

# Bureau of Customs and Border Protection

## *CBP Decisions*

**19 CFR PARTS 141 AND 142**

**RIN 1505-AB34**

**CBP Dec. 06-11**

### **SINGLE ENTRY FOR UNASSEMBLED OR DISASSEMBLED ENTITIES IMPORTED ON MULTIPLE CONVEYANCES**

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

**ACTION:** Final rule.

**SUMMARY:** This document amends the regulations in title 19 of the Code of Federal Regulations to allow an importer of record, under certain conditions, to submit a single entry to cover multiple portions of a single entity which, due to its size or nature, arrives in the United States on separate conveyances. This document implements statutory changes made to the merchandise entry laws by the Tariff Suspension and Trade Act of 2000.

**EFFECTIVE DATE:** July 3, 2006.

#### **FOR FURTHER INFORMATION CONTACT:**

For operational matters: Timothy Sushil, Office of Field Operations, (202) 344-2567.

For legal matters: Emily Simon, Office of Regulations and Rulings, (202) 572-8867.

#### **SUPPLEMENTARY INFORMATION:**

##### **BACKGROUND**

Section 1460 of Public Law 106-476, popularly known as the Tariff Suspension and Trade Act of 2000, amended section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) by adding a new subsection (j) in order to provide for the treatment of certain multiple shipments of merchandise as a single entry.

The amended law, 19 U.S.C. 1484(j), is concerned with two issues. First, section 1484(j)(1) addresses the problem long encountered by the importing community in entering merchandise the size or nature of which necessitates shipment in an unassembled or disassembled condition on more than one conveyance. Second, section 1484(j)(2) offers relief to importers whose shipments, which they intended to be carried on a single conveyance, are divided at the initiative of the carrier. As to both these matters, the legislation is silent as to the affected modes of transportation, thus indicating that the new law is to apply to merchandise shipped by air, land or sea.

The Bureau of Customs and Border Protection (CBP) determined to proceed first with proposed regulations only to shipments which are divided by carriers (19 U.S.C. 1484(j)(2)); these are referred to as "split shipments." Separate proposals were undertaken because CBP had already begun a project to amend the regulations to provide for one entry for such split shipments prior to the present statutory amendments.

The proposed rule regarding split shipments (RIN 1515-AC91) was published in the Federal Register (66 FR 57688) for public comment on November 16, 2001. The comment period ended on February 14, 2002, and the final rule was published in the Federal Register (68 FR 8713) on February 25, 2003. The final rule regarding split shipments went into effect on March 27, 2003.

On April 8, 2002, CBP published a proposed rule in the Federal Register (67 FR 16664) proposing regulations and requesting comments concerning a single entry for merchandise the size or nature of which necessitates shipment in an unassembled or disassembled condition on more than one conveyance (19 U.S.C. 1484(j)(1)). The comment period ended on June 7, 2002. These final regulations concern single entries for unassembled or disassembled shipments as addressed in 19 U.S.C. 1484(j)(1).

#### Unassembled or Disassembled Entity Defined

For the purposes of this final rule, an unassembled or disassembled entity consists of merchandise which is not capable of being transported on a single conveyance, but which is purchased and invoiced as a single classifiable entity. By necessity, due to its size or nature, the entity is placed on multiple conveyances which arrive at different times at the same port of entry in the United States. The subject arriving portions are consigned to the same person in the United States.

The current regulations in title 19 of the Code of Federal Regulations (CFR) ordinarily require, with certain exceptions, that all merchandise arriving on one conveyance and consigned to one consignee be included on one entry (see 19 CFR 141.51). With the exception of split shipments regulations in 19 CFR 141.57, there is no provision currently in the regulations authorizing the filing of a single entry to cover multiple portions of a single entity arriving at the same port of

entry in the United States at different times on separate conveyances. While today's final regulations permit the acceptance of a single entry in the case of a qualifying unassembled or disassembled shipment, importers may, of course, continue to file a separate entry for each portion of an unassembled or disassembled shipment as it arrives, if they so choose.

#### Filing of Single Entry for an Unassembled or Disassembled Entity Under the Proposed Rule

In principal part, the April 8, 2002, Federal Register document proposed to permit the filing of a single entry to cover unassembled or disassembled shipment provided that: (1) The subject shipment is not capable of being transported on a single conveyance, but is purchased, invoiced and classified under a single provision of the Harmonized Tariff Schedule of the United States (HTSUS) as a single entity; (2) the arriving portions of the shipment are consigned to the same person in the United States; and (3) the portions covered under the entry arrive directly from abroad at the same port of importation in the United States within 10 calendar days of the date of the portion that arrives first.

Specifically, to implement 19 U.S.C. 1484(j)(1) under which an importer could make a single entry for an unassembled or disassembled shipment, it was proposed to add a new 19 CFR 141.58, in addition to making certain amendments to 19 CFR 141.51. Also, minor conforming changes were to be made to 19 CFR 142.21 and 142.22.

In addition, appearing in this edition of the Federal Register is a notice explaining and extending application of the National Customs Automation Program (NCAP) test concerning the periodic monthly deposit of duties and fees for those duties and fees attributable to entries utilizing this regulation.

#### **RENAMING OF U.S. CUSTOMS AS CBP**

Sections 403(1) and 411 of the Homeland Security Act of 2002 (Pub. L. 107-296) transferred the U.S. Customs Service and its functions from the Department of the Treasury to the Department of Homeland Security. Pursuant to section 1502 of the Act, the President renamed the "Customs Service" as the "Bureau of Customs and Border Protection," also referred to as "CBP". Accordingly, for the sake of consistency throughout the sections in the regulations affected by this final rule (i.e., 19 CFR 141.51, 141.58, 142.21, 142.22 and 142.23), the term "Customs" is removed wherever it appears in those sections and the term "CBP" is added in its place.

#### **DISCUSSION OF COMMENTS**

CBP solicited written comments on its proposal regarding the implementation of 19 U.S.C. 1484(j)(1). A total of 13 comments were

received in response to the April 8, 2002, notice of proposed rulemaking. A review of CBP's response to the issues and questions that were presented by the comments follows.

**Comment:** The proposed regulations subtly misstate the statutory directive because they add conditions yet fail to take into account the "nature" of the articles. The statute refers to merchandise that is "purchased and invoiced as a single entity but is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise." In the proposed regulations CBP limits coverage to merchandise that is both large and incapable of being transported on a single conveyance. This would allow a large machine or a knocked-down log home, all parts of which are ready for shipment at the same time but requiring two or more shipments because of size, to qualify for single entry treatment. However, a large turbine generator that could be accommodated on one vessel but the parts of which are made in different locations, necessitating shipment by different conveyances, would not qualify under the proposed regulations. Also precluded would be an entity, such as an industrial equipment installation, which for construction reasons is sent over a period of time. These last two examples would qualify for single entry treatment under the statute but not under the proposed regulation. The proposed regulations should be changed to reflect that the nature of the article and not just size alone is also a criterion that must be taken into account.

**CBP Response:** CBP agrees with the commenter that the nature of the article not just size alone is a criterion that must be taken into account. Accordingly, the regulatory text has been amended to include the nature of the article as an equal and independent criterion. However, the commenter's examples would not be afforded single entry treatment under the regulations due to the nature of the entity alone. A large turbine generator that could be accommodated on one vessel but the parts of which are made in different locations would not qualify on that basis. CBP believes that the legislation was intended to apply to the components of articles with a single point of origin which are shipped from the same port of export at approximately the same time. Similarly, an entity, such as an industrial installation, would not qualify for single entry treatment on the basis of construction reasons. CBP believes that the legislation was not intended to act as a means to control an importer's inventory or manufacturing processes. An example of an article which may be entered under the regulations due to its nature is an article which, because of safety concerns, must be shipped in an unassembled or disassembled state. In addition, an importer may enter an article which, because of the nature of the article, must be shipped by more than one mode.

Comment: An expansive interpretation of the legislation would benefit trade statistics, because the ensuing entries would reflect the article that is actually being imported, instead of the parts and components that comprise the whole.

CBP Response: CBP has endeavored to promulgate regulations that accurately reflect the underlying statute. There are many laws with differing effects on trade statistics, and the agency's responsibility is to implement the law.

Comment: The proposed 10-calendar day arrival window is too short and does not reflect congressional intent or commercial reality. Its adoption would severely limit the application of the statute, particularly where ocean shipments are involved. The legislative history indicates that the provision was targeted towards single entities shipped unassembled or disassembled "over a period of time". That time should be sufficient to accommodate the many large machines that are sold as one entity but manufactured in segments, often over a period of time and at different factories. Requiring the importation of machinery within a short time frame may not afford the purchaser sufficient time to install each component before the next one arrives, thereby significantly increasing the storage and project costs. Also, given the size of ocean vessels today, most products can be shipped on a single conveyance. However, often the steamship company does not want an entire hold of a vessel to be filled with several big pieces of machinery, and would impose a very high price to have them shipped together. Suggested alternative time frames include 30 days, one year, 15 months, or a period to be set at the discretion of the port director depending on the circumstances of the transaction.

CBP Response: CBP is sensitive to the interest expressed in extending the time frames. However, CBP in drafting these regulations was constrained by the longstanding rule, expressed both judicially and administratively, that importation of merchandise shall precede its entry. The regulations accomplish this by ensuring that all portions will have arrived either before an entry is filed under the "hold all" procedure of 19 CFR 141.58(d)(1), or before an entry summary – which serves as the entry – is filed when an election has been made to have the portions released incrementally under 19 CFR 141.58(d)(2). Certain time limits necessarily apply to these two different entry methods. General order rules allow merchandise to remain unentered for 15 calendar days after unloading or after arrival at the port of destination if transported in bond. A 10-day arrival window was selected to ensure that this requirement could be met. In deference to the interests of the importing community, CBP will adjust the arrival times to the outermost possible limits within the

existing legal framework. The final rule will reflect new arrival times as follows: for entities entered under the “hold all” method, all of the portions of the shipment must arrive within 15 calendar days after the unloading of the first portion or arrival at the destination port if transported in bond; and for those entities released incrementally, all of the portions must arrive within 10 calendar days after the release of the first portion under special permit procedures. This adjustment would extend by five days the arrival window under the “hold all” method, and would potentially give an importer using incremental release an arrival window of 25 days, attained by filing the special permit on the fifteenth calendar day after arrival of the first portion. Section 141.58(b)(4) is amended accordingly. Importers filing unassembled or disassembled entities in a single entry may pay through the method set forth in the National Customs Automation Program (NCAP) test concerning the periodic monthly payment statement process, as announced in a General Notice published in the Federal Register (69 FR 5362) on February 4, 2004, and amended by a General Notice published in the Federal Register (70 FR 5199) on February 1, 2005, and a General Notice published in the Federal Register (70 FR 45736) on August 8, 2005.

Comment: The proposed regulations require, in the case of incremental release, the entry/entry summary to be filed within 10 working days from the date of the first released portion. This may be too restrictive, because it would not take into account delays incurred by the carrier, due to weather, mechanical malfunction, etc. A better alternative would be to require entry summary filing within 10 working days after the arrival of the last portion of the entity. Adoption of the longer filing period may raise interest issues, which could be addressed by developing a unique entry type code and building a new interest calculator into the CBP Automated Commercial System (ACS).

CBP Response: As discussed above, for entities released incrementally, CBP is amending 19 CFR 141.58(b)(4) to allow subsequent portions of an entity to arrive 10 calendar days after the release of the first portion under special permit procedures. Therefore, an importer using incremental release could potentially take advantage of an arrival window of 25 days, attained by filing the special permit on the fifteenth calendar day after arrival of the first portion. Also as mentioned above, CBP believes that the legislation was intended to apply to the components of articles which are shipped at approximately the same time.

Comment: The restriction to arrival at a single port of importation can be a potential problem where shipments are dispatched from different geographic locations. In other cases, some carriers do not offer specialized containers, such as open top units, which may

be required for a portion of a particular machine, or such specialized units may not be available from the same underlying carrier when the shipment is ready to move. Since not all carriers serve the same ports, it is quite possible that the different machine components will arrive at different ports. With respect to truck shipments, neither the carrier nor the importer exerts much control over where a particular shipment may cross the border. In some cases, long lines at one border port may prompt the driver to divert to another port of entry. For these reasons, the same arrival port requirement should either be eliminated or a unique entry type developed to accommodate multiple ports of entry.

CBP Response: CBP agrees. Accordingly, proposed 19 CFR 141.58(b)(4) is revised in this final rule by eliminating the requirement that all portions of a qualifying unassembled or disassembled shipment arrive at the same port of importation in the United States. Instead, all portions of the shipment must timely arrive at the same port of entry in the United States. Any portion that arrives at a different port must be transported in-bond to the destination port where entry will be made.

Comment: The proposed rulemaking is somewhat ambiguous regarding the term “port of arrival”, i.e., is this to be the first port of arrival, or the destination port when goods are being transported in-bond?

