May 20, 2003 .....	.028902
May 21, 2003 .....	.028852
May 22, 2003 .....	.028827
May 23, 2003 .....	.028818
May 24, 2003 .....	.028818
May 25, 2003 .....	.028818
May 26, 2003 .....	.028818

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list  
for February, 2003 (continued):

Taiwan N.T. dollar (continued):

May 27, 2003 .....	.028818
May 28, 2003 .....	.028794
May 29, 2003 .....	.028777
May 30, 2003 .....	.028810
May 31, 2003 .....	.028810

Dated: June 3, 2003

RICHARD B. LAMAN  
*Chief,*  
*Customs Information Exchange.*



# Bureau of Customs and Border Protection

## *General Notices*

### PROPOSED COLLECTION; COMMENT REQUEST

#### BONDED WAREHOUSE PROPRIETOR'S SUBMISSION

**AGENCY:** Bureau of Customs and Border Protection, Department of Homeland Security.

**ACTION:** Proposed collection; comments requested.

**SUMMARY:** The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Bonded Warehouse Proprietor's Submission. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5697) on February 4, 2003, 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 July 7, 2003.

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

#### SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing informa-

tion collection requests pursuant to the Paperwork Reduction Act of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Bonded Warehouse Proprietor's Submission.

*OMB Number:* 1651-0033

*Form Number:* Form 300

*Abstract:* CBP Form 300 is prepared by Bonded Warehouse Proprietor's and submitted to CBP annually. The document reflects all bonded merchandise entered, released, and manipulated, and includes beginning and ending inventories.

*Current Actions:* This submission is being submitted to extend the expiration date with a change in the burden hours.

*Type of Review:* Extension (with change)

*Affected Public:* Business or other for-profit institutions

*Estimated Number of Respondents:* 1,800

*Estimated Time Per Respondent:* 24 hours and 18 minutes

*Estimated Total Annual Burden Hours:* 43,740

*Estimated Total Annualized Cost on the Public:* \$787,320

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer,  
Information Services Branch.*

## PROPOSED COLLECTION; COMMENT REQUEST

## GENERAL DECLARATION

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: General Declaration. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5701) on February 4, 2003, 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 July 7, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

## SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* General Declaration (Outward/Inward)

*OMB Number:* 1651-0002

*Form Number:* Customs Form 7507

*Abstract:* Customs Form 7507 allows the agent or pilot to make entry or exit of the aircraft, as required by statute. The form is used to document clearance by the arriving aircraft at the required inspectional facilities and inspections by appropriate regulatory agency staffs.

*Current Actions:* This submission is being submitted to extend the expiration date with a change in the burden hours.

*Type of Review:* Extension (with change)

*Affected Public:* Business or other for-profit institutions

*Estimated Number of Respondents:* 500

*Estimated Time Per Respondent:* 166 minutes

*Estimated Total Annual Burden Hours:* 83,333

*Estimated Total Annualized Cost on the Public:* \$1,512,500

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer,  
Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33515)]

## PROPOSED COLLECTION; COMMENT REQUEST

### LIEN NOTICE

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Lien Notice. This is a proposed exten-

sion of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5700) on February 4, 2003, 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 [30 days from the date this notice is published in the Federal Register].

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

**SUPPLEMENTARY INFORMATION:**

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Lien Notice

*OMB Number:* 1651-0012

*Form Number:* Form 3485

*Abstract:* The Lien Notice, CBP Form-3485, enable the carriers, cartmen, and similar businesses to notify CBP that a lien exists against an individual/business for non-payment of freight charges, etc., so that the CBP will not permit delivery of the merchandise

from public stores or a bonded warehouse until the lien is satisfied or discharged.

*Current Actions:* This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (with change)

*Affected Public:* Businesses, Institutions

*Estimated Number of Respondents:* 2,240

*Estimated Time Per Respondent:* 4 hours

*Estimated Total Annual Burden Hours:* 9,296

*Estimated Total Annualized Cost on the Public:* \$104,092,250

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer,*  
*Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33516)]

#### PROPOSED COLLECTION; COMMENT REQUEST

IMPORTERS OF MERCHANDISE SUBJECT TO ACTUAL USE PROVISIONS

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Importers of Merchandise Subject to Actual Use Provisions. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extension without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5696-5697) on February 4, 2003, 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 July 7, 2003.

