

U.S. Customs and Border Protection

CBP Dec. 11-14

**WESTERN HEMISPHERE TRAVEL INITIATIVE:
DESIGNATION OF AN APPROVED NATIVE AMERICAN
TRIBAL CARD ISSUED BY THE PASCUA YAQUI TRIBE AS
AN ACCEPTABLE DOCUMENT TO DENOTE IDENTITY AND
CITIZENSHIP**

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

ACTION: Notice.

SUMMARY: This notice announces that the Commissioner of U.S. Customs and Border Protection is designating an approved Native American Tribal Card issued by the Pascua Yaqui Tribe to U.S. citizens as an acceptable travel document for purposes of the Western Hemisphere Travel Initiative. The approved card may be used to denote identity and U.S. citizenship of Pascua Yaqui members entering the United States from contiguous territory or adjacent islands at land and sea ports of entry.

DATES: This designation will become effective on June 9, 2011.

FOR FURTHER INFORMATION CONTACT: Colleen Manaher, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, 202-344-3003.

SUPPLEMENTARY INFORMATION:

Background

The Western Hemisphere Travel Initiative

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108-458, as amended, required the Secretary of Homeland Security (Secretary), in consultation with the Secretary of State, to develop and implement a plan to require U.S. citizens and Bermudian, Canadian, and Mexican nationals to present a passport or other document or combination of documents as the Secretary deems sufficient to denote identity and citizenship for all travel into the United States. *See* 8 U.S.C. 1185 note. On April 3, 2008, the Department of Homeland Security (DHS) and the Depart-

ment of State promulgated a joint final rule, effective on June 1, 2009, that implemented the plan known as the Western Hemisphere Travel Initiative (WHTI) at U.S. land and sea ports of entry. *See* 73 FR 18384 (the WHTI land and sea final rule). It amended, among other sections of the Code of Federal Regulations (CFR), 8 CFR 212.0, 212.1, and 235.1. The WHTI land and sea final rule specifies the documents that U.S. citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico are required to present when entering the United States at land and sea ports of entry.

Under the WHTI land and sea final rule, one type of citizenship and identity document that may be presented upon entry to the United States at land and sea ports of entry from contiguous territory or adjacent islands¹ is a Native American Tribal Card that has been designated as an acceptable document to denote identity and citizenship by the Secretary, pursuant to section 7209 of IRTPA. Specifically, 8 CFR 235.1(e), as amended by the WHTI land and sea final rule, states:

Upon designation by the Secretary of Homeland Security of a United States qualifying Tribal entity document as an acceptable document to denote identity and citizenship for the purposes of entering the United States, Native Americans may be permitted to present Tribal cards upon entering or seeking admission to the United States according to the terms of the voluntary agreement entered between the Secretary of Homeland Security and the Tribe. The Secretary of Homeland Security will announce, by publication of a notice in the **Federal Register**, documents designated under this paragraph. A list of the documents designated under this paragraph will also be made available to the public.

A “United States qualifying Tribal entity” is defined as a “Tribe, band, or other group of Native Americans formally recognized by the United States Government which agrees to meet WHTI document standards.”² Native American Tribal cards are also referenced in 8 CFR 235.1(b) which lists the documents U.S. citizens may use to establish identity and citizenship when entering the United States. *See* 8 CFR 235.1(b)(7).

The Secretary has delegated to the Commissioner of CBP the authority to designate certain documents as acceptable border crossing documents for persons arriving in the United States by land or sea from within the Western Hemisphere, including certain United

¹ “Adjacent islands” is defined in 8 CFR 212.0 as “Bermuda and the islands located in the Caribbean Sea, except Cuba.” This definition applies to 8 CFR 212.1 and 235.1.

² *See* 8 CFR 212.0. This definition applies to 8 CFR 212.1 and 235.1.

States Native American Tribal cards. See DHS Delegation Number 7105 (Revision 00), dated January 16, 2009.

Tribal Card Program

The WHTI land and sea final rule allowed U.S. Federally recognized Native American Tribes to work with CBP to enter into agreements to develop Tribal ID cards that can be designated as acceptable to establish identity and citizenship when entering the United States at land and sea ports of entry from contiguous territory or adjacent islands. CBP has been working with various U.S. Federally recognized Native American Tribes to facilitate the development of such cards.³ As part of the process, CBP will enter into one or more agreements with a U.S. Federally recognized Tribe that specify the requirements for developing and issuing WHTI-compliant Tribal cards, including a testing and auditing process to ensure that the cards are produced and issued in accordance with the terms of the agreements.