CBP Response: The changes made in response to the previous comment should serve to clarify that the focal point is the port of entry, which is otherwise known as the destination port when goods are being transported in-bond.

Comment: With respect to the provision granting the port director discretion to deny incremental release, the decision to select one portion (or all of the shipments) for examination should not in itself cause the importer to lose the potential benefit of 19 U.S.C. 1484(j).

CBP Response: A decision to examine one portion or to deny incremental release is not tantamount to a denial of the benefit of the new legislation, because the importer may still file a single entry under the “hold all” procedure, provided all of the requirements for that procedure are met.

Comment: While the entire process is clearly subject to the approval of CBP officers on a case by case basis, there should be an expression that it is the policy of CBP to approve applications for single entry treatment whenever possible.

CBP Response: It will be the policy of CBP to approve applications made under these regulations, provided the shipments fall within the parameters of these regulations.

Comment: Such requirements as advance notice and application for a single entry will allow CBP to meet its regulatory tracking and



management obligations. However, this commitment can easily be met by simply requiring advance notice [of an unassembled or disassembled entity] at the first port of entry and then requiring reference to the first entry number, port code, and purchase order or other contract reference on all subsequent related entries.

CBP Response: This comment appears to be based on the mistaken belief that advance notice will be required before the arrival of each portion of an unassembled or disassembled entity. However, the proposed regulation only requires that such notice be provided in advance of the arrival of the first conveyance.

Comment: There is no reason why CBP should require both an explanation as to why a shipment cannot be entered all at once and approval by the port director.

CBP Response: The explanation to which the comment refers is an integral part of the application the importer must make to secure single entry treatment. The statute that gave rise to this provision imposes the application requirement. CBP was thus obligated to include an application process in the regulations. An application by its very nature is either approved or denied, in this case by the port director. Therefore, the need for both an explanation and port director approval is well founded.

Comment: The regulations should expressly state that when a port director denies an application, the denial will be deemed to be an exclusion from entry and eligible for protest pursuant to 19 CFR 174.11(d).

CBP Response: CBP disagrees that a denial of an application amounts to an exclusion from entry, because the merchandise may still be entered, albeit on separate entries.

Comment: By granting port directors discretion to deny incremental release, CBP is defeating the benefits of the legislation.

CBP Response: The legislation confers the benefit of being able to file one entry under circumstances that previously would have required the filing of multiple entries. The denial of incremental release does not remove this benefit, because the importer still retains the option of filing one entry under the "hold all" procedure.

Comment: CBP should have included an option in these proposed regulations that would permit the importer to enter the complete entity on the first shipment and to pay the appropriate duties, fees, and taxes on the known value as witnessed by the purchase order or contract. Where the importer knows that the price is not yet firm he may utilize the reconciliation process to report the final value when determined. CBP could allow subsequent importations on CBP Form 3461 or CBP Form 3461 ALT, properly referenced to the original entry summary for the complete entity. Generally, there are purchase



order amendments that follow for some time after the importation of a large piece of equipment, and the value is reconciled with CBP.

CBP Response: The entry process as presented in these new regulations was designed to implement the underlying legislation while at the same time uphold the well-established legal requirement that importation precede entry of goods. The procedure that is suggested in the foregoing comment would not accomplish the latter goal. An election to file one entry under these regulations will not prevent an importer from filing reconciliation entries, should the unresolved issues be of the kind which are entitled to be resolved under the reconciliation program.

Comment: It is unclear whether the application to file a single entry must be submitted by the importer five days prior to the first arrival when such application is made by annotating CBP Form 3461 or CBP Form 3461 ALT.

CBP Response: The 5-day advance application requirement applies equally to applications made in letter format and to those made on a CBP Form 3461 or CBP Form 3461 ALT.

Comment: The requirement to file the application in advance of first arrival is onerous, at least insofar as land border and air modes of transportation are concerned. The air split shipment regulations did not require such notice.

CBP Response: As explained in a response to a previous comment, the advance application is required by statute, and thus must be included in these regulations. As to the requirement being burdensome, an importer seeking to utilize this single entry provision should know well in advance the transportation arrangements that will necessitate shipping on separate conveyances. This is in contrast to the split shipment situation to which you refer whereby the carrier, at its own initiative, decides to divide a shipment and convey its various portions on different conveyances. Quite frequently in the latter scenario the importer only learns of the split after the goods have arrived. In recognition of this fact, CBP in the split shipment regulations (19 CFR 141.57(c)) indicated that "advance notice" of the intent to file a single entry for the various portions may be made as soon as the importer learns of the split but in all cases prior to entry summary filing. The same need for practical accommodation does not apply here.

Comment: Granting the port director discretion to approve or deny an importer's application for single entry treatment and requiring that justification for such treatment be submitted are superfluous, as the importer would know in advance that the particular entity would qualify. The use by importers of experts such as brokers would be the first line of defense against misuse of this provision.

**CBP Response:** As noted in earlier responses, applications are required by the implementing legislation. When making a determination as to whether to approve or deny a particular application, the port director must rely on the information that is supplied on the application.

**Comment:** The proposed rulemaking does not address the issue of whether a blanket application would be acceptable. Use of a blanket permit would reduce CBP's workload. While specific invoice or purchase order information would not be available, the entity's specifications should suffice.

**CBP Response:** Blanket applications are not acceptable because a decision to grant or deny treatment as a single entity will depend on the facts pertaining to each particular shipment.

**Comment:** The proposed regulations will benefit importers of fiber production equipment which frequently incorporate units of substantial size that must be transported unassembled or disassembled on multiple conveyances.

**CBP Response:** CBP agrees in principle with the general nature of this comment, which reflects the purpose behind the regulatory proposal.

**Comment:** The proposed requirement that importers file adjusted CBP Form 3461s for each arriving portion that is released incrementally is burdensome and unnecessary. Instead, CBP should allow incremental release of split shipments without the filing of a CBP Form 3461 as long as the entry summary and carrier manifest data are consistent.

**CBP Response:** CBP finds that requiring an adjusted copy of the CBP Form 3461 to be submitted for each portion of the shipment is necessary in order to afford a mechanism by which the importer and CBP may easily and effectively keep track of the specific merchandise contained in any given portion of the shipment. However, CBP agrees that multiple CBP Form 3461 copies are unnecessary when both the carrier and the importer are automated. In the case of such automation, adjustments may be made electronically to show the quantity of merchandise contained in each portion of the shipment as it arrives. Proposed 19 CFR 141.58(e) is thus amended in this final rule to reflect that if both the carrier and the importer are automated, such adjustments may be made electronically through the ACS.

**Comment:** The proposed regulations should provide for the amendment of certificates of origin that are used in preferential trade programs so as to eliminate the need to obtain revised certificates from the importer or producer covering each portion of an unassembled or disassembled shipment that arrives separately.

**CBP Response:** CBP does not believe that this is necessary. Most certificates of origin are blanket certificates, designed to cover merchandise appearing on many entries. When a certificate of origin covering a single entry pertains to a single entity that is shipped unassembled or disassembled on different conveyances, and separate entries covering different portions of the shipment are filed (either by choice or because a portion of the shipment arrives too late to be covered under the split-shipment entry), copies of the certificate may be made to apply to the additional entries.

**Comment:** The proposed regulations wrongly preclude quota merchandise from incremental release.

**CBP Response:** CBP finds that quota and/or visa merchandise is of such a sensitive nature as to warrant its exclusion from incremental release.

**Comment:** The proposal will compromise the quality of statistics received and recorded by the U.S. government, particularly with respect to freight charges and shipping weight information obtained from the CBP Form 7501 entry summary. It will result in the government losing valuable carrier information. The commenter requests that CBP develop a means of collecting multiple carrier, charges, and shipping weight information on a single entry summary that covers shipments of unassembled or disassembled merchandise that arrives on separate conveyances. It is also suggested that CBP require the importer of record to submit separate carrier, charges, and shipping weight information for each portion of a single entity that arrives in the United States on separate conveyances. Finally, the commenter asks CBP to implement these changes in the Automated Commercial Environment (ACE).

**CBP Response:** CPB will take these concerns into consideration and attempt to address them in the design and implementation of ACE.

**Comment:** The commenter periodically imports machines for the production of industrial textile yarns, which by nature of their size and multiple parts cannot be shipped on a single conveyance. This importer firmly favors the proposed rule as this type of equipment is not produced in the United States and must therefore be imported.

**CBP Response:** CBP agrees that the regulations will facilitate the entry of machines in circumstances such as are described.

**Comment:** In the Regulatory Flexibility Act and Executive Order 12866 analyses, CBP noted that the implementation of the proposed regulations will engender cost savings by reducing paperwork for importers and by reducing the number of entries required for separate shipments of unassembled and disassembled entities. If CBP is-

sues these regulations as proposed, there will be little, if any, possible usage of this provision because of CBP constraints. The savings that CBP purports will be made simply will not materialize under the burdensome proposed regulations and in the end will force importers to return to Congress for further legislation on this issue.

CBP Response: The commenter did not provide any empirical evidence for this statement, and other commenters including the previous commenter (importer of industrial yarn machines) provided comments contrary to this claim.

#### **THE REGULATORY FLEXIBILITY ACT AND EXECUTIVE ORDER 12866**

This rule is intended to implement the amendment of 19 U.S.C. 1484 by the Tariff Suspension and Trade Act of 2000. The rule will engender cost savings by reducing the number of entries required for separate shipments of unassembled or disassembled entities. Therefore, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the rule will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Nor does the rule result in a "significant regulatory action" under E.O 12866.

#### **SIGNING AUTHORITY**

The signing authority for this document falls under 19 CFR 0.1(a)(1). The Secretary of the Treasury retained the sole authority to approve any regulations concerning, among other things, the completion of entry. Accordingly, this document must be signed by the Secretary of Homeland Security (or his or her delegate) and the Secretary of the Treasury (or his or her delegate).

#### **LIST OF SUBJECTS**

##### 19 CFR part 141

Customs duties and inspection, Entry of merchandise, Release of merchandise, Reporting and recordkeeping requirements

##### 19 CFR part 142

Computer technology, Customs duties and inspection, Entry of merchandise, Reporting and recordkeeping requirements.

#### **AMENDMENTS TO THE REGULATIONS**

For the reasons stated above, 19 CFR parts 141 and 142 are amended as follows.

**PART 141 – ENTRY OF MERCHANDISE**

1. The general authority citation for part 141 continues to read as follows:

**AUTHORITY:** 19 U.S.C. 66, 1448, 1484, 1624.

\* \* \* \* \*

2. Section 141.51 is revised to read as follows:

**§ 141.51 Quantity usually required to be in one entry.**

All merchandise arriving on one conveyance and consigned to one consignee must be included on one entry, except as provided in 19 CFR 141.52. In addition, a shipment of merchandise that arrives by separate conveyances at the same port of entry in multiple portions, either as a shipment split by the carrier or as components of a large unassembled or disassembled entity, may be processed under a single entry, as prescribed, respectively, in 19 CFR 141.57 and 141.58.

3. Subpart D of part 141 is amended by adding a new § 141.58, to read as follows:

**§ 141.58 – Single entry for separately arriving portions of unassembled or disassembled entities.**

(a) At election of importer of record. At the election of the importer of record, an unassembled or disassembled entity arriving on multiple conveyances as contemplated under section 484(j)(1), Tariff Act of 1930 (19 U.S.C. 1484(j)(1)), may be processed as a single entry, as prescribed under the procedures set forth in this section.

(b) Unassembled or disassembled entities covered. An unassembled or disassembled entity for purposes of this section is an entity which:

(1) Cannot, due to its size or nature, be shipped on a single conveyance, and is thus imported in an unassembled or disassembled condition;

(2) Is ordered, invoiced and is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS), as a single entity and is consigned to one person in the United States;

(3) Is imported on more than one conveyance to the same port of entry in the United States; and

(4) Involves the first portion and all succeeding portions arriving at the same United States port of entry within either:

(i) 15 calendar days after the unloading of the first portion or arrival at the destination port if transported in bond for entities entered under the “hold all” method permitted in 19 CFR 141.58(d)(1); or

(ii) 10 calendar days after the release of the first portion under special permit procedures for entities released incrementally as permitted in 19 CFR 141.58(d)(2).

(c) Application by importer. The importer of record must apply to file a single entry covering an entity described in 19 CFR 141.58(b). Applications may be made either by appropriately annotating a Customs and Border Protection (CBP) Form 3461, CBP Form 3461 ALT, or electronic equivalent, or by submitting a letter to CBP. The required application must be made no later than 5 working days in advance of the arrival of the first conveyance. Justification for the need for more than one conveyance must be provided in the application, which must include an affirmative statement that the entity cannot, due to its size or nature, be shipped on one conveyance. A copy of the relevant invoice or purchase order, or electronic equivalent, must accompany the application, along with the proposed appropriate single tariff number under the HTSUS. The port director will notify the applicant of the approval or denial of the application within 3 working days of the receipt of the application.