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

**SUPPLEMENTARY INFORMATION:**

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Importers of Merchandise Subject to Actual Use Provisions

*OMB Number:* 1651-0032

*Form Number:* None

*Abstract:* The Importers of Merchandise Subject to Actual Use Provision is part of the regulation which provides that certain items may be admitted duty-free such as farming implements, seed, potatoes etc., providing the importer can proved these items were actually used as contemplated by law. The importer must maintain detailed records and furnish a statement of use.

*Current Actions:* There are no changes to the information collection. This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change)

*Affected Public:* Businesses, Institutions

*Estimated Number of Respondents:* 12,000

*Estimated Time Per Respondent:* 60 minutes

*Estimated Total Annual Burden Hours:* 13,000

*Estimated Total Annualized Cost on the Public:* \$380,000

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer,  
Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33516)]

### PROPOSED COLLECTION; COMMENT REQUEST

#### PROOF OF USE FOR DUTY RATES DEPENDENT ON ACTUAL USE

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Proof of Use for Duty Rates Dependent on Actual Use. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extension without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5696-5697) on February 4, 2003, 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 July 7, 2003.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

#### SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Proof of the Use for Rates of Duty Dependent on Actual Use  
*OMB Number:* 1651-0038

*Form Number:* None

*Abstract:* The Proof of the Use for Rates of Duty Dependent on Actual Use declaration is needed to ensure Customs control over merchandise which is duty-free. The declaration shows proof of use and must be submitted within 3 years of the date of entry or withdrawal for consumption.

*Current Actions:* There are no changes to the information collection. This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change)

*Affected Public:* Individuals, Businesses.

*Estimated Number of Respondents:* 10,500

*Estimated Time Per Respondent:* 20 minutes

*Estimated Total Annual Burden Hours:* 3,500

*Estimated Total Annualized Cost on the Public:* \$250,000

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer,  
Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33517)]

**PROPOSED COLLECTION; COMMENT REQUEST****DECLARATION OF PERSONS WHO PERFORMED REPAIRS  
OR ALTERATIONS**

**AGENCY:** Bureau of Customs and Border Protection, Department of Homeland Security.

**ACTION:** Proposed collection; comments requested.

**SUMMARY:** The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Declaration of Persons Who Performed Repairs or Alterations. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5695) on February 4, 2003, 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 July 7, 2003.

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

**SUPPLEMENTARY INFORMATION:**

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Declaration of Person Who Performed Repairs

*OMB Number:* 1651-0048

*Form Number:* None

*Abstract:* The Declaration of Person Who Performed Repairs is used by Customs to ensure duty-free status for entries covering articles repaired aboard. It must be filed by importers claiming duty-free status.

*Current Actions:* There are no changes to the information collection. This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change)

*Affected Public:* Businesses or other for-profit.

*Estimated Number of Respondents:* 20,472

*Estimated Time Per Respondent:* 30 minutes

*Estimated Total Annual Burden Hours:* 10,236

*Estimated Total Annualized Cost on the Public:* \$150,000

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer,  
Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33518)]

## PROPOSED COLLECTION; COMMENT REQUEST

### COUNTRY OF ORIGIN MARKING REQUIREMENTS FOR CONTAINERS OR HOLDERS

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paper-

work Reduction Act of 1995: Country of Origin Marking Requirement for Containers or Holders. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5699) on February 4, 2003, 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 July 7, 2003.

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

**SUPPLEMENTARY INFORMATION:**

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated,
- (4) Electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Country of Origin Marking Requirements for Containers or Holders

*OMB Number:* 1651-0057

*Form Number:* N/A

*Abstract:* Containers or Holders imported into the United States

destined for an ultimate purchaser must be marked with the English name of the country of origin at the time of importation into Customs territory.