After production of the cards in accordance with the specified requirements, and successful testing and auditing by CBP of the cards and program, the Secretary of DHS or the Commissioner of CBP may designate the Tribal card as an acceptable WHTI-compliant document for the purpose of establishing identity and citizenship when entering the United States by land or sea from contiguous territory or adjacent islands. Such designation will be announced by publication of a notice in the **Federal Register**. A list of entities issuing WHTI-compliant documents and the kind of documents issued is available at <http://www.getyouhome.gov>.

Pascua Yaqui WHTI-Compliant Tribal Card Program

The Pascua Yaqui Tribe of Arizona (Pascua Yaqui Tribe) has voluntarily established a program to develop a WHTI-compliant Tribal card that denotes identity and U.S. citizenship. On May 27, 2009, CBP and the Pascua Yaqui Tribe signed a Memorandum of Agreement (MOA) to develop, issue, test, and evaluate Tribal cards to be used for border crossing purposes. Pursuant to this MOA, the cards are issued to members of the Pascua Yaqui Tribe who can establish identity, Tribal membership, and U.S. citizenship. The cards incorporate physical security features acceptable to CBP as well as facilitative technology allowing for electronic validation of identity, citizenship, and Tribal membership. In 2010, CBP and the Pascua Yaqui Tribe entered into two related agreements, a March 18, 2010, security

³ The Native American Tribal cards qualifying to be a WHTI-compliant document for border crossing purposes are commonly referred to as “Enhanced Tribal Cards” or “ETCs.”

agreement and an April 1, 2010, service level agreement. The former addresses confidentiality and information sharing, and the latter memorializes the technical specifications for the production, issuance and use of the card.

CBP has tested the cards developed by the Pascua Yaqui Tribe pursuant to the above agreements and has performed an audit of the Tribe's card program. On the basis of these tests and audit, CBP has determined that the cards meet the requirements of section 7209 of the IRTPA and are acceptable documents to denote identity and U.S. citizenship for purposes of entering the United States at land and sea ports of entry from contiguous territory or adjacent islands. CBP's continued acceptance of the Tribal card as a WHTI-compliant document is conditional on compliance with the MOA and all related agreements.

Acceptance and use of the WHTI-compliant Tribal card is voluntary for Tribe members. If an individual is denied a WHTI-compliant Tribal card, he or she may still apply for a passport or other WHTI-compliant document.

Designation

This notice announces that the Commissioner of CBP designates the Tribal card issued by the Pascua Yaqui Tribe in accordance with the MOA and all related agreements between the Tribe and CBP as an acceptable WHTI-compliant document pursuant to section 7209 of the IRTPA and 8 CFR 235.1(e). In accordance with these provisions, the approved card, if valid and lawfully obtained, may be used to denote identity and U.S. citizenship of Pascua Yaqui members who are entering the United States from contiguous territory or adjacent islands at land and sea ports of entry.

Dated: June 3, 2011.

ALAN D. BERSIN,
Commissioner,
U.S. Customs and Border Protection.

[Published in the Federal Register, June 9, 2011 (76 FR 33776)]

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 5 2011)

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 dur-

ing the month of May 2011. The last notice was published in the CUSTOMS BULLETIN on June 1, 2011.

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., Mail Stop 1179, Washington, D.C. 20229-1179

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 325-0088.