(d) Entry or special permit for immediate delivery. In order to make a single entry for portions of an entity covered under this section that arrive at different times, an importer of record must follow the procedure prescribed in 19 CFR 141.58(d)(1) or (d)(2), as applicable.

(1) Entry or special permit after arrival of all portions (Hold All). An importer may file an entry at such time as all portions of the entity have arrived at the same port of entry in the United States. Any portion that arrives at a different port must be transported in-bond to the destination port where entry will be made. In the alternative, the importer may file a special permit for immediate delivery after arrival of all portions of the entity provided that it is eligible for such a permit under 19 CFR 142.21(a)-(d), (f) and (i).

(2) Special permit for immediate delivery after arrival of first portion (Incremental Release). As provided in 19 CFR 142.21(h), an importer of record may file an application for a special permit for immediate delivery after the arrival of the first portion of the entity covered by 19 CFR 141.58(b), and its remaining portions may be released incrementally pursuant to the requirements set forth in 19 CFR 141.58(e). All portions of the shipment must timely arrive at the same port of entry in the United States. Any portion that arrives at a different port must be transported in-bond to the destination port where entry will be made.

(e) Release. If an importer wishes to secure release of an entity under 19 CFR 141.58(d)(1) after the entity's arrival, the importer must file with CBP a CBP Form 3461 or CBP Form 3461 ALT, as ap-

appropriate, or electronic equivalent. To secure the separate release upon arrival of each portion of a shipment under 19 CFR 141.58(d)(2), the importer must file with CBP a CBP Form 3461 or CBP Form 3461 ALT, as appropriate, or electronic equivalent after arrival of the first portion. As each successive portion arrives, the importer must submit a copy of the originally submitted CBP Form 3461/CBP Form 3461 ALT, annotated to specifically identify that particular portion. The CBP Form 3461/CBP Form 3461 ALT must indicate the order of the arriving portion in relation to the entire shipment as reflected on the invoice (for example, third of six portions). If both the carrier and the importer are automated, such adjustments may be made electronically through the CBP Automated Commercial System (ACS). The release of each portion upon arrival as permitted under this paragraph may be restricted due to CBP's need to examine the merchandise in accordance with 19 CFR 141.58(f). In addition, the importer of record must present to CBP either on paper or through an authorized electronic equivalent, specific and detailed information supplementing the CBP Form 3461 or 3461 ALT, relating to the merchandise on each conveyance which reflects exact information for that portion of the ordered entity (for example, detailed packing lists).

(f) Examination. CBP may require examination of any or all portions of the entity. CBP reserves the right to deny the release of each portion of such shipments as they arrive (i.e., incremental release) should such an examination of the merchandise be necessary. The denial of incremental release does not preclude the use of the procedures specified in 19 CFR 141.58(d)(1).

(g) Entry summary. (1) For merchandise entered under 19 CFR 141.58(d)(1), an entry summary must be filed within 10 working days from the time of entry. For merchandise released under a special permit for immediate delivery, the entry summary, which serves as both the entry and entry summary, must be filed within 10 working days after the first portion of the entity is authorized for release under the special permit.

(2) For merchandise released under a special permit for immediate delivery pursuant to 19 CFR 141.58(d)(2), the entry summary, which serves as both the entry and the entry summary, must be filed within 10 working days from the date of the first release of a portion of the unassembled or disassembled entity. However, the entry/entry summary for the entity cannot be filed before the last portion of the entity which is to be included on the entry has arrived.

(3) Duty payment. At the time the entry summary is filed under 19 CFR 141.58(g)(1) and (g)(2), estimated duties, taxes and fees must be attached. If the entry summary is filed electronically, the es-



timated duties, taxes and fees must be scheduled for payment at such time pursuant to the Automated Clearinghouse procedures (see 19 CFR 24.25).

(h) Classification. Except as provided in 19 CFR 141.58(j), for purposes of section 484(j)(1), Tariff Act of 1930 (19 U.S.C. 1484(j)(1)), the merchandise comprising the separate portions of an entity covered by 19 CFR 141.58(b) included on one entry will be classified as though imported together. Any spare parts accompanying a portion of an entity must be classified and entered separately.

(i) When separate entry and entry summary required. When all portions of an entity do not arrive at the port of entry within the time constraints of 19 CFR 141.58(b)(4)(i) and (ii), as applicable, a separate entry and entry summary must be filed for each portion that has already arrived, and for each portion that subsequently will arrive on separate conveyances. The merchandise included on each separate entry shall be classified in its condition as imported. Each entry would reflect the quantities, values, classifications and rates of duty, as appropriate, of the various components conveyed in each shipment, and not the value or classification of the ordered single entity.

(j) Exclusions. Merchandise subject to quota and/or visa requirements is entirely excluded from the procedures set forth in this section. Also, CBP reserves the right for the port director to deny use of the incremental release procedure and only release the shipment in its entirety as circumstances warrant, such as in the case where a particular shipment has been selected for examination.

#### **PART 142 – ENTRY PROCESS**

4. The general authority citation for part 142 continues to read as follows:

**AUTHORITY:** 19 U.S.C. 66, 1448, 1484, 1624.

\* \* \* \* \*

5. Section 142.21 is amended by:

- a. Removing the term “Customs” wherever it appears and in its place adding the term “CBP”;
- b. Removing the second sentence in paragraph (e)(1) and adding in its place two new sentences;
- c. Removing the second sentence in paragraph (e)(2) and adding in its place two new sentences;
- d. Revising paragraph g;
- e. Redesignating paragraph (h) as paragraph (i);

- f. Adding a new paragraph (h), and
- g. Revising newly designating paragraph (i); the additions and revisions to read as follows:

**§ 142.21 – Merchandise eligible for special permit for immediate delivery.**

\* \* \* \* \*

(e) Quota-class merchandise. (1) Tariff rate quotas. \* \* \* However, merchandise subject to a tariff-rate quota may not be incrementally released under a special permit for immediate delivery as provided in 19 CFR 142.21(g) and (h). Nor is such merchandise eligible for release under a special permit pursuant to 19 CFR 141.58(d)(1). \* \* \*

(2) Absolute quotas. \* \* \* However, merchandise subject to an absolute quota under this paragraph may not be incrementally released under a special permit for immediate delivery as provided in 19 CFR 142.21(g) and (h). Nor is such merchandise eligible for release under a special permit pursuant to 19 CFR 141.58(d)(1). \* \* \*

\* \* \* \* \*

(g) Split shipments. Merchandise subject to 19 CFR 141.57(d)(2), which is invoiced and delivered to the carrier as a single shipment, but which, due to the carrier's inability to accommodate the merchandise on a single conveyance, is shipped by the carrier in separate portions to the same port of entry in the United States as listed on the original bill of lading, may be released incrementally under a special permit. Incremental release means releasing each portion of such shipments separately as they arrive.

(h) Entities shipped unassembled or disassembled on multiple conveyances. Merchandise subject to 19 CFR 141.58(d)(2), which is purchased, invoiced, and classified as a single entity under the Harmonized Tariff Schedule of the United States (HTSUS), and which is shipped in separate portions because its size or nature prevents shipping the entity on a single conveyance, may be released incrementally under a special permit.

(i) When authorized by Headquarters. Headquarters may authorize the release of merchandise under the immediate delivery procedure in circumstances other than those described in 19 CFR 142.21(a) through (h) provided a bond on CBP Form 301 containing the bond conditions set forth in 19 CFR 113.62 is on file.

6. Section 142.22 is amended by:

- a. Removing the term "Customs" wherever it appears and in its place adding the term "CBP"; and
- b. Removing the first sentence in paragraph (a) and adding in its place the following sentence to read as follows:

**§ 142.22 – Application for special permit for immediate delivery.**

(a) Form. An application for a special permit for immediate delivery will be made on CBP Form 3461, supported by the documentation provided for in 19 CFR 142.3. \* \* \*

\* \* \* \* \*

DEBORAH J. SPERO,  
*Acting Commissioner,*  
*Bureau of Customs and Border Protection.*

Dated: May 26, 2006

TIMOTHY E. SKUD,  
*Deputy Assistant Secretary of the Treasury.*

[Published in the Federal Register, June 2, 2006 (71 FR 31921)]

*General Notices*

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

**(No. 4 2006)**

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of April 2006. The last notice was published in the CUSTOMS BULLETIN on April 26, 2006.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 572-8710.

Dated: May 25, 2006.