*Current Actions:* This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change)

*Affected Public:* Business or other for-profit institutions

*Estimated Number of Respondents:* 250

*Estimated Time Per Respondent:* 15 seconds

*Estimated Total Annual Burden Hours:* 41

*Estimated Total Annualized Cost on the Public:* \$533.00

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: June 3, 2003

TRACEY DENNING,  
*Agency Clearance Officer,  
Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33518)]

## PROPOSED COLLECTION; COMMENT REQUEST

### CUSTOMS MODERNIZATION ACT RECORDKEEPING REQUIREMENTS

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Customs Modernization Recordkeeping Requirements. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register (68 FR 5698) on February 4, 2003, 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 July 7, 2003.

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Treasury Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-7285.

**SUPPLEMENTARY INFORMATION:**

The Bureau of Customs and Border Protection (CBP) encourages 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 of 1995 (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Title:* Customs Modernization Act Recordkeeping Requirements

*OMB Number:* 1651-0076

*Form Number:* N/A

*Abstract:* This information and records keeping requirement is required to allow Customs to verify the accuracy of the claims made on the entry documents regarding the tariff status of imported merchandise, admissibility, classification/nomenclature, value and rate of duty applicable to the entered goods.

*Current Actions:* This submission is being submitted to extend the expiration date.

*Type of Review:* Extension (without change)

*Affected Public:* Businesses, Individuals, Institutions

*Estimated Number of Respondents:* 6,070

*Estimated Time Per Respondent:* 957 hours

*Estimated Total Annual Burden Hours: 5,812,010*  
*Estimated Total Annualized Cost on the Public: \$104,092,250*

Dated: May 29, 2003

TRACEY DENNING,  
*Agency Clearance Officer;*  
*Information Services Branch.*

[Published in the Federal Register, June 4, 2003, (68 FR 33519)]

DEPARTMENT OF HOMELAND SECURITY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS.

*Washington, DC, April 21, 2003,*

The following documents of the Bureau of Customs and Border Protection ("CBP"), Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and CBP field offices to merit publication in the CUSTOMS BULLETIN.

MICHAEL T. SCHMITZ,  
Assistant Commissioner,  
Office of Regulations and Rulings

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PROPOSED REVOCATION OF RULING LETTER AND TREATMENT RELATING TO TARIFF CLASSIFICATION OF CERTAIN SELENIUM COATED GLASS PANELS

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

ACTION: Notice of proposed revocation of a ruling letter and treatment relating to the tariff classification of certain selenium coated glass panels under the Harmonized Tariff Schedule of the United States ("HTSUS").

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to revoke one ruling concerning the tariff classification of certain selenium coated glass panels, and to revoke any treatment Customs has previously accorded to substantially identical transactions. Comments are invited on the correctness of the intended action.

DATE: Comments must be received on or before July 18, 2003.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations & Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, N.W., Washington, D.C., during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.



FOR FURTHER INFORMATION CONTACT: Andrew M. Langreich, General Classification Branch: (202) 572-8776.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts that emerge from the law are "informed compliance" and "shared responsibility." These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs to provide the public with improved information concerning the trade community's responsibilities and rights under the Customs and related laws. In addition, both the trade and Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that Customs intends to revoke New York Ruling Letter ("NY") H86817, dated January 30, 2002. In NY H86817, merchandise described as an X-ray detector panel was classified under subheading 9030.10.00, HTSUS, which provides for instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations. In reaching this conclusion, we reasoned that "the imported detector array is 14 by 17 inches in size and is the "heart" of the digital detector. This import will lack the electronics of the controller/computer which will be needed to produce images from its electrical output" and, citing Note 2 to Chapter 90, so classified the article. NY H86817 is set forth as "Attachment A" to this document.

Although in this notice Customs is specifically referring to one ruling, NY H86817, this notice covers any rulings on similar merchandise that may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing databases; no further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the

merchandise subject to this notice, other than the referenced rulings (see above), should advise Customs during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. § 1625(c)(2)), as amended by section 623 of Title VI, Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the HTSUS or other relevant statutes. Any person involved in substantially identical transactions should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or his agents for importations of merchandise subsequent to this notice.