Dated: June 9, 2011

CHARLES R. STEUART

Chief,

Intellectual Property Rights & Restricted Merchandise Branch

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-01049	5/17/2011	5/15/2021	ESCAPE	FORD MOTOR COMPANY	No
TMK 06-00566	5/26/2011	4/9/2021	W	UNIVERSITY OF WASHINGTON	No
TMK 02-00092	5/17/2011	6/5/2021	AEZ	AEZ LEICHTMETALLRADER GMBH	No
TMK 02-00334	5/17/2011	4/30/2021	RED SOX	BOSTON RED SOX BASEBALL CLUB LP	No
TMK 06-01027	5/17/2011	2/27/2021	BOBBI BROWN	BOBBI BROWN PROFESSIONAL COSMETICS, INC.	No
TMK 06-01088	5/17/2011	4/30/2021	M-A-C	ESTEE LAUDER COSMETICS LTD.	No
TMK 07-00009	5/19/2011	4/21/2021	BB	TEXAS INSTRUMENTS	No
TMK 08-01040	5/17/2011	1/30/2016	JAGERMEISTER & DESIGN (LABEL)	MAST-JAGERMEISTER SE	No
TMK 08-01009	5/17/2011	9/24/2018	JAGERMEISTER	MAST-JAGERMEISTER SE	No
TMK 08-01056	5/17/2011	6/16/2018	JAGERMEISTER (BOTTLE DESIGN AND LABEL)	MAST-JAGERMEISTER SE	No
TMK 08-01012	5/17/2011	12/28/2019	STAG DESIGN (HUBERTUHSCH-KOPF)	MAST-JAGERMEISTER SE	No
TMK 10-00028	5/17/2011	4/16/2021	EL SEMBRADOR	L & J GENERAL INTERNATIONAL CORPORATION, INC.	No
TMK 11-00515	5/22/2011	1/13/2019	ELASTIKA	SKECHERS U.S.A., INC. II	No
TMK 11-00668	5/27/2011	4/18/2016	MIXED CHICKS	MIXED CHICKS LLC	No
TMK 11-00667	5/27/2011	5/19/2020	ADIDAS	ADIDAS AG JOINT STOCK COMPANY	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00520	5/2/2011	2/1/2020	FAMILY GUY	TWENTIETH CENTURY FOX FILM CORPORATION	No
TMK 11-00584	5/11/2011	1/13/2019	RED BULL AND DESIGN	RED BULL GMBH	No
TMK 11-00678	5/31/2011	12/11/2017	URBAN ZEN	DONNA KARAN, AN INDIVIDUAL	No
TMK 11-00679	5/31/2011	7/19/2015	URBAN ZEN	DONNA KARAN	No
TMK 11-00546	5/9/2011	10/16/2017	ULTRA	STREAK PRODUCTS, INC.	No
TMK 11-00675	5/27/2011	12/12/2020	THE SHARK	EURO-PRO OPERATING LLC	No
TMK 11-00669	5/27/2011	10/19/2020	ITRAIL	KJB SECURITY PRODUCTS INC	No
TMK 11-00670	5/27/2011	4/12/2021	PALM ISLAND	BDSRCO, INC.	No
TMK 11-00573	5/9/2011	10/8/2018	HERMES	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00585	5/11/2011	1/6/2020	HERMES & DESIGN	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00623	5/19/2011	4/26/2021	DESIGN	RIMOWA GMBH	No
TMK 11-00673	5/27/2011	10/19/2020	DESIGN (ANIMATED CHARACTER)	NHK ENTERPRISES INC.	No
TMK 11-00583	5/11/2011	5/3/2021	AVA & GRACE	OUTRACO, INC.	No
TMK 11-00600	5/17/2011	4/27/2020	WII FIT	NINTENDO OF AMERICA INC.	No
TMK 11-00653	5/27/2011	5/1/2019	CARTER'S	THE WILLIAM CARTER COMPANY	No
TMK 11-00674	5/27/2011	2/19/2014	KLIPSCH	KLIPSCH GROUP, INC.	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 11-00587	5/11/2011	12/4/2017	H AND DESIGN	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00586	5/11/2011	4/24/2017	H	HERMES INTERNATIONAL CORPORATION	No
COP 11-00062	5/31/2011	5/31/2031	DOMO LINE ART.	TYO & NHK	No