GEORGE MCCRAY, ESQ.,  
*Chief,*  
*Intellectual Property Rights Branch.*

## CBP IPR Recordations - April 2006

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	Gray Market Protection
COP 06-00008	4/3/2006	3/23/2026	HYDRO-FOAM TOY	SPIN MASTER, LTD.	No
TMK 06-00320	4/3/2006	8/3/2014	U.S. FOUNDRY & MFG. CORP.	UNITED STATES FOUNDRY & MANUFACTURING CORPORATION	No
TMK 06-00319	4/3/2006	5/7/2012	717	BOFING MANAGEMENT COMPANY	No
TMK 06-00322	4/3/2006	6/14/2007	MUSIC MAN	ERNIE BALL, INC.	No
TMK 06-00327	4/3/2006	11/12/2014	INTER-TEL	INTER-TEL, INC.	No
TMK 06-00328	4/3/2006	12/4/2011	GEOMAG	CLAUDIO VICENTELLI	No
TMK 06-00329	4/3/2006	2/28/2016	DESIGN ONLY	TYLIE, INC.	No
TMK 06-00330	4/3/2006	7/6/2014	USF	UNITED STATES FOUNDRY & MANUFACTURING CORPORATION	No
TMK 06-00337	4/3/2006	2/22/2015	FORTE	TIRECO, INC.	No
TMK 06-00338	4/3/2006	11/30/2014	GEO-TRAC	TIRECO, INC.	No
TMK 06-00339	4/3/2006	1/16/2011	HIGH LIFE	TIRECO, INC.	No
TMK 06-00336	4/3/2006	1/10/2016	3476	G.G. MARCK & ASSOCIATES, INC.	No
TMK 06-00333	4/3/2006	11/30/2014	MUDSTAR	TIRECO, INC.	No
TMK 06-00340	4/3/2006	6/18/2012	FREESTAR	TIRECO, INC.	No
TMK 06-00347	4/3/2006	12/8/2008	MAGNUM	FLAVORS AND FRAGRANCES, INC.	No
TMK 06-00334	4/3/2006	2/7/2016	MISSION	TIRECO, INC.	No
COP 06-00009	4/3/2006	3/23/2026	HYDRO-FOAM DEMONSTRATION VIDEO	SPIN MASTER, LTD.	No
TMK 06-00344	4/3/2006	11/2/2013	HOMBRE	BLASSER BROTHERS INC., S.A. & COLLECTION 2000 COSMETICS, INC	No
TMK 06-00314	4/3/2006	3/15/2015	SPORT NS-I	TIRECO, INC.	No
TMK 06-00317	4/3/2006	8/27/2008	ERNIE BALL	ERNIE BALL, INC.	No
TMK 06-00318	4/3/2006	9/30/2013	ERNIE BALL (STYLIZED)	ERNIE BALL, INC.	No
TMK 06-00323	4/3/2006	1/22/2011	HEADSTOCK OF A GUITAR	ERNIE BALL, INC.	No
TMK 06-00324	4/3/2006	7/6/2014	US FOUNDRY	UNITED STATES FOUNDRY & MANUFACTURING CORPORATION	No
TMK 06-00321	4/3/2006	3/4/2015	PANTENE	THE PROCTER & GAMBLE COMPANY	No
TMK 06-00313	4/3/2006	5/18/2014	NS RACING	TIRECO, INC.	No
TMK 06-00315	4/3/2006	11/15/2015	NS TOURING	TIRECO, INC.	No
TMK 06-00316	4/3/2006	11/30/2009	NANCO	TIRECO, INC.	No
TMK 06-00348	4/3/2006	3/21/2016	BRUT (DESIGN)	HELEN OF TROY LIMITED	No
TMK 06-00325	4/3/2006	7/20/2014	U.S. FDRY & MFG CORP	UNITED STATES FOUNDRY & MANUFACTURING CORPORATION	No
TMK 06-00326	4/3/2006	5/24/2015	U.S. FDRY	UNITED STATES FOUNDRY & MANUFACTURING CORPORATION	No
TMK 06-00331	4/3/2006	8/30/2007	MUSIC MAN AND DESIGN	ERNIE BALL, INC.	No
TMK 06-00351	4/3/2006	6/10/2007	SUPERIOR CABLE	SUPERIOR ESSEX COMMUNICATIONS, LP	No
TMK 06-00349	4/3/2006	12/20/2015	SAIL	TERES SOLUTIONS, INC	No
TMK 06-00350	4/3/2006	1/10/2016	TERES SOLUTIONS, INC	TERES SOLUTIONS, INC.	No
TMK 06-00345	4/3/2006	11/9/2014	ELDORADO	ELDORADO STONE OPERATIONS LLC	No
TMK 06-00342	4/3/2006	12/15/2011	ELDORADO	ELDORADO STONE OPERATIONS LLC	No
TMK 06-00312	4/3/2006	8/31/2015	MONTAGUT	BONNETERIE CEVENOLE CORPORATION FRANCE	No
TMK 06-00346	4/3/2006	7/19/2015	ELDORADO STONE SEE IT AND BELIEVE IT HANDMADE ARCHITECTURAL STONE VENEERS HAND I	ELDORADO STONE OPERATIONS LLC	No
TMK 06-00332	4/3/2006	12/2/2013	GEOSTAR	TIRECO, INC.	No
TMK 06-00335	4/3/2006	1/17/2016	1376	G.G. MARCK & ASSOCIATES, INC.	No
TMK 06-00341	4/3/2006	11/19/2012	MILESTAR	TIRECO, INC.	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	Gray Market Protection
TMK 06-00343	4/3/2006	10/16/2011	ELDORADO STONE	ELDORADO STONE OPERATIONS LLC	No
TMK 06-00352	4/5/2006	6/18/2012	DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00360	4/5/2006	11/6/2011	ORIGINAL DUBBLE BUBBLE & DESIGN	CONCORD CONFECTIONS LTD.	No
TMK 06-00353	4/5/2006	12/2/2013	DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00354	4/5/2006	11/13/2011	POCKET STITCHING DESIGN	GUESS? IP HOLDER L.P.	No
TMK 06-00355	4/5/2006	8/19/2013	SPHERICAL WOMEN'S FRAGRANCE BOTTLE DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00356	4/5/2006	5/15/2010	CHOPARD	CHOPARD INTERNATIONAL SA	No
TMK 06-00357	4/5/2006	5/11/2014	WOMEN'S FRAGRANCE BOTTLE DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00358	4/5/2006	12/6/2006	CRAGAR	CRAGAR INDUSTRIES, INC.	No
TMK 06-00359	4/5/2006	11/25/2013	S2 CABERNET	DANIEL PHILIPS	No
TMK 06-00362	4/5/2006	11/24/2012	YES	GUESS?, INC.	No
TMK 06-00363	4/5/2006	10/22/2012	ANIMAL DESIGN ONLY	DANIEL PHILIPS	No
TMK 06-00364	4/5/2006	11/25/2013	SHIRAZ 9	DANIEL PHILIPS (U.S. INDIVIDUAL)	No
TMK 06-00361	4/5/2006	9/24/2011	DUBBLE BUBBLE	CONCORD CONFECTIONS LTD.	No
TMK 06-00365	4/3/2006	2/7/2015	CHOPARD	CHOPARD INTERNATIONAL SA	No
TMK 06-00366	4/5/2006	8/3/2014	XO ENERGY	XO ENERGY BEVERAGE CORP.	No
TMK 06-00367	4/5/2006	4/11/2010	DIAMOND SHAPED CARDBOARD BOX DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00368	4/5/2006	5/6/2015	CRAGAR S/S AND DESIGN	CRAGAR INDUSTRIES, INC.	No
TMK 06-00369	4/5/2006	11/9/2009	FSL	FLOW INTERNATIONAL CORPORATION	No
TMK 06-00370	4/5/2006	9/2/2013	ROOGLE	DANIEL PHILIPS (U.S. INDIVIDUAL)	No
TMK 06-00371	4/5/2006	2/3/2014	MARQUIS PHILIPS	MARQUIS PHILIPS PTY. LTD.	No
TMK 06-00372	4/5/2006	3/21/2016	TORCH INDICIA ON LUGGAGE LOCKS	SAFE SKIES, LLC	No
TMK 06-00373	4/5/2006	2/4/2013	RECTANGULAR OUTER PACKAGING DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00374	4/5/2006	5/4/2014	HALF SPHERE WOMEN'S FRAGRANCE BOTTLE DESIGN ONLY	BEAUTE PRESTIGE INTERNATIONAL S.A.	No
TMK 06-00375	4/6/2006	9/27/2015	G POCKET STITCHING DESIGN	GUESS?, INC.	No
COP 06-00010	4/6/2006	4/5/2025	8264.	ACAMERICAN CLOTHING EXPRESS, INC.	No
COP 06-00011	4/6/2006	4/5/2025	8265.	ACAMERICAN CLOTHING EXPRESS, INC.	No
TMK 06-00376	4/6/2006	8/19/2013	BINIKI	KARIN HART	No
TMK 06-00377	4/6/2006	4/27/2013	EQUISSAGE	MARY A. SCHREIBER	No
TMK 06-00378	4/6/2006	3/15/2008	TRW	TRW INTELLECTUAL PROPERTY CORP. (SUCCESSOR IN INTEREST TO TRW INC.)	No
TMK 96-00157	4/7/2006	8/20/2015	ALL-SPORT	E. GLUCK CORPORATION	No
TMK 96-00159	4/7/2006	12/16/2015	INSTALLITE	E. GLUCK CORPORATION	No
TMK 06-00379	4/10/2006	8/8/2008	TRW	TRW INTELLECTUAL PROPERTY CORP. (SUCCESSOR IN INTEREST TO TRW INC.)	No
TMK 06-00380	4/10/2006	4/26/2007	TRW	TRW INTELLECTUAL PROPERTY CORP.	No
TMK 06-00381	4/10/2006	11/9/2006	TRW	TRW INTELLECTUAL PROPERTY CORP. (SUCCESSOR IN INTEREST TO TRW INC.)	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	Gray Market Protection
TMK 06-00382	4/10/2006	3/15/2007	TRW	TRW INTELLECTUAL PROPERTY CORP. (SUCCESSOR IN INTEREST TO TRW INC.)	No
TMK 06-00383	4/10/2006	11/15/2015	MARCIANO	GUESS?, INC.	No
TMK 06-00384	4/14/2006	11/12/2012	MONKEY	TORRY PENDERGRASS	No
TMK 06-00386	4/14/2006	9/17/2011	TETRIS	TETRIS HOLDING, LLC	No
TMK 06-00385	4/14/2006	1/17/2016	LEAL VINEYARDS	LEAL VINEYARDS, INC. DBA LEAL ESTATE VINEYARDS	No
TMK 06-00388	4/22/2006	12/29/2008	DESIGN ONLY	ASHWORTH, INC.	No
TMK 06-00389	4/22/2006	3/21/2010	DESIGN ONLY	ASHWORTH, INC.	No
TMK 06-00390	4/22/2006	7/27/2009	MASARICA	GOYA FOODS, INC.	No
TMK 06-00391	4/22/2006	11/30/2013	LEAF DESIGN	PENNZOIL-QUAKER STATE COMPANY	No
TMK 06-00392	4/22/2006	5/18/2014	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00393	4/22/2006	5/25/2014	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00394	4/22/2006	5/25/2014	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00395	4/22/2006	6/26/2011	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00396	4/22/2006	11/6/2010	RANGERS	TEXAS RANGERS BASEBALL PARTNERS	No
TMK 06-00397	4/22/2006	11/21/2009	CARDINALS AND DESIGN	ST. LOUIS CARDINALS, LLC	Yes
TMK 06-00398	4/22/2006	3/21/2009	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00399	4/22/2006	8/14/2010	TWINS	MINNESOTA TWINS	No
TMK 06-00400	4/22/2006	3/22/2013	ADS	DEI HEADQUARTERS, INC. D/B/A DIRECTED ELECTRONICS	No
TMK 06-00401	4/22/2006	9/14/2014	INSOLIA AND DESIGN	HBN SHOE, LLC.	No
TMK 06-00402	4/22/2006	5/13/2015	CENTURY AND DESIGN	CENTURY FURNITURE LLC.	No
TMK 06-00403	4/22/2006	10/25/2015	CYBER BREAKER	CYBER SWITCHING INC.	No
TMK 06-00404	4/22/2006	4/25/2010	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	No
TMK 06-00405	4/22/2006	9/28/2009	WAVE MIXER IN LOGO	PANACEA SOLUTIONS INC.	No
TMK 06-00406	4/22/2006	7/12/2015	DOC	KARSTEN MANUFACTURING CORPORATION	No
TMK 06-00407	4/22/2006	6/19/2015	CARTIER	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00408	4/22/2006	5/25/2014	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00409	4/22/2006	6/17/2014	COKE	THE COCA-COLA COMPANY	No
TMK 06-00410	4/22/2006	5/25/2014	COKE	THE COCA-COLA COMPANY	No
TMK 06-00411	4/22/2006	8/1/2009	METS	STERLING METS, L.P.	No
TMK 06-00412	4/22/2006	5/29/2010	SOX	CHICAGO WHITE SOX, LIMITED	No
TMK 06-00413	4/22/2006	2/3/2014	KELLY	CHRISTOPHER J. KELLY	No
TMK 06-00414	4/22/2006	10/10/2010	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	No
TMK 06-00415	4/22/2006	6/15/2014	DEVINO AND DESIGN	PRESTIGE AUTOTECH CORPORATION	No
TMK 06-00424	4/22/2006	2/19/2012	AMFLEET	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00426	4/22/2006	7/8/2013	AMTRAK	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00427	4/22/2006	7/8/2013	AMTRAK	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00428	4/22/2006	7/1/2013	AMTRAK	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00433	4/22/2006	7/15/2013	AMTRAK	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00429	4/22/2006	11/4/2013	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00430	4/22/2006	11/4/2013	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00436	4/22/2006	12/9/2013	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00437	4/22/2006	1/27/2014	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmktm	Owner Name	Gray Market Protection
TMK 06-00438	4/22/2006	11/11/2013	ACELA	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00423	4/22/2006	2/5/2012	SUPERLINER	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00425	4/22/2006	7/15/2013	AMTRAK WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00434	4/22/2006	6/3/2013	AMTRAK WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00435	4/22/2006	5/27/2013	AMTRAK	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00422	4/22/2006	4/3/2011	ASTRA	ASTRA MANUFACTURING, INC.	No
TMK 06-00418	4/22/2006	3/20/2011	AGRONEEM	AGRO LOGISTIC SYSTEMS, INC.	No
TMK 06-00419	4/22/2006	8/24/2014	CONFIGURATION OF AN AUTOMOTIVE VEHICLE WHEEL	AMERICAN RACING EQUIPMENT, INC.	No
TMK 06-00421	4/22/2006	10/10/2015	HAPPY SPORT	CHOPARD INTERNATIONAL SA	No
TMK 06-00420	4/22/2006	1/6/2014	CYMBALTA	ELI LILLY AND COMPANY	No
TMK 06-00432	4/22/2006	7/8/2013	AMTRAK	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00431	4/22/2006	11/11/2013	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00416	4/22/2006	6/23/2007	TRW	TRW INTELLECTUAL PROPERTY CORP. (SUCCESSOR IN INTEREST TO TRW INC.)	No
TMK 06-00417	4/22/2006	11/18/2013	DYNAMIC WATERJET	FLOW INTERNATIONAL CORPORATION	No
TMK 06-00476	4/23/2006	11/29/2015	DOLPHIN LOGO	MIAMI DOLPHINS LTD.	No
TMK 06-00462	4/23/2006	11/25/2013	SEIKO	SEIKO KABUSHIKI KAISHA (TRADING AS SEIKO CORP.)	No
TMK 06-00445	4/23/2006	7/21/2012	CENTURY	CENTURY FURNITURE LLC.	No
TMK 06-00488	4/23/2006	7/24/2011	CONTOUR GLASS DESIGN	THE COCA-COLA COMPANY	No
TMK 06-00489	4/23/2006	11/16/2014	INDIAN HEAD LOGO	PRO-FOOTBALL INC.	No
TMK 06-00440	4/23/2006	5/6/2013	ACELA	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00225	4/23/2006	8/9/2015	CORAL BAY	BDSRCO INC.	Yes
TMK 06-00466	4/23/2006	1/6/2014	ANIMAL CROSSING	NINTENDO OF AMERICA INC.	No
COP 06-00012	4/23/2006	3/24/2026	HAMPTON GREEN.	AUSTIN PRODUCTIONS, INC.	No
TMK 06-00463	4/23/2006	1/17/2014	PRADA	PRADA S.A.	No
COP 06-00016	4/23/2006	4/18/2026	SUPER MARIO 64 DS	NINTENDO OF AMERICA, INC.	No
TMK 06-00469	4/23/2006	5/17/2015	MARIO BROS.	NINTENDO OF AMERICA INC.	No
TMK 06-00492	4/23/2006	12/13/2015	MAC & JAC	WESTCOAST CONTEMPO FASHIONS LIMITED	No
COP 06-00013	4/23/2006	3/24/2026	SOULMATES : NO. AP4030.	AUSTIN SCULPTURE	No
COP 06-00014	4/23/2006	3/24/2026	CHERISH THE LOVE : NO. AP4023.	AUSTIN SCULPTURE	No
COP 06-00015	4/23/2006	3/24/2026	[ST. ANDREW'S BREEZE]	AUSTIN PRODUCTIONS, INC.	No
TMK 06-00439	4/23/2006	12/9/2013	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00441	4/23/2006	12/9/2013	ACELA	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00442	4/23/2006	5/6/2013	ACELA WITH DESIGN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00443	4/23/2006	4/22/2007	AUTO TRAIN	NATIONAL RAILROAD PASSENGER CORPORATION	No
TMK 06-00497	4/23/2006	6/29/2013	ULTRA NORSK	PENNZOIL-QUAKER STATE COMPANY	No
TMK 06-00475	4/23/2006	5/17/2015	FALCON DESIGN	ATLANTA FALCONS FOOTBALL CLUB LLC	No
TMK 06-00494	4/23/2006	10/2/2011	SENATORS (STYLIZED)	TEXAS RANGERS BASEBALL PARTNERS	No
TMK 06-00444	4/23/2006	2/12/2011	DESIGN ONLY	D.B.C. CORPORATION	No
TMK 06-00482	4/23/2006	7/9/2015	CC MONOGRAM IN A CIRCLE	CHANEL INC.	No
TMK 06-00446	4/23/2006	9/22/2008	CLAIRBORNE SPORT	L.C. LICENSING, INC.	No



Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	Gray Market Protection
TMK 06-00470	4/23/2006	5/2/2010	PANTHERE	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00484	4/23/2006	8/26/2013	ZAXIS	JOHN DEERE CONSTRUCTION & FORESTRY COMPANY	No
TMK 06-00491	4/23/2006	2/11/2013	KENZIE	WESTCOAST CONTEMPO FASHIONS LIMITED	No
TMK 06-00226	4/23/2006	8/9/2015	CORAL BAY GOLF	BDSRCO INC.	Yes
TMK 06-00477	4/23/2006	1/4/2015	MIAMI DOLPHINS	MIAMI DOLPHINS LTD.	No
TMK 06-00478	4/23/2006	4/13/2015	SEAHAWK HEAD LOGO	FOOTBALL NORTHWEST LLC.	No
TMK 06-00479	4/23/2006	12/30/2013	INTERLOCKING IU LOGO	INDIANA UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATION	No
TMK 06-00498	4/23/2006	12/6/2015	STEELERS	PITTSBURGH STEELERS SPORTS INC.	No
TMK 06-00461	4/23/2006	3/27/2014	COKE	THE COCA-COLA COMPANY	No
TMK 06-00500	4/23/2006	9/26/2015	VENTURA CHINA	TRADECO INTERNATIONAL CORPORATION	No
TMK 06-00450	4/23/2006	2/17/2014	CELLBAG	PANACEA SOLUTIONS INC.	No
TMK 06-00453	4/23/2006	3/29/2013	MUST	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00485	4/23/2006	3/8/2013	MUST	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00456	4/23/2006	1/22/2012	CRESTOR	IPR PHARMACEUTICALS INC.	No
TMK 06-00457	4/23/2006	10/7/2007	TOPROL-XL	ASTRAZENECA LP	No
TMK 06-00458	4/23/2006	8/28/2011	NEXIUM	ASTRAZENECA AB	No
TMK 06-00459	4/23/2006	9/30/2011	PULMICORT RESPULES	ASTRAZENECA AB	No
TMK 06-00472	4/23/2006	3/24/2007	HANDYCAM	SONY CORPORATION	No
TMK 06-00473	4/23/2006	10/13/2012	HANDYCAM	SONY CORPORATION	No
TMK 06-00496	4/23/2006	7/22/2007	INFOLITHIUM	SONY KABUSHIKI KAISHA T/A SONY CORPORATION	No
TMK 06-00487	4/23/2006	10/12/2009	CYBER-SHOT	SONY KABUSHIKI KAISHA T/A SONY CORPORATION	No
TMK 06-00447	4/23/2006	11/5/2011	REALITIES	L.C. LICENSING, INC.	No
TMK 06-00448	4/23/2006	12/31/2006	CURVE	L.C. LICENSING, INC.	No
TMK 06-00471	4/23/2006	4/19/2013	MUST	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00449	4/23/2006	6/5/2015	CARTIER	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00452	4/23/2006	2/15/2013	MUST	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00483	4/23/2006	3/30/2014	BERETTA	FABBRICA D'ARMI P. BERETTA S.P.A.	No
TMK 06-00454	4/23/2006	12/18/2012	PIAGET	RICHEMONT INTERNATIONAL SA	No
TMK 06-00495	4/23/2006	7/10/2011	X XPLOD & DESIGN	SONY KABUSHIKI KAISHA T/A SONY CORPORATION	No
TMK 06-00481	4/23/2006	2/9/2012	PATAGONIA	PATAGONIA, INC.	No
TMK 06-00465	4/23/2006	7/28/2012	SUPER MARIO WORLD	NINTENDO OF AMERICA INC.	No
TMK 06-00468	4/23/2006	10/5/2014	ANIMAL CROSSING	NINTENDO OF AMERICA INC.	No
TMK 06-00460	4/23/2006	12/27/2008	SEROQUEL	ASTRAZENECA UK LIMITED	No
TMK 06-00451	4/23/2006	1/27/2007	PASHA DE CARTIER	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00486	4/23/2006	7/5/2013	BARBI	FATTORIA DEI BARBI S.R.L.	No
TMK 06-00455	4/23/2006	2/23/2013	ARIMIDEX	ASTRAZENECA UK LIMITED	No
TMK 06-00480	4/23/2006	12/28/2014	SUPER MARIO SUNSHINE	NINTENDO OF AMERICA INC.	No
TMK 06-00474	4/23/2006	6/20/2009	WALKMAN	SONY CORPORATION	No
TMK 06-00464	4/23/2006	9/13/2015	NINTENDO DS	NINTENDO OF AMERICA INC.	No
TMK 04-00794	4/23/2006	12/16/2013	NINTENDO GAMECUBE	NINTENDO OF AMERICA INC.	No
TMK 06-00493	4/23/2006	12/13/2016	MAC & JAC	WESTCOAST CONTEMPO FASHIONS LIMITED	No
TMK 06-00467	4/23/2006	8/23/2015	KIRBY	NINTENDO OF AMERICA INC.	No
COP 06-00017	4/23/2006	4/18/2026	MARIO PINBALL LAND	NINTENDO OF AMERICA, INC.	No
COP 06-00018	4/23/2006	4/18/2026	MARIO PARTY ADVANCE	NINTENDO OF AMERICA, INC. & HUDSON SOFT COMPANY, LTD.	No
TMK 06-00490	4/23/2006	12/14/2014	BLUETOOTH	BLUETOOTH SIG, INC.	No
TMK 06-00499	4/23/2006	5/17/2014	C (STYLIZED)	CARHARTT, INC.	No
COP 82-00161A	4/28/2006	7/23/2009	GALAGA	BALLY/MIDWAY MFG. CO.	No
TMK 97-00420	4/30/2006	5/13/2007	CH AND DESIGN	CAROLINA HERRERA LTD.	No
TMK 97-00640	4/30/2006	8/6/2016	PROTEGRA AND DESIGN	INVERNESS MEDICAL, INC.	No
TMK 06-00510	4/30/2006	5/28/2012	AE	RETAIL ROYALTY COMPANY	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	Gray Market Protection
TMK 06-00511	4/30/2006	9/29/2008	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	No
TMK 97-00367	4/30/2006	10/31/2015	VERBATIM STYLIZED	VERBATIM CORPORATION	No
TMK 06-00512	4/30/2006	6/15/2014	COKE	THE COCA-COLA COMPANY	No
TMK 06-00513	4/30/2006	12/8/2012	COKE	THE COCA-COLA COMPANY	No
TMK 93-00446	4/30/2006	5/2/2009	POLO FOUR QUADRANT CREST	POLO RALPH LAUREN CORPORATION	No
TMK 06-00514	4/30/2006	5/25/2014	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 98-00684	4/30/2006	5/7/2016	POSOLSKAYA	CRISTALL U.S.A., INC.	No
TMK 98-00808	4/30/2006	12/10/2015	CANON	CANON KABUSHIKI KAISHA	No
TMK 94-00075	4/30/2006	6/12/2015	CARTIER	CARTIER INTERNATIONAL, B.V.	No
TMK 06-00501	4/30/2006	8/6/2015	MINUTE MAID	THE COCA-COLA COMPANY	No
TMK 06-00502	4/30/2006	12/28/2014	EMR	PRESTIGE AUTOTECH CORPORATION	No
TMK 06-00503	4/30/2006	5/19/2008	SEIKO CLEANCUT	SEIKO KABUSHIKI KAISHA (TRADING AS SEIKO CORP.)	No
TMK 06-00504	4/30/2006	12/6/2015	DETROIT PISTONS	DETROIT PISTONS BASKETBALL COMPANY	No
TMK 06-00505	4/30/2006	6/4/2012	INTERLOCKING IU LOGO	INDIANA UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATION	No
TMK 06-00506	4/30/2006	8/24/2014	INTERLOCKING IU LOGO	INDIANA UNIVERSITY RESEARCH TECHNOLOGY CORPORATION	No
TMK 06-00507	4/30/2006	1/20/2014	S-YARD	SEIKO KABUSHIKI KAISHA (TRADING AS SEIKO CORP.)	No
TMK 06-00508	4/30/2006	7/31/2014	COCA-COLA	THE COCA-COLA COMPANY	No
TMK 06-00509	4/30/2006	12/12/2010	LOGO YING YANG	MCLAREN USA, INC.	No
TMK 06-00539	4/30/2006	7/12/2015	ANVILSTAR	ANVILSTAR, LLC.	No
TMK 06-00540	4/30/2006	12/13/2015	CLEVELAND CAVALIERS	CAVS/GUND ARENA COMPANY	No
TMK 06-00541	4/30/2006	12/23/2015	NEW YORK KNICKS	MADISON SQUARE GARDEN, L. P.	No
TMK 06-00542	4/30/2006	12/23/2015	LOS ANGELES CLIPPERS	LAC BASKETBALL CLUB, INC.	No
TMK 97-00881	4/30/2006	6/3/2007	FUBU AND DESIGN	GTFM, INC.	Yes
TMK 06-00523	4/30/2006	1/10/2016	RUSH! ENERGY AND DESIGN	THE MONARCH BEVERAGE COMPANY (EUROPE) LIMITED	No
TMK 06-00543	4/30/2006	9/26/2015	ATLANTA FALCONS	ATLANTA FALCONS FOOTBALL CLUB, LLC.	No
TMK 06-00522	4/30/2006	11/22/2015	BIOTOUCH	BIO-TOUCH, INC.	No
TMK 95-00630	4/30/2006	3/21/2009	POLO USA	POLO RALPH LAUREN, L.P.	No
TMK 96-00221	4/30/2006	12/9/2015	LEGO	KIRKBI AG	No
COP 06-00019	4/30/2006	4/25/2026	GROUND AUG.	ACTHOMAS P. MOTASKO	No
TMK 06-00524	4/30/2006	11/8/2011	SPRIG	MACFEE MANUFACTURING COMPANY	No
TMK 06-00526	4/30/2006	10/4/2016	DESIGN ONLY	POINTE NOIR PTY. LTD.	No
TMK 06-00525	4/30/2006	10/4/2015	ENDLESS LOVE	VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC.	No
TMK 06-00544	4/30/2006	7/30/2012	PHILIP STEIN	TESLAR INSIDE CORPORATION	No
TMK 06-00545	4/30/2006	8/9/2015	MR. BAR- B -Q	MR. BAR-B-, INC.	No
TMK 06-00546	4/30/2006	5/10/2015	LOCK-TOP	COPPERFIELD CHIMNEY SUPPLY, INC.	No
TMK 06-00547	4/30/2006	8/17/2014	AECOLORKIT	RETAIL ROYALTY COMPANY	No
TMK 06-00548	4/30/2006	5/6/2013	VACHERON & CONSTANTIN AND DESIGN	RICHEMONT INTERNATIONAL SA	No
TMK 06-00527	4/30/2006	9/20/2015	WAVE BIOTECH IN LOGO	PANACEA SOLUTIONS INC.	No
TMK 06-00528	4/30/2006	10/12/2009	WAVE BIOREACTOR IN LOGO	PANACEA SOLUTIONS INC.	No
TMK 06-00011	4/30/2006	2/27/2016	UNIVERSITY OF NOTRE DAME	THE UNIVERSITY OF NOTRE DAME DU LAC	No
COP 93-00095	4/30/2006	4/12/2013	TWEETY STYLE GUIDE (1992)	WARNER BROS.	No
TMK 06-00549	4/30/2006	5/18/2014	COCA-COLA	THE COCA-COLA COMPANY	No
COP 93-00097	4/30/2006	4/12/2013	SYLVESTER STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00099	4/30/2006	4/13/2013	WILE E. COYOTE STYLE GUIDE (1992)	WARNER BROS.	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	Gray Market Protection
COP 93-00136	4/30/2006	5/4/2013	DAFFY DUCK STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00139	4/30/2006	5/10/2013	FOGHORN LEGHORN & HENERY HAWK STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00141	4/30/2006	5/10/2013	ELMER FUDD STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00138	4/30/2006	5/10/2013	LOONEY TUNES GUIDELINES STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00146	4/30/2006	5/11/2013	PORKY PIG & PETUNIA PIG STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00148	4/30/2006	5/11/2013	MARVIN THE MARTIAN STYLE GUIDE (1992)	WARNER BROS.	No
COP 93-00206	4/30/2006	6/15/2013	TASMANIAN DEVIL STYLE GUIDE (1992)	WARNER BROS.	No
COP 96-00250	4/30/2006	8/30/2016	LOONEY TUNES "OLYMPIC" STYLE GUIDE	WARNER BROS.	No
COP 96-00251	4/30/2006	8/30/2016	LOONEY TUNES BLUES STYLE GUIDE	WARNER BROS.	No
COP 96-00252	4/30/2006	8/30/2016	FROSTY THE SNOWMAN STYLE GUIDE	WARNER BROS.	No
TMK 06-00529	4/30/2006	7/18/2015	CRAZE	KARSTEN MANUFACTURING CORPORATION	No
TMK 06-00530	4/30/2006	1/28/2013	DESIGN ONLY	KARSTEN MANUFACTURING CORPORATION	No
TMK 06-00531	4/30/2006	2/18/2007	STEPLITE	F L A ORTHOPEDICS, INC.	No
TMK 06-00515	4/30/2006	9/8/2008	VIAO & DESIGN	SONY KABUSHIKI KAISHA	No
TMK 06-00532	4/30/2006	11/6/2010	DESIGN ONLY	ASHWORTH, INC.	No
TMK 06-00533	4/30/2006	1/11/2013	SOX	CHICAGO WHITE SOX, LIMITED	No
TMK 06-00550	4/30/2006	8/10/2014	GOLF PRIDE	EATON CORPORATION	No
TMK 00-00364	4/30/2006	1/2/2010	LEXUS	TOYOTA JIDOSHA KABUSHIKI KAISHA	No
TMK 06-00551	4/30/2006	9/30/2013	DESIGN ONLY	UNIVERSITY OF WASHINGTON	No
TMK 06-00535	4/30/2006	2/2/2013	HUSKIES	UNIVERSITY OF WASHINGTON	No
TMK 01-00388	4/30/2006	9/13/2015	CHANEL	CHANEL, INC.	No
TMK 01-00508	4/30/2006	10/30/2010	LEXUS SYMBOL DESIGN	TOYOTA MOTOR CORPORATION	No
TMK 02-00148	4/30/2006	1/17/2015	PRADA MILANO & TRIANGLE DESIGN	PRADA S.A.	No
TMK 02-00149	4/30/2006	12/27/2014	PRADA & DESIGN	PRADA S.A.	No
TMK 01-00547	4/30/2006	11/28/2015	LV	LOUIS VUITTON MALLETIER	No
TMK 02-00525	4/30/2006	5/15/2011	HARRY POTTER	TIME WARNER ENTERTAINMENT CO.	No
TMK 02-00650	4/30/2006	2/9/2012	PUMA LEAPING CAT	PUMA AG RUDOLF DASSLER SPORT	No
TMK 02-00659	4/30/2006	7/9/2012	CC CC CC CC	COACH SERVICES, INC.	No
TMK 02-00615	4/30/2006	2/9/2012	PUMA AND DESIGN	PUMA AG RUDOLF DASSLER SPORT	No
TMK 02-00746	4/30/2006	5/20/2010	FORMSTRIPE DESIGN	PUMA AG RUDOLF DASSLER SPORT	No
TMK 06-00521	4/30/2006	7/29/2007	HEIRLOOM	CENTURY FURNITURE LLC	No
TMK 02-00747	4/30/2006	12/29/2010	PUMA	PUMA AG RUDOLF DASSLER SPORT	No
TMK 02-00748	4/30/2006	4/28/2010	PUMA STRIPE DESIGN	PUMA AG RUDOLF DASSLER SPORT	No
TMK 03-00119	4/30/2006	11/3/2012	SEIKO	SEIKO KABUSHIKI KAISHA D/B/A SEIKO CORPORATION	No
TMK 02-00881	4/30/2006	3/18/2007	COACH (& LOZENGE DESIGN)	COACH SERVICES, INC.	No
TMK 02-00882	4/30/2006	11/9/2009	COACH	COACH SERVICES, INC.	No
TMK 02-00806	4/30/2006	8/9/2007	COACH	COACH SERVICES, INC.	No
TMK 02-00807	4/30/2006	8/9/2007	COACH (PLUS DESIGN)	COACH SERVICES, INC.	No
TMK 03-00057	4/30/2006	6/9/2012	GLOCK	GLOCK, INC.	No
TMK 02-00948	4/30/2006	9/24/2012	CC CC CC CC	COACH SERVICES, INC.	No
TMK 02-01068	4/30/2006	3/5/2012	HEYIHEYIHEYI	WILLIAM H. COSBY, JR.	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	Gray Market Protection
TMK 02-01070	4/30/2006	3/12/2012	FAT ALBERT CHARACTER IMAGE	WILLIAM H. COSBY, JR.	No
TMK 02-01076	4/30/2006	6/18/2012	FAT ALBERT CHARACTER IMAGE	WILLIAM H. COSBY, JR.	No
TMK 02-01077	4/30/2006	3/19/2012	HEY!HEY!HEY! AND FAT ALBERT CHARACTER IMAGE	WILLIAM H. COSBY, JR.	No
TMK 06-00536	4/30/2006	12/6/2015	CLEANLINE	TOLEDO METAL SPINNING COMPANY	No
TMK 03-00514	4/30/2006	1/4/2013	PUMA (STYLIZED)	PUMA AG RUDOLF DASSLER SPORT	No
TMK 04-00378	4/30/2006	3/16/2014	CC AND DESIGN	COACH SERVICES, INC.	No
TMK 04-00898	4/30/2006	12/16/2013	D & DESIGN	PUMA AG RUDOLF DASSLER SPORT	No
TMK 04-00597	4/30/2006	9/18/2011	CORONA (STYLIZED)	CERVECERIA MODELO, S.A. DE C.V.	No
TMK 04-00598	4/30/2006	11/21/2010	CORONA LIGHT (STYLIZED)	CERVECERIA MODELO, S.A. DE C.V.	No
TMK 04-00604	4/30/2006	9/18/2011	CORONA EXTRA LA CERVEZA MAS FINA & CROWN AND GRIFFINS	CERVECERIA MODELO, S.A. DE C.V.	No
TMK 04-00605	4/30/2006	9/18/2011	CORONA EXTRA (STYLIZED)	CERVECERIA MODELO, S.A. DE C.V.	No
TMK 05-00492	4/30/2006	11/15/2014	NAUTICA	NAUTICA APPAREL, INC.	No
TMK 05-00633	4/30/2006	11/9/2013	CORTIZONE.10	PFIZER INC.	No
TMK 05-00373	4/30/2006	1/11/2015	TRUE RELIGION BRAND JEANS WORLD TOUR FASHION FOR THE	GURU DENIM, INC.	No
TMK 05-00686	4/30/2006	10/31/2009	CORTIZONE 5	PFIZER INC.	No
TMK 05-00687	4/30/2006	3/31/2013	NEOSPORIN	WARNER-LAMBERT COMPANY LLC	No
TMK 06-00537	4/30/2006	11/1/2015	LAUNDRY BY SHELLI SEGAL	L.C. LICENSING, INC.	No
TMK 06-00517	4/30/2006	10/4/2016	DESIGN ONLY	POINTE NOIR PTY. LTD.	No
TMK 06-00518	4/30/2006	5/6/2013	CHOPARD GENEVE & DESIGN	CHOPARD INTERNATIONAL SA	No
TMK 06-00516	4/30/2006	3/7/2010	TIDE & DESIGN	THE PROCTER & GAMBLE COMPANY	No
TMK 06-00519	4/30/2006	9/30/2013	CHANTICLEER	MORNINGSIDE VINEYARD	No
TMK 06-00520	4/30/2006	4/19/2007	TIDE	THE PROCTER & GAMBLE COMPANY	No
TMK 86-00043	4/30/2006	8/13/2015	PANTHERE	CARTIER INC.	No
TMK 86-00550	4/30/2006	10/1/2010	M3	COOPER INDUSTRIES, INC	No
TMK 88-00318	4/30/2006	3/15/2008	CLAIBORNE	L.C. LICENSING, INC.	No
TMK 87-00527	4/30/2006	12/30/2006	LIZ CLAIBORNE	L.C. LICENSING, INC.	No
TMK 87-00566	4/30/2006	10/15/2015	PANTHERE DE CARTIER	CARTIER INTERNATIONAL, B.V.	No