Pursuant to 19 U.S.C. § 1625(c)(1), Customs intends to revoke NY H86817 as it pertains to the classification of X-ray detector panels, and any other ruling not specifically identified, to reflect the proper classification of the merchandise under subheading 9022.90.60, HTSUS, which provides for other parts and accessories of apparatus based on the use of X-rays, pursuant to the analysis set forth in Proposed HQ 966459 (see "Attachment B" to this document).

Additionally, pursuant to 19 U.S.C. § 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: May 29, 2003

John Elkins for MYLES B. HARMON,  
Director,  
Commercial Rulings Division.

[Attachments]

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,  
BUREAU OF CUSTOMS AND BORDER PROTECTION,  
New York, NY, January 30, 2002.  
CLA-2-90:RR:NC:N1:105 H86817  
Category: Classification  
Tariff No.: 9030.10.0000

MR. JONATHAN BECK  
TOWER GROUP INTERNATIONAL  
810 Cromwell Park Drive, Suite E  
Glen Burnie, MD 21061-2562

Re: The tariff classification of an X-ray detector panel from Canada

DEAR MR. BECK:

In your letter dated November 5, 2001, received here December 31, 2001, for Direct Radiography, you requested a tariff classification ruling.

In its imported state, no sample provided, "the panel would consist of TFT (Thin Film Transistor) panels laminated to a sheet of glass for added strength. These panels would have amorphous selenium coated onto the panel."

From the information provided, the imported detector array is 14 by 17 inches in size and is the "heart" of the digital detector. This import will lack the electronics of the controller/computer which will be needed to produce images from its electrical output. The final images will be similar to, but more precise than, the images produced on a traditional, direct view, X-ray screen. The imported array will produce electricity proportional to the intensity of X-rays striking each small area of the device.

You propose classification in HTS 9022.90.60. However, in accordance with Note 2-a to HTS Chapter 90, the fact that the import in itself, not just as a part of a larger system, is covered by a heading of Chapter 90 controls its classification.

The applicable subheading for the X-ray detector array will be 9030.10.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations. The general rate of duty will be 1.6 percent ad valorem.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist J. Sheridan at 646-733-3012.

ROBERT B. SWIERUPSKI,  
*Director,*  
*National Commodity Specialist Division.*

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.  
 BUREAU OF CUSTOMS AND BORDER PROTECTION,  
 CLA-2 RR:CR:GC 966459 AML  
 CATEGORY: Classification  
 TARIFF NO.: 9022.90.60

MR. JONATHAN BECK  
 TOWER GROUP INTERNATIONAL  
 810 Cromwell Park Drive, Suite E  
 Glen Burnie, MD 21061-2562

Re: NY H86817 revoked; Binding ruling concerning selenium coated panels for Thin Film Transistor ("TFT") instruments

DEAR MR. BECK:

This is in reference to New York Ruling Letter ("NY") H86817, dated January 30, 2002, issued to you on behalf of Direct Radiography Corporation, concerning classification of certain selenium coated, X-ray detector arrays or panels for Thin Film Transistor ("TFT") instruments, under the Harmonized Tariff Schedule of the United States ("HTSUS"). We have reconsidered the classification made in NY H86817 and determined that it is incorrect. This ruling sets forth the correct classification.

*Facts:*

We described the articles in NY H86817 as follows:

In its imported state, no sample provided, "the panel would consist of TFT (Thin Film Transistor) panels laminated to a sheet of glass for added strength. These panels would have amorphous selenium coated onto the panel."

From the information provided, the imported detector array is 14 by 17 inches in size and is the "heart" of the digital detector. This import will lack the electronics of the controller/computer which will be needed to produce images from its electrical output. The final images will be similar to, but more precise than, the images produced on a traditional, direct view, X-ray screen. The imported array will produce electricity proportional to the intensity of X-rays striking each small area of the device.

In NY H86817, we classified the TFT panels under subheading 9030.10.00, HTSUS, which provides for instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations.

*Issue:*

What is the essential character and classification of the coated, laminated TFT panels under the HTSUS?