COP 11-00063	5/31/2011	5/31/2031	DOMO IMAGE.	TYO & NHK	No
COP 11-00052	5/17/2011	5/17/2031	AR CARDS (US COMMERCIAL PACKAGING)	NINTENDO OF AMERICA INC.,	No
COP 11-00061	5/27/2011	5/27/2031	AR CARDS	NINTENDO OF AMERICA INC.,	No
TMK 11-00575	5/11/2011	3/29/2021	BIRKIN BAG CONFIGURATION MARK	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00625	5/19/2011	10/23/2017	RON VIEJO DE CALDAS RUM IMPORTED FROM COLOMBIA ESTABLISHED IN 1928 750 ML 35% ALC/VOL INVIMA L-002299 AGED 3 YEARS PARA EXPORTACION PRODUCT OF COLOMBIA	INDUSTRIA LICORERA DE CALDAS	No
TMK 11-00666	5/27/2011	8/2/2014	AGUARDIENTE CRISTAL GOLD	INDUSTRIA LICORERA DE CALDAS	No
TMK 11-00624	5/19/2011	10/26/2020	DESIGN	NHK ENTERPRISES INC	No
TMK 11-00574	5/9/2011	1/20/2019	H WITHIN A CIRCLE	HERMES INTERNATIONAL CORPORATION	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 11-00577	5/11/2011	10/7/2013	SHARK	EURO-PRO CORPORATION	No
TMK 11-00601	5/17/2011	7/21/2019	MAGIC	HOMAX PRODUCTS, INC.	No
TMK 11-00554	5/9/2011	1/7/2016	HARVE BENARD (STYLIZED)	HB ACQUISITION CO., LLC	No
TMK 11-00553	5/9/2011	5/27/2019	HERMES	HERMES INTERNATIONAL CORPORA- TION	No
TMK 11-00555	5/9/2011	7/1/2018	Z STRAP	SKECHERS U.S.A., INC. II	No
TMK 11-00559	5/9/2011	7/13/2019	S LIGHTS	SKECHERS U.S.A.,INC. II	No
TMK 11-00556	5/9/2011	9/4/2014	DESIGN	HERMES INTERNATIONAL CORPORA- TION	No
TMK 11-00560	5/9/2011	8/8/2016	REFUGE.	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00561	5/9/2011	11/17/2019	HYDEE HY-TOP	SKECHERS U.S.A.,INC. II	No
TMK 11-00558	5/9/2011	4/24/2017	H	HERMES INTERNATIONAL CORPORA- TION	No
TMK 11-00557	5/9/2011	8/19/2013	AEROMOTIVE	AEROMOTIVE, INC.	No
TMK 11-00563	5/9/2011	4/19/2021	EMPOWER AND DESIGN	JACOBSPARTS, INC.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 11-00050	5/9/2011	5/9/2031	2014 FIFA WORLD CUP OFFICIAL EM-BLEM.	FEDERATION INTERNATIONALE DE FOOTBALL ASSOCIATION (FIFA), TRANSFER: BY WRITTEN AGREEMENT. ADDRESS: FIFA-STRASSE 20, ZURICH, 8044 SWITZERLAND	No
TMK 11-00516	5/2/2011	6/29/2014	CHILD OF MINE	THE WILLIAM CARTER COMPANY	No
TMK 11-00517	5/2/2011	3/17/2019	HOT-LIGHTS	SKECHERS U.S.A., INC. II	No
TMK 11-00539	5/9/2011	12/26/2020	CHARLOTTE RUSSE	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00566	5/9/2011	1/21/2013	POKEMON	NINTENDO OF AMERICA INC.	No
TMK 11-00569	5/9/2011	9/26/2015	BARNEY AND DESIGN	LYONS PARTNERSHIP L.P. / REPRESENTATIVE	No
TMK 11-00564	5/9/2011	12/19/2020	CHARLOTTE RUSSE	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00570	5/9/2011	4/26/2021	INTERION AND DESIGN	STREAK PRODUCTS INC.	No
TMK 11-00565	5/9/2011	4/26/2021	INTERION	STREAK PRODUCTS INC.	No
TMK 11-00571	5/9/2011	11/20/2011	DESIGN OF A HEART, MOON AND STAR	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00531	5/9/2011	12/29/2018	HERMES	HERMES INTERNATIONAL CORPORATION	No