Total Records: 320  
Date as of: 5/23/2006

## DEPARTMENT OF THE TREASURY

USCBP-2006-0020

19 CFR PART 12

RIN 1505-AB68

### ENTRY OF CERTAIN CEMENT PRODUCTS FROM MEXICO REQUIRING A COMMERCE DEPARTMENT IMPORT LICENSE

**AGENCY:** Customs and Border Protection, Homeland Security; Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend title 19 of the Code of Federal Regulations to set forth special requirements for the entry of certain cement products from Mexico requiring a United States

Department of Commerce import license. The cement products in question are those listed in the Agreement on Trade in Cement, entered into between the Office of the United States Trade Representative, the United States Department of Commerce, and Mexico's Secretaria de Economia, on March 6, 2006. The changes proposed in this document require an importer to submit to Customs and Border Protection (CBP) an import license number on the entry summary (CBP Form 7501), as well as a valid Mexican export license with the entry documentation, for any cement product for which the United States Department of Commerce requires an import license under its cement licensing and import monitoring program.

**DATE:** Comments must be received on or before June 21, 2006.

**ADDRESSES:** You may submit comments, identified by docket number, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2006-0020.
- Mail: Trade and Commercial Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

**Instructions:** All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Bureau of Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

**FOR FURTHER INFORMATION CONTACT:** Alice Buchanan, Office of Field Operations, Tel: (202) 344-2697.

**SUPPLEMENTARY INFORMATION:****Public Participation**

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that supports such recommended change.

**Background****I. Agreement on Trade in Cement**

On March 6, 2006, the Office of the United States Trade Representative (USTR), the United States Department of Commerce (Commerce), and the Ministry of Economy of the United Mexican States (Secretaria de Economia) signed a bilateral Trade in Cement Agreement (Agreement) concerning trade in cement between the United States and Mexico. The Agreement applies only to cement from Mexico as defined in Section I.L. of the Agreement. A copy of the Agreement is available on the Commerce website: <http://www.ia.ita.doc.gov/download/mexico-cement/cement-final-agreement.pdf>.

The Agreement calls for the settlement or suspension of litigation in multiple disputes before the North American Free Trade Agreement (NAFTA) and World Trade Organization (WTO) panels, and for a compromise to claims on antidumping duties currently subject to administrative review. To assist in rebuilding efforts in the Gulf Coast, the Agreement also sets forth geographical quantitative restrictions whereby an annual 3 million metric ton export limit is apportioned to eight defined sub-regions of the United States. Lastly, the Agreement requires the creation of an Export Licensing Program by Mexico and an Import Licensing Program by Commerce to further enforce these quantitative restrictions. The Agreement is scheduled to expire on March 31, 2009, provided that it has not been terminated before that date. See Section XI.A. of the Agreement.

**II. Proposed Department of Commerce Regulations**

The International Trade Administration of the Department of Commerce has just published in the **Federal Register** a proposed rule that would establish a cement licensing and import monitoring program as directed under the terms of the Agreement.

Commerce's proposed rule would prescribe a web-based registration system for cement importers by which cement import licenses

will be issued to registered importers, customs brokers or their agents through an automatic cement import licensing system. Once registered, an importer or broker will submit the required license application information electronically to Commerce, and the system will then automatically issue a cement import license number for inclusion on the entry summary documentation filed with CBP.

Under the Commerce proposal, all importers of Mexican cement covered by the Agreement will be required to obtain a cement import license and to provide the license information (i.e., the import license number) to CBP on the entry summary (CBP Form 7501). Similarly, importers will be required to include the import license number on the application for admission and/or status designation into a Foreign Trade Zone (FTZ) on CBP Form 214 at the time of filing. Both the entry summary and FTZ filings must be paper filings. The proposed Commerce regulations also would require importers of the subject commodity to submit a valid Mexican export license to CBP together with the entry summary documentation.