*Law and Analysis:*

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

The HTSUS provisions under consideration are as follows:

7007	Safety glass, consisting of toughened (tempered) or laminated glass:
	Laminated safety glass:
7007.29.00	Other.

\* \* \*

9022	Apparatus based on the use of X-rays or of alpha, beta or gamma radiations, whether or not for medical, surgical, dental or veterinary uses, including radiography or radiotherapy apparatus, X-ray tubes and other X-ray generators, high tension generators, control panels and desks, screens, examination or treatment tables, chairs and the like; parts and accessories thereof: Apparatus based on the use of X-rays, whether or not for medical, surgical, dental or veterinary uses, including radiography or radiotherapy apparatus:
9022.90	Other, including parts and accessories:
	Other:
9022.90.60	Of apparatus based on the use of X-rays. * * *
9030	Oscilloscopes, spectrum analyzers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations; parts and accessories thereof:
9030.90	Parts and accessories:
	Other:
9030.90.88	Other.

When interpreting and implementing the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System may be utilized. The ENs, while neither legally binding nor dispositive, provide a guiding commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. Customs believes the ENs should always be consulted. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

In classifying the articles, Note 1 to Chapter 90 provides, in pertinent part, that:

1. This chapter does not cover:

\* \* \*

(e) Goods of heading 7007, 7008, 7011, 7014, 7015 or 7017[.]

Similarly, Chapter Note 1(d) to Chapter 70, HTSUS, states that that chapter does not cover “\* \* \* optically worked optical elements \* \* \* of [C]hapter 90[.]”

Heading 7007, HTSUS, provides, in pertinent part, for safety glass consisting of laminated glass.

EN 70.07, provides, in pertinent part, that:

The term “safety glass” covers only the types of glass described below and does not refer to protective glass such as ordinary wired glass and selective absorption glasses (e.g., anti-glare glass, X-ray protective glass).

\* \* \*

Safety glass *incorporated in other articles and thus in the form of parts* of machines, appliances or vehicles is classified with those machines, appliances or vehicles (emphasis added).

We find that the laminated panels of glass, in and of themselves, would not be referred to commercially as “safety glass.” The unrefuted evidence is that the Korean TFT panels are laminated with a glass backing only to provide stability in transit; there is no indication that the lamination enhances in any manner the function of the TFTs when they are complete.

Once the panels are coated with selenium in Canada, they have been further worked, and, for tariff purposes, can no longer be considered mere panels of laminated glass. However, as imported, they are incomplete or unfinished articles which must be further processed into detector modules which are X-ray receptor devices whose function is to detect radiations, convert them to light then to electrical signals. A CT scanner then processes these signals to create images that are displayed on a monitor. Information available to us with respect to substantially similar glass panels indicates that the further processing whereby the selenium coated glass panels are completed into X-ray receptor devices or digital detectors includes the depositing of additional, unspecified proprietary coatings on top of the selenium, attachment of various elec-

tronic components around the periphery of the glass panels, followed by mounting each assembled panel into a mechanical frame along with printed circuit assemblies and other electronic assemblies and cables.

GRI 2(a) provides, in pertinent part that "any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished article has the essential character of the complete or finished article." The evidence presented indicates that it is the selenium coating that renders the TFT panels capable of performing their intended function of capturing X-ray radiations in the form of an electrical charge. Without this coating the panels are incapable of being used as digital detectors. From this, we conclude that the selenium coating imparts the essential character to the TFT panels, such that, for tariff purposes, they are to be classified as complete or finished digital detectors or X-ray receptor devices.

In Protest Review Decision 965641, dated September 30, 2002, we classified, among other things, component articles involved in the detection of x-rays under heading 9022, HTSUS. In so doing we stated:

In this case, it is our opinion that the detector module, which is a basic element in the receptor assembly in the gantry, is not an "apparatus" within the meaning of heading 9022. It is not like the other named components, such as an X-ray tube, generator, control panel or screen, which function as distinct components of the apparatus of heading 9022. In HQ 952358 (October 13, 1992) we classified an X-ray image intensifier tube as an apparatus of heading (sic) 9022.90.20, HTSUS (1992). The image intensifier tube consisted of a tube, high-tension generator and test plate enclosed in a housing. The intensifier tube was used with an optical device (attached to the tube) in order to display the image that was generated by the intensifier tube from radiation from an X-ray machine. As such, the image intensifier was held to be classifiable as an apparatus, arguably in the same manner as a high-tension generator.