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TMK 11-00518	5/2/2011	5/29/2017	KEWL BREEZE	SKECHERS U.S.A., INC. II	No
TMK 11-00511	5/2/2011	5/27/2018	AIRATORS	SKECHERS U.S.A., INC. II	No
TMK 11-00512	5/2/2011	10/26/2020	PRETTY TALL	SKECHERS U.S.A., INC. II	No
TMK 11-00532	5/9/2011	4/26/2021	PROXIMUS & DESIGN	STREAK PRODUCTS INC.	Yes
TMK 11-00533	5/9/2011	4/26/2021	PROXIMUS	STREAK PRODUCTS, INC.	No
TMK 11-00519	5/2/2011	8/31/2020	AQUA-TITANIUM	PHITEN CO., LTD.	No
TMK 11-00535	5/9/2011	6/12/2017	GOLDTOE	GAKM RESOURCES LLC	No
TMK 11-00536	5/9/2011	8/26/2013	GOTTA CATCH 'EM ALL!	NINTENDO OF AMERICA INC.	No
TMK 11-00537	5/9/2011	9/28/2020	ULTRA	STREAK PRODUCTS, INC.	No
TMK 11-00538	5/9/2011	10/16/2017	ULTRA	STREAK PRODUCTS, INC.	No
TMK 11-00540	5/9/2011	3/30/2014	C.E. SCHMIDT WORKWEAR	TRACTOR SUPPLY COMPANY OF TEXAS, L.P.	No
TMK 11-00567	5/9/2011	1/17/2016	CR SIGNATURE (STYLIZED)	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00541	5/9/2011	4/15/2017	EURO-PRO	EURO-PRO OPERATING LLC	No
TMK 11-00513	5/2/2011	7/9/2012	A AND DESIGN	AEROMOTIVE, INC.	No
TMK 11-00514	5/2/2011	3/19/2012	GRITTI BY SERGIO GRITTI	GRITTI SERGIO	No
TMK 11-00543	5/9/2011	9/19/2016	SHARK	EURO-PRO OPERATING LLC	No
TMK 11-00544	5/9/2011	9/21/2020	MINI CIRCLE	FITNESS BRANDS, INC.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00572	5/9/2011	12/26/2020	CHARLOTTE RUSSE	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00545	5/9/2011	7/20/2020	RESISTANCE RUNNERS	SKECHERS U.S.A., INC. II	No
TMK 11-00542	5/9/2011	9/23/2013	EURO-PRO	EURO-PRO OPERATING LLC	No
TMK 11-00552	5/9/2011	3/25/2018	A AND DESIGN (SAIL BOAT)	ANHING CORPORATION	No
TMK 11-00547	5/9/2011	9/1/2019	PIN-GU DESIGN	JOKER, INC.	No
TMK 11-00548	5/9/2011	3/8/2021	CAMELEON	R.P.M. TECH INC.	No
TMK 11-00549	5/9/2011	8/22/2020	VITACOST	VITACOST.COM, INC.	No
TMK 11-00576	5/11/2011	4/5/2021	CONFIGURATION OF HANDBAG	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00581	5/11/2011	4/26/2021	JOHN F. BARNES' MYOFASCIAL RELEASE APPROACH	REHABILITATION SERVICES, INC.	No
TMK 11-00534	5/9/2011	12/26/2020	CHARLOTTE RUSSE	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00568	5/9/2011	2/20/2017	DESIGN	ANHING CORPORATION	No
TMK 11-00550	5/9/2011	7/7/2019	FIREMAN SAM AND DESIGN	PRISM ART & DESIGN LIMITED	No
TMK 11-00579	5/11/2011	5/3/2021	BARNES' MYOFASCIAL RELEASE APPROACH	REHABILITATION SERVICES, INC.	No
TMK 11-00580	5/11/2011	4/29/2021	JOHN F. BARNES' MYOFASCIAL RELEASE	REHABILITATION SERVICES, INC.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00562	5/9/2011	12/26/2020	CHARLOTTE RUSSE	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00551	5/9/2011	12/11/2021	MAXWELL TECHNOLOGIES	MAXWELL TECHNOLOGIES, INC.	No
TMK 11-00578	5/11/2011	10/26/2020	STEAM POCKET	EURO-PRO OPERATING LLC	No
TMK 11-00590	5/17/2011	7/3/2019	CIRCUIT CITY	CIRCUITCITY.COM, INC.	No
TMK 11-00591	5/17/2011	10/5/2020	CIRCUIT CITY	CIRCUITCITY.COM, INC.	No
TMK 11-00521	5/9/2011	4/25/2016	THOMAS & FRIENDS AND DESIGN	GULLANE (THOMAS) LIMITED	No
TMK 11-00522	5/9/2011	9/26/2020	EURO-PRO	EURO-PRO OPERATING LLC	No
COP 11-00051	5/17/2011	5/17/2031	PAMPERED TOES SENSATION PACKAGING.	TELEBRANDS CORP.	No
TMK 11-00582	5/11/2011	9/19/2016	STEAM POCKET	EURO-PRO OPERATING LLC	No
TMK 11-00593	5/17/2011	5/25/2020	NINJA	EURO-PRO OPERATING LLC	No
TMK 11-00523	5/9/2011	12/8/2019	TWINKLE TOES	SKECHERS U.S.A.,INC. II	No
TMK 11-00524	5/9/2011	7/22/2019	HERMES	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00525	5/9/2011	8/1/2019	HERMES	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00526	5/9/2011	8/15/2019	HERMES	HERMES INTERNATIONAL CORPORATION	No