A cement import license will be required for every entry summary of covered cement products. It is noted, however, that a single import license may cover multiple products so long as the importer, exporter, manufacturer, first unaffiliated customer, final destination of the product, and country of origin and exportation are the same for all the merchandise. If any of the above information differs with respect to a given set of covered imported cement products, a separate import license will be required for that merchandise. As a result, a single CBP entry summary may require more than one cement import license.

### III. Proposed Amendments to Title 19 of the Code of Federal Regulations

Primary responsibility for the cement product import licensing and monitoring rests with the Secretary of Commerce. The Secretary of the Treasury, through CBP, is responsible for the promulgation and administration of regulations regarding making entry of the subject merchandise into the United States. Accordingly, this document proposes to amend title 19 of the Code of Federal Regulations (19 CFR) to provide an appropriate regulatory basis for the collection of the required cement trade data in accordance with the proposed regulatory standards promulgated by the Department of Commerce.

The proposed changes to 19 CFR set forth in this document consist of the addition of a new § 12.155 (19 CFR 12.155) which requires the inclusion of a cement import license number on the entry summary (CBP Form 7501), and the submission of a valid Mexican export license with the entry summary documentation, in any case in which a cement import license is required pursuant to the terms set forth in 19 CFR 360.201(d). Additionally, all shipments of covered Mexican cement into a FTZ will require an import license prior to the filing of



the FTZ admission documents. The license must be reported on the application for FTZ admission and/or status designation (CBP Form 214) at the time of filing. There is no requirement to present physical copies of the import license forms at the time of submitting the CBP Forms 7501 or 214; however, parties must maintain copies in accordance with CBP's applicable recordkeeping requirements. In the case of the export license, the original must be submitted to CBP with the entry summary documentation. For multiple shipments at multiple ports, or multiple entries at a single port, the original Mexican export license must be presented to CBP with the first entry summary and a copy of the export license must be presented with each subsequent entry summary.

The requirement to submit the import license number to CBP on the CBP Form 7501 will go into effect when the final rule adopting this proposal becomes effective.

Failure to timely provide the required cement import license number to CBP will constitute a breach of the terms of the importer's bond under § 113.62 of title 19 of the CFR (19 CFR 113.62) and could give rise to a claim for liquidated damages under the bond equal to the value of the merchandise involved in the default.

#### **Comments**

Submitted comments will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and § 103.11(b) of title 19 of the CFR (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Office of Regulations and Rulings, Customs and Border Protection, 799 9th St., N.W., Washington, D.C. Arrangements to inspect submitted documents should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

#### **THE REGULATORY FLEXIBILITY ACT AND EXECUTIVE ORDER 12866**

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities. CBP believes that the proposed amendment, which involves the addition of only one data element to an existing required CBP form, will have a negligible impact on importer operations. Accordingly, the proposed amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Further, these proposed amendments do not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

### PAPERWORK REDUCTION ACT

The collections of information in the current regulations have already been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB control number 1515–0065 (entry summary and continuation sheet) and OMB control number 1515–0086 (Application for foreign trade zone admission and/or status designation). This rule does not involve any material change to the existing approved information collection. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB.

#### Signing Authority

This document is being issued in accordance with 19 CFR 0.1(a)(1).

#### List of Subjects in 19 CFR Part 12

Bonds, Customs duties and inspection, Entry of merchandise, Imports, Prohibited merchandise, Reporting and recordkeeping requirements, Restricted merchandise.

#### Proposed Amendment to the Regulations

For the reasons stated above, it is proposed to amend part 12 of title 19 of the Code of Federal Regulations (19 CFR Part 12) as set forth below.

#### PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The authority citation for part 12 continues to read in part as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

2. A new center heading and new § 12.155 are added to read as follows:

#### **Mexican Cement Products**

#### **§ 12.155 Entry or admission of Mexican cement products.**

(a) In general. On March 6, 2006, the United States Trade Representative, United States Department of Commerce and Mexico's Secretaria de Economia entered into an "Agreement on Trade in Cement" (Agreement). Pursuant to the Agreement, the United States Department of Commerce will administer an import licensing sys-

tem that covers imports of Mexican cement as defined in section I.L. of the Agreement. The Secretary of the Treasury, through the Bureau of Customs and Border Protection (CBP), is responsible for the promulgation and administration of regulations regarding making entry of the subject merchandise into the United States. The Agreement will terminate on March 31, 2009, unless it has been terminated prior to that date.

(b) Reporting the import license number. For every entry of merchandise for which a Mexican cement import license is required to be obtained under regulations promulgated by the U.S. Department of Commerce, set forth at 19 CFR 360.201–205, the entry (unless otherwise directed by CBP), must be a paper filing, and the license number must be included:

(1) On the entry summary (CBP Form 7501), at the time of filing, in the case of merchandise entered or withdrawn from warehouse for consumption, in the custom territory of the United States; or

(2) On CBP Form 214, at the time of filing under part 146 of this chapter, in the case of merchandise admitted into a foreign trade zone.

(c) Recordkeeping. There is no requirement to present physical copies of the import license to CBP at the time of filing the CBP Form 7501 or CBP Form 214; however copies must be maintained in accordance with the applicable recordkeeping provisions set forth in the chapter.

(d) Export license information. Under regulations promulgated by the U.S. Department of Commerce, set forth at 19 CFR 360.201(d), importers of Mexican cement must submit a valid Mexican export license to CBP with the entry summary documentation. For multiple shipments at multiple ports, or multiple entries at one port, the original physical copy of the Mexican export license must be submitted to CBP with the first entry summary and a copy of the export license must be presented with each subsequent entry summary.

(e) The provisions set forth in this section are applicable for as long as the Agreement remains in effect.

DEBORAH J. SPERO,  
*Acting Commissioner,*  
*Bureau of Customs and Border Protection.*

Approved: May 25, 2006

TIMOTHY E. SKUD,  
*Deputy Assistant Secretary of the Treasury.*

[Published in the Federal Register, June 1, 2006 (71 FR 31125)]

**Automated Commercial Environment (ACE): Periodic  
Monthly Statement Payment Process Available When Filing  
Entry for Split Shipments and Unassembled or  
Disassembled Entities Imported on Multiple Conveyances**

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

**ACTION:** General notice.

**SUMMARY:** This document announces that importers may use the periodic monthly payment statement process to pay estimated duties and fees when filing either a single entry or incremental entries involving split shipments, or a single entry or certain incremental entries involving unassembled or disassembled entities. Importers may use the periodic monthly payment statement process as participants in a National Customs Automation Program (NCAP) test.

**EFFECTIVE DATES:** Importers may pay estimated duties and fees for Split Shipments through the method set forth in the NCAP test starting on June 2, 2006.

Importers may pay estimated duties and fees for Unassembled or Disassembled Entities Imported on Multiple Conveyances through the method set forth in the NCAP test starting on July 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** For questions concerning this Notice: Mr. Jeremy Baskin via email at [Jeremy.Baskin@dhs.gov](mailto:Jeremy.Baskin@dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Importers choosing to file a single entry or incremental entries involving split shipments or unassembled or disassembled entities as a special permit for immediate delivery after the arrival of the first portion (Incremental Release) may now pay estimated duties and fees attributable to those entries through the method set forth in the National Customs Automation Program (NCAP) test describing the periodic monthly statement process.

**Entry: Split Shipments**

Under the current regulations on split shipments at 19 CFR 141.57(d)(1) and 141.57(d)(2), an importer is allowed to file either a single entry or incremental entries with regard to split shipments (19 U.S.C. 1484(j)(2)). Split shipments are defined as merchandise

that is capable of being transported on a single conveyance, and that is delivered to and accepted by a carrier in the exporting country as one shipment under one bill of lading or waybill, and is thus intended by the importer to arrive as a single shipment. However, the shipment is thereafter divided by the carrier into different parts which arrive in the United States at different times, often days apart.

Pursuant to the provisions of the regulations, an importer of split shipment of merchandise may file an entry or a special permit for immediate delivery, provided that the merchandise is eligible for such permit, once all portions of the split shipment have arrived at the port of entry. The entry or special permit must indicate the total number of pieces in, as well as the total value of, the entire shipment as reflected on the invoice(s) covering the shipment. See 19 CFR 141.57(d)(1). Alternatively, an importer of record may file a special permit for immediate delivery after the arrival of the first portion of a split shipment, but before the arrival of the entire shipment at such port, thus qualifying the split shipment for incremental release as each portion of the shipment arrives at the port of entry. The remaining portions may be released incrementally. See 19 CFR 141.57(d)(2) and 19 CFR 141.57(e).

#### Entry: Unassembled or Disassembled Entities

Pursuant to new regulations (see new 19 CFR 141.58) published in today's **Federal Register** as CBP Decision 06-11, importers may, effective 30 days after the date of publication in the **Federal Register**, file a single entry for merchandise the size or nature of which necessitates shipment in an unassembled or disassembled condition on more than one conveyance, or file incremental entries for each portion of the entity as it separately arrives.

An unassembled or disassembled entity consists of merchandise which is not capable of being transported on a single conveyance, but which is purchased and invoiced as a single classifiable entity. By necessity, due to its size or nature, the entity is placed on multiple conveyances that arrive at different times at the same port of entry in the United States. The subject arriving portions are consigned to the same person in the United States. The final regulations permit the acceptance of a single entry in the case of a qualifying unassembled or disassembled shipment; however, importers may continue to file a separate entry for each portion of an unassembled or disassembled shipment as it arrives, if they so choose.

An importer may file an entry once all portions of the entity have arrived at the same port of entry in the United States. Any portion that arrives at a different port must be transported in-bond to the destination port where entry will be made. In the alternative, the importer may file a special permit for immediate delivery after ar-

rival of all portions of the entity provided that it is eligible for such a permit under 19 CFR 142.21(a)-(d), (f) and (i). See 19 CFR 141.58(d)(1).

An importer of record may file an application for a special permit for immediate delivery after the arrival of the first portion of the entity covered by 19 CFR 141.58(b), and its remaining portions may be released incrementally pursuant to the requirements set forth in 19 CFR 141.58(e). All portions of the shipment must arrive timely at the same port of entry in the United States. Any portion that arrives at a different port must be transported in-bond to the destination port where entry will be made. See 19 CFR 141.58(d)(2).

#### Payment of Estimated Duties and Fees Through Periodic Monthly Statement

The Bureau of Customs and Border Protection (CBP) has published a series of General Notices in the **Federal Register** announcing the National Customs Automation Program (NCAP) test for the Periodic Monthly Payment Statement Process. See 69 FR 5362, 69 FR 54302, 70 FR 5199, 70 FR 45736, 70 FR 55623, and 71 FR 3315. These prior notices are incorporated by reference and continue to apply unless changed by this notice.

The test, which is part of CBP's Automated Commercial Environment (ACE), benefits participants by giving them access to operational data through the ACE Secured Data Portal ("ACE Portal"), which provides them the capability to interact electronically with CBP, and by allowing them to deposit estimated duties and fees on a monthly basis based on a Periodic Monthly Statement issued by CBP.

Participants in the Periodic Monthly Statement test are required to schedule entries for monthly payment. A Periodic Monthly Statement will list Periodic Daily Statements that have been designated for monthly payment. The Periodic Monthly Statement can be created on a national basis by an ABI filer. If an importer chooses to file the Periodic Monthly Statement on a national basis, it must use its filer code and schedule and pay the monthly statements. The Periodic Monthly Statement will be routed under existing CBP procedures. Brokers will only view/receive information that they have filed on an importer's behalf. ACE will not route a Periodic Monthly Statement to a broker through ABI that lists information filed by another broker. See 69 FR 5362.

#### Periodic Monthly Statement Process Available for Filing Entries for Split Shipments and Unassembled or Disassembled Entities Imported on Multiple Conveyances

Through this notice, and beginning on the effective dates described earlier in the document, CBP announces that importers

choosing to file a single entry involving split shipments consistent with the provisions of 19 CFR 141.57(d)(1) or unassembled or disassembled entities consistent with the provisions of 19 CFR 141.58(d)(1) may pay estimated duties and fees attributable to those entries through the method set forth in the National Customs Automation Program (NCAP) test describing the periodic monthly payment statement process. The date of filing of that entry identifies the month in which entry is filed and establishes the obligation to pay estimated duties and fees by the 15th working day of the month following the month in which entry is filed.

Importers choosing to file incremental entries involving split shipments consistent with the provisions of 19 CFR 141.57(d)(2) or unassembled or disassembled entities consistent with the provisions 19 CFR 141.58(d)(2) as a special permit for immediate delivery after the arrival of the first portion (Incremental Release) also may pay estimated duties and fees attributable to that entry through the method set forth in the National Customs Automation Program (NCAP) test describing the periodic monthly payment statement process. The date that the importer obtains release of the first portion of the entity as provided in sections 141.57(e) or 141.58(e) will identify the month that the entry is filed and establishes the obligation to pay estimated duties and fees by the 15th working day of the month following the month in which entry is filed.