The detector module is an X-ray receptor device that detects individual radiations (scintillations) and converts them to light that is then converted to electrical signals which provide data as to the brightness and location of the scintillations. These signals are then used and processed, in this case, by a CT scanner to create an image. The detector module is that part of the receptor system in a CT scanner that merely detects and converts the degree of radiation that has passed through an object. It is not a separate apparatus of heading 9022. We note that the EN 9022(III), (A) through (F) on pages 1819 to 1820 of the Explanatory Notes to the Harmonized Commodity Description and Coding System (HS), Third Edition (2002), describes various "apparatus" that are classifiable as apparatus in heading 9022. Items (A) through (F) describe devices which either generate an X-ray beam or other radiation, or which function as a display, control system or furniture specialized for X-ray work. A detector module is not like these apparatus. It is, however, a necessary and essential component of a CT scanner and, therefore, satisfies the basic test for a "part" of a good.

Note 2 to Chapter 90 directs classification of parts of apparatus of heading 9022 to that heading if they are solely or principally used with such apparatus, provided that the parts are not goods of another heading of chapter 84, 85, 90 or 91. Heading 9030 in Chapter 90 provides, in pertinent part, "for instruments and *apparatus for measuring or detecting* alpha, beta, gamma, X-ray, cosmic or other ionizing radiations" (underscoring added for emphasis). Whereas the detector module appears to satisfy the terms of this heading, we again point out that the detector modules are not complete measuring or detecting devices in and of themselves. They function to receive and convert radiation into electrical signals and are designed to be incorporated into a device. EN 9030 (A), pages 1846 to 1847 of the HS Explanatory Notes, describes devices which receive, record and provide information as to what has been measured or detected. By itself, a detector module is incomplete as a measuring or detecting apparatus. As indicated previously, it constitutes an essential part of a device that measures and detects radiations, e.g., a CT scanner. Based on the information provided by the protestant, these are

solely or principally used in apparatus of heading 9022. They are not used in devices of the type described in heading 9030.

Therefore, we conclude that the detector modules are not apparatus of heading 9030, that they are parts of apparatus of heading 9022, and, therefore, pursuant to Note 2(b) to Chapter 90, the detector modules are classifiable as parts of apparatus based on the use of X-rays in heading 9022, and specifically in subheading 9022.90.60, HTSUS. HQ 965641 at pp. 5-6.

As indicated in HQ 965641, Note 2 to Chapter 90, HTSUS, provides, in pertinent part, as follows:

Subject to Note 1 above, parts and accessories for machines, apparatus, instruments or articles of this chapter are to be classified according to the following rules:

(a) Parts and accessories which are goods included in any of the headings of this chapter or of chapter 84, 85 or 91 (other than heading 8485, 8548 or 9033) are in all cases to be classified in their respective headings;

(b) Other parts and accessories, if suitable for use solely or principally with a particular kind of machine, instrument or apparatus, or with a number of machines, instruments or apparatus of the same heading (including a machine, instrument or apparatus of heading 9010, 9013, or 9031) are to be classified with the machines, instruments or apparatus of that kind;

(c) All other parts and accessories are to be classified in heading 9033.

In compliance with Note 2 to Chapter 90 and the language of heading 9022, HTSUS, and because the evidence presented establishes that the subject panels are suitable for use solely or principally with goods of heading 9022, HTSUS, they are classified in heading 9022, HTSUS.

*Holding:*

The subject selenium coated TFT glass panels are classified under subheading 9022.90.60, HTSUS, which provides for other parts and accessories of apparatus based on the use of X-rays.

*Effect on Other Rulings:*

NY H86817 is revoked.

MYLES B. HARMON,  
*Director,*  
*Commercial Rulings Division.*