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TMK 11-00527	5/9/2011	8/8/2019	HERMES	HERMES INTERNATIONAL CORPORATION	No
TMK 11-00528	5/9/2011	6/29/2020	LUMINATORS	SKECHERS U.S.A., INC. II	No
TMK 11-00592	5/17/2011	10/19/2020	KLIPSCH	KLIPSCH GROUP, INC.	No
TMK 11-00599	5/17/2011	7/9/2015	AGUARDIENTE CRISTAL AND DESIGN	INDUSTRIA LICORERA DE CALDAS	No
TMK 11-00529	5/9/2011	11/24/2019	EURO-PRO	EURO-PRO OPERATING LLC	No
TMK 11-00530	5/9/2011	7/18/2015	EURO-PRO	EURO-PRO OPERATING LLC	No
TMK 11-00665	5/27/2011	4/19/2018	CHARLOTTE RUSSE	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00672	5/27/2011	5/10/2021	INSIDE OUT: THE INTUITIVE DIRECTION	BAXANO, INC.	No
TMK 11-00664	5/27/2011	12/7/2020	PRECISION DECOMPRESSION FROM THE INSIDE OUT	BAXANO, INC.	No
TMK 11-00656	5/27/2011	12/21/2020	SURGERY FROM THE INSIDE OUT	BAXANO, INC.	No
TMK 11-00662	5/27/2011	5/10/2021	NEURO CHECK	BAXANO, INC.	No
TMK 11-00654	5/27/2011	2/2/2020	RED SHED	TRACTOR SUPPLY COMPANY OF TEXAS, L.P.	No
TMK 11-00594	5/17/2011	8/31/2020	POKÉMON SOULSILVER	NINTENDO OF AMERICA INC.	No
TMK 11-00597	5/17/2011	8/31/2020	POKÉMON HEARTGOLD	NINTENDO OF AMERICA INC.	No
TMK 11-00596	5/17/2011	5/11/2021	VALLEYS	GREENLAND TRADING CORPORATION	No

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TMK 11-00595	5/17/2011	9/2/2013	BOB THE BUILDER AND DESIGN	HIT ENTERTAINMENT LIMITED	No
COP 11-00068	5/31/2011	5/31/2031	PACKAGING DESIGNS FOR SHARK EURO- PRO STEAM MOP.	EURO-PRO OPERATING LLC.	No
TMK 11-00655	5/27/2011	12/23/2013	QUIKCLOT	Z-MEDICA CORPORATION	No
TMK 11-00598	5/17/2011	8/23/2015	NATIVE	SUSAN M. JESMER	No
TMK 11-00626	5/19/2011	7/18/2016	HAWK DESIGN	COMPANY 81, LLC	No
TMK 11-00663	5/27/2011	11/17/2019	OCEANICA	JOHN KEELER & CO., INC.	No
TMK 03-00465	5/17/2011	4/3/2021	VERSACE	GIANNI VERSACE S.P.A.	No
TMK 11-00622	5/19/2011	1/11/2021	PASTA BOAT	TELEBRANDS CORP.	No
TMK 11-00671	5/27/2011	1/4/2021	CRAZY CRITTERS	TELEBRANDS CORP.	No
TMK 11-00661	5/27/2011	3/29/2021	VIA SEATING	VIA, INC.	No
TMK 11-00621	5/19/2011	12/21/2020	IO-FLEX	BAXANO, INC.	No
TMK 11-00589	5/17/2011	5/3/2021	COMFY CONTROL	TELEBRANDS CORP.	No
TMK 11-00588	5/17/2011	2/15/2021	BARE LIFTS	TELEBRANDS CORP.	No
COP 11-00053	5/19/2011	5/19/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO GARMENT STEAMER.	EURO-PRO OPERATING LLC	No
TMK 11-00616	5/19/2011	3/1/2016	HI-LIFT	BLOOMFIELD MANUFACTURING CO., INC.	No
TMK 11-00606	5/19/2011	12/21/2020	IOFLEX	BAXANO, INC.	No
TMK 11-00607	5/19/2011	12/7/2020	IOFLEX	BAXANO, INC.	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00611	5/19/2011	12/21/2020	IO FLEX AND DESIGN	BAXANO, INC.	No
TMK 11-00613	5/19/2011	5/10/2021	SURGERY FROM THE INSIDE OUT	BAXANO, INC.	No
TMK 11-00617	5/19/2011	11/30/2020	BIG CITRUS PUNCH (STYLIZED)	ACAVAL LIMITED LIABILITY COMPANY	No
TMK 11-00609	5/19/2011	3/9/2020	BAXANO	BAXANO, INC.	No
TMK 11-00610	5/19/2011	3/1/2021	MICROBLADE SHAVER	BAXANO, INC.	No
TMK 11-00657	5/27/2011	5/10/2021	JUST ONE YOU	THE WILLIAM CARTER COMPANY	No
COP 11-00054	5/19/2011	5/19/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO STEAM MOP EXTRA LARGE CLEANING PADS.	EURO-PRO OPERATING LLC	No
COP 11-00067	5/31/2011	5/31/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO STEAM MOP SHAGGY CLEANING PADS.	EURO-PRO OPERATING LLC.	No
COP 11-00055	5/19/2011	5/19/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO STEAM MOP QUILTED CLEANING PADS.	EURO-PRO OPERATING LLC	No
TMK 11-00619	5/19/2011	2/17/2018	ARC'TERYX	ARC'TERYX EQUIPMENT INC.	No
TMK 11-00608	5/19/2011	5/10/2021	DISCOVER THE UPSIDE OF THE IN- SIDE OUT	BAXANO, INC.	No
TMK 11-00659	5/27/2011	4/12/2021	ENVIROTAINTMENT	NED MORIOKA	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 11-00618	5/19/2011	12/6/2021	DESIGN (SKELETON OF A PREHISTORIC BIRD)	ARCTERYX EQUIPMENT INC.	No
TMK 11-00604	5/19/2011	1/4/2021	BAXANO	BAXANO, INC.	Yes
TMK 11-00620	5/19/2011	3/8/2021	BAXANO (STYLIZED)	BAXANO, INC.	No
COP 11-00056	5/19/2011	5/19/2031	SHARK PRO STEAM MOP	EURO-PRO OPERATING LLC	No
TMK 11-00658	5/27/2011	9/13/2015	GENUINE KIDS	OSHKOSH B'GOSH, INC.	No
TMK 11-00605	5/19/2011	6/8/2020	BAXANO	BAXANO, INC.	No
COP 11-00059	5/26/2011	5/26/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO STEAM MOP.	EURO-PRO OPERATING, LLC.	No
COP 11-00057	5/26/2011	5/26/2031	SHARK LIGHT & EASY STEAM MOP	EURO-PRO OPERATING LLC	No
TMK 11-00645	5/26/2011	11/17/2019	JUNK FOOD	JUNKFOOD CLOTHING COMPANY	No
TMK 11-00648	5/26/2011	7/6/2020	HARMONY FRUITY SOAP	F&M GLOBALENTERPRISES	No
TMK 11-00646	5/26/2011	7/15/2013	SARAP	ANHING CORPORATION	No
TMK 11-00641	5/26/2011	7/6/2020	SWEET AND SOUR AND COLOR DESIGN	JUNKFOOD CLOTHING COMPANY	No
TMK 11-00644	5/26/2011	4/29/2020	CF MARTIN & CO. EST. 1833	DREADNOUGHT, INC.	No
COP 11-00058	5/26/2011	5/26/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO VACUUM CLEANER.	EURO-PRO OPERATING LLC.	No
COP 11-00066	5/31/2011	5/31/2031	PACKAGING DESIGNS FOR SHARK EURO-PRO VACUUM CLEANER.	EURO-PRO OPERATING LLC.	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00650	5/26/2011	9/15/2021	DX	USG INTERIORS, INC.	No
TMK 11-00615	5/19/2011	12/21/2020	IO FLEX	BAXANO, INC.	No
TMK 11-00614	5/19/2011	12/7/2020	DISCOVER THE UPSIDE OF THE INSIDE OUT	BAXANO, INC.	No
TMK 11-00602	5/19/2011	8/29/2012	RED SHED	TRACTOR SUPPLY COMPANY OF TEXAS, L.P.	No
TMK 11-00603	5/19/2011	12/7/2020	INSIDE OUT. THE INTUITIVE DIRECTION	BAXANO, INC.	No
COP 11-00065	5/31/2011	5/31/2031	SHARK PORTABLE STEAM POCKET.	EURO-PRO OPERATING LLC.	No
TMK 11-00643	5/26/2011	10/31/2011	CHARLOTTE'S ROOM	CHARLOTTE RUSSE MERCHANDISING, INC.	No
TMK 11-00660	5/27/2011	3/29/2021	BODY REPAIRX	APPLIED NUTRITIONALS, LLC (DELAWARE LIMITED LIABILITY COMPANY)	No
TMK 11-00642	5/26/2011	7/1/2020	MARTIN	DREADNOUGHT, INC.	No
TMK 11-00649	5/26/2011	3/12/2021	PING	KARSTEN MANUFACTURING CORPORATION	No
TMK 11-00647	5/26/2011	3/15/2021	Z-MEDICA	Z-MEDICA CORPORATION	No
TMK 11-00612	5/19/2011	12/7/2020	IO-FLEX	BAXANO, INC.	No
COP 11-00060	5/26/2011	5/26/2031	SHARK 2 in 1 VAC THEN STEAM	EURO-PRO OPERATING LLC	No
COP 11-00064	5/31/2011	5/31/2031	SHARK CORDLESS STICK VAC	EURO-PRO OPERATING LLC	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 11-00640	5/26/2011	8/30/2015	ALPHA-DENT	DENTAL TECHNOLOGIES, INC.	No
TMK 11-00639	5/26/2011	8/4/2017	CHELSEA FOOTBALL CLUB WITH CIRCLE DESIGN	CHELSEA FOOTBALL CLUB LTD.	No
TMK 11-00652	5/26/2011	7/17/2017	DESIGN OF A MAN WITH GOLF CLUB	KARSTEN MANUFACTURING CORP.-RATION	No
TMK 11-00651	5/26/2011	10/25/2015	D18	DREADNOUGHT, INC.	No
TMK 11-00627	5/26/2011	12/5/2016	CLIO	FINE ESTATES FROM SPAIN, INC.	No
TMK 11-00628	5/26/2011	11/16/2020	FLYING EAGLE DESIGN	RETAIL ROYALTY COMPANY	No
TMK 11-00629	5/26/2011	12/1/2019	SHAYA	FINE ESTATES FROM SPAIN, INC.	No
TMK 11-00631	5/26/2011	7/6/2020	PING	KARSTEN MANUFACTURING CORP.-RATION	No
TMK 11-00637	5/26/2011	5/4/2020	SHAYA HABIS	FINE ESTATES FROM SPAIN, INC.	No
TMK 11-00636	5/26/2011	3/20/2021	DESIGN	WALA-HEILMITTEL GMBH	No
TMK 11-00633	5/26/2011	12/26/2020	SOLIDEA	CALZIFICIO PINELLI S.R.L.	No
TMK 11-00676	5/31/2011	11/7/2016	PANTHER ENERGY DRINK AND DESIGN	ANHING CORPORATION	No
TMK 11-00677	5/31/2011	2/20/2020	CHAUDOC	ANHING CORPORATION	No
TMK 11-00630	5/26/2011	7/19/2015	LOS ANGELES COUNTY SHERIFF AND BADGE DESIGN	COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT	No
TMK 11-00632	5/26/2011	6/8/2020	COMBAT GAUZE	Z-MEDICA CORPORATION	No

CBP IPR RECORDATION — MAY 2011

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00634	5/26/2011	5/15/2021	MICROMASSAGE MAGIC BY SOLIDEA	CALZIFICIO PINELLI S.R.L.	No
TMK 11-00635	5/26/2011	7/2/2012	JUNK FOOD	JUNKFOOD CLOTHING COMPANY	No
TMK 11-00638	5/26/2011	7/19/2015	SOLIDEA	CALZIFICIO PINELLI S.R.L.	No

Total Records: 201

Date as of: 6/6/2011

**AUTOMATED COMMERCIAL ENVIRONMENT (ACE);
ANNOUNCEMENT OF NATIONAL CUSTOMS AUTOMATION
PROGRAM TEST OF AUTOMATED PROCEDURES FOR
IN-BOND SHIPMENTS TRANSITING THROUGH THE
UNITED STATES FROM ONE POINT IN CANADA TO