### **Previous Notices and Suspension of Regulations**

All requirements and aspects of the ACE test discussed in previous notices are hereby incorporated by reference into this notice and continue to be applicable, unless changed by this notice. Examples of such requirements and aspects are the rules regarding misconduct under the test and the required evaluation of the test (both of which are detailed in the notice published at 67 FR 21800 and 69 FR 5362).

During the testing of the Periodic Monthly Statement Process, CBP is suspending provisions in Parts 24, 141, 142, and 143 of the CBP regulations (Title 19 of the Code of Federal Regulations) pertaining to financial, accounting, entry procedures, and deposit of estimated duties and fees. Absent any specified alternate procedure, the current regulations apply.

**DATED:** May 26, 2006

JAYSON P. AHERN,  
*Assistant Commissioner,  
Office of Field Operations.*

[Published in the Federal Register, June 2, 2006 (71 FR 32114)]



**DISTRIBUTION OF CONTINUED DUMPING AND SUBSIDY OFFSET TO AFFECTED DOMESTIC PRODUCERS**

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

**ACTION:** Notice of intent to distribute offset for Fiscal Year 2006.

**SUMMARY:** Pursuant to the Continued Dumping and Subsidy Offset Act of 2000, this document is the Bureau of Customs and Border Protection's notice of intent to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2006 in connection with antidumping duty orders or findings or countervailing duty orders. This document sets forth the list of individual antidumping duty orders or findings and countervailing duty orders, together with the affected domestic producers associated with each order or finding who are potentially eligible to receive a distribution. This document also provides the instructions for affected domestic producers to file written certifications to claim a distribution in relation to the listed orders or findings.

**DATES:** Written certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by July 31, 2006. Any certification received after July 31, 2006 will be denied, making claimants ineligible for the distribution.

**ADDRESSES:** Written certifications and any other correspondence should be addressed to the Assistant Commissioner, Office of Finance, Bureau of Customs and Border Protection, Revenue Division, Attention: Leigh Redelman, P.O. Box 68940, Indianapolis, IN 46268. Any delivery by an express or courier service requiring a street address may be addressed to 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.

**FOR FURTHER INFORMATION CONTACT:** For general questions regarding preparation of certifications, contact Leigh Redelman, Revenue Division, (317) 614-4462. For questions regarding legal aspects, contact L. LaToya Burley, Office of Regulations and Rulings, (202) 572-8793.

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

The Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) was enacted on October 28, 2000, as part of the Agriculture, Rural

Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (“Act”). The provisions of the CDSOA are contained in title X (sections 1001–1003) of the Act.

The CDSOA, in section 1003 of the Act, amended title VII of the Tariff Act of 1930, as amended, by adding a new section 754 (codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to an antidumping duty order, a countervailing duty order, or an antidumping duty finding under the Antidumping Act of 1921 must be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term “affected domestic producer” means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) who:

(A) was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the Antidumping Act of 1921, or a countervailing duty order has been entered, and

(B) remains in operation.

The distribution that these parties may receive is known as the continued dumping and subsidy offset.

The Continued Dumping and Subsidy Offset Act (19 U.S.C. 1675c) was repealed by section 7601 of the Deficit Reduction Act of 2005. Section 7701 of the Deficit Reduction Act provided that the amendment would take effect as if enacted on October 1, 2005. However, section 7601(b) provided that duties collected on an entry filed before October 1, 2007, shall be distributed as if 19 U.S.C. 1675c had not been repealed.

Consequently, the effect of the repeal will be delayed for several years. First, money collected on an entry filed before October 1, 2007, will continue to be subject to the distribution procedures under former section 1675c. Second, because the duty on an entry is not available for distribution until the entry is liquidated and collected pursuant to the direction of the Department of Commerce, the distribution process will continue until all entries made before October 1, 2007, are liquidated and the duties are collected. Because of the statutory constraints in the assessments of antidumping and countervailing duties, the distribution process will be continued for an undetermined period; however, the amount of money available for distribution can be expected to diminish after October 1, 2007.

It is also noted that, on April 7, 2006, the Court of International Trade issued a decision in Canadian Lumber Trade Alliance v. United States, Slip Op. 06–48 (Ct. Int’l Trade Apr. 7, 2006), in which it determined that distributions to affected domestic producers of the

continued dumping and subsidies offset are illegal, to the extent such offset distribution derives from duties assessed on goods from Canada and Mexico that are subject to a countervailing duty order, an antidumping duty order or a finding under the Antidumping Act of 1921. CBP anticipates that the Court will soon issue an injunction in this matter. The decision and any appeal therefrom may affect future distributions. CBP is reviewing its options in this regard and will notify the public through a future Federal Register notice concerning any decision to withhold potential fiscal year 2006 distributions that derive from duties assessed on goods from Canada and Mexico that are subject to a countervailing duty order, an antidumping duty order or a finding under the Antidumping Act of 1921.

#### **List of Orders or Findings and Affected Domestic Producers**

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to the Bureau of Customs and Border Protection (CBP) a list of the affected domestic producers that are potentially eligible to receive an offset in connection with an order or finding.

To this end, it is noted that the USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case that are potentially eligible to receive an offset. This list appears at the end of this document.

#### **Regulations Implementing the CDSOA**

It is noted that CBP published Treasury Decision (T.D.) 01-68 (Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers) in the Federal Register (66 FR 48546) on September 21, 2001, which was effective as of that date, in order to implement the CDSOA. The final rule added a new subpart F to part 159 of title 19, CFR, (19 CFR part 159, subpart F (§§ 159.61-159.64)). In order to aid affected domestic producers, more specific guidance is provided in this notice.

#### **Notice of Intent To Distribute Offset**

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties that are available for distribution in Fiscal Year 2006 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. Section 159.62(a) of title 19 (19 CFR 159.62(a)) provides that CBP will publish such a notice of intention to distribute assessed duties at least 90 calendar days before the end of a fiscal year.

### **Certifications; Submission and Content**

To obtain a distribution of the offset under a given order or finding, an affected domestic producer must submit a certification to CBP indicating that the producer desires to receive a distribution.

As required by 19 CFR 159.62(b), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under § 159.63 to claim a distribution. Section 159.62(b) also provides that the dollar amounts subject to distribution that are contained in the Special Account for each listed order or finding are to appear in this notice. However, these dollar amounts were not available in time for inclusion in this publication. The preliminary amounts will be posted on the CBP website ([www.cbp.gov](http://www.cbp.gov)), for purposes of enabling affected domestic producers to determine whether it would be worthwhile to file a certification in a given case. The final amounts available for disbursement may be higher or lower than the preliminary amounts.

Specifically, to obtain a distribution of the offset under a given order or finding, each affected domestic producer must timely submit a certification containing the required information detailed below as to the eligibility of the producer to receive the requested distribution and the total amount of the distribution that the producer is claiming. Certifications should be submitted to the Assistant Commissioner, Office of Finance, Revenue Division. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer.

A successor to a company appearing on the list of affected domestic producers in this notice should consult 19 CFR 159.61(b)(1)(i).

A member company of an association that appears on the list of affected domestic producers in this notice, where the member company itself does not appear on the list, should consult 19 CFR 159.61(b)(1)(ii). Specifically, for a certification under 19 CFR 159.61(b)(1)(ii), the claimant must name the association of which it is a member and specifically establish that it was a member of the association at the time the association filed the petition with the USITC. The claimant must establish that it is a current member of the association. In addition, the claimant must include a notarized statement from the association containing company-specific information including dates of membership. The statement must contain an original signature from an authorized representative of the association.

As provided in 19 CFR 159.63(a), certifications to obtain a distribution of an offset must be received by CBP no later than 60 calen-

dar days after the date of publication of the notice of intent in the Federal Register. All certifications received after the 60-day deadline will be denied, making claimants ineligible for the distribution.

A list of all certifications received will be published on the CBP website shortly after the receipt deadline. This publication will not confirm acceptance or validity of the certification, but merely receipt of the certification. Due to the high volume of certifications, CBP is unable to respond to individual telephone or written inquiries regarding the status of a certification appearing on the list.

While there is no required format for a certification, CBP has developed a standard certification form to aid claimants in filing certifications. The certification form is available at [www.pay.gov](http://www.pay.gov) under Public Form Name titled CDSOA. The certification form can also be found following this Federal Register Notice. The certification form can be submitted electronically through [www.pay.gov](http://www.pay.gov) or by mail. All certifications not submitted electronically must include original signatures.

Regardless of the format for a certification, per 19 CFR 159.63(b), the certification must contain the following information:

1. The date of this Federal Register notice;
2. The Commerce case number;
3. The case name (producer/country);
4. The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);
5. The mailing address of the domestic producer (if a post office box, the physical street address must also appear) including, if applicable, a specific room number or department;
6. The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;
7. The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);
8. The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s) and, if available, facsimile transmission number(s) and electronic mail (e-mail) address(es) for the person(s);
9. The total dollar amount claimed;
10. The dollar amount claimed by category, as described in the section below entitled "Amount Claimed for Distribution";
11. A statement of eligibility, as described in the section below entitled "Eligibility to Receive Distribution"; and
12. For certifications not submitted electronically through [www.pay.gov](http://www.pay.gov), [CP1]an original signature by a corporate officer legally authorized to bind the producer.

### **Qualifying Expenditures Which May Be Claimed for Distribution**

Qualifying expenditures which may be offset by a distribution of assessed antidumping and countervailing duties encompass those expenditures that are incurred after the issuance of an antidumping duty order or finding or a countervailing duty order, and prior to its termination, provided that such expenditures fall within any of the following categories: (1) Manufacturing facilities; (2) Equipment; (3) Research and development; (4) Personnel training; (5) Acquisition of technology; (6) Health care benefits for employees paid for by the employer; (7) Pension benefits for employees paid for by the employer; (8) Environmental equipment, training, or technology; (9) Acquisition of raw materials and other inputs; and (10) Working capital or other funds needed to maintain production.

Additionally, under 19 CFR 159.61(c), these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of expenses incurred by associations which must relate to a specific case.

### **Amount Claimed for Distribution**

In calculating the amount of the distribution being claimed as an offset, the certification must indicate: (1) The total amount of any qualifying expenditures currently and previously certified by the domestic producer, and the amount certified by category; (2) The total amount of those expenditures which have been the subject of any prior distribution under 19 U.S.C. 1675c; and (3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount currently and previously certified as noted in item "(1)" above minus the total amount that was the subject of any prior distribution as noted in item "(2)" above). In accordance with 19 CFR 159.63(b)(2)(i)–(b)(2)(iii), CBP will deduct the amount of any prior distribution from the producer's claimed amount for that case. Total amounts disbursed by CBP under the CDSOA for Fiscal Years 2001 through 2005 are available on the CBP website.

### **Eligibility To Receive Distribution**

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer. Also, the domestic producer must affirm that the net amount certified for distribution does not encompass any qualifying expenditures for which distribution has previously been made (19 CFR 159.63(b)(3)(i)).

Furthermore, under 19 CFR 159.63(b)(3)(ii), where a party is listed as an affected domestic producer on more than one order or finding covering the same product and files a separate certification for each order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures.

Moreover, as required by 19 U.S.C. 1675c(b)(1) and 19 CFR 159.63(b)(3)(iii), the certification must include information as to whether the domestic producer remains in operation at the time the certifications are filed and continues to produce the product covered by the particular order or finding under which the distribution is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer will not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and 19 CFR 159.63(b)(3)(iii), the domestic producer must state whether it has been acquired by a company that opposed the investigation or was acquired by a business related to a company that opposed the investigation. If a domestic producer has been so acquired, the producer will not be considered an affected domestic producer entitled to receive a distribution.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier's knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled "Verification of Certification").

### **Review and Correction of Certification**

A certification that is submitted in response to this notice of distribution may be reviewed before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer as provided in 19 CFR 159.63(c). It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and satisfactory so as to demonstrate the eligibility of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete, and satisfactory will result in the domestic producer not receiving a distribution.



**Verification of Certification**

Certifications are subject to CBP's verification. Claimants may also be required to provide copies of additional records for further review by CBP. Therefore, parties are required to maintain records supporting their claims for a period of five years after the filing of the certification (19 CFR 159.63(d)). The records must support each qualifying expenditure enumerated in the certification and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding.

**Disclosure of Information in Certifications; Acceptance by Producer**

The name of the affected domestic producer, the total dollar amount claimed by the party on the certification, as well as the total dollar amount that CBP actually disburses to that company as an offset, will be available for disclosure to the public, as specified in 19 CFR 159.63(e). To this extent, the submission of the certification is construed as an understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public. Alternatively, a statement in a certification that this information is proprietary and exempt from disclosure will result in CBP's rejection of the certification.

**List of Orders or Findings and Related Domestic Producers**

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below, together with the affected domestic producers associated with each order or finding that are potentially eligible to receive an offset.

DATED: May 24, 2006

JO COHEN,  
RICHARD BALABAN,  
*Acting Assistant Commissioner,  
Office of Finance.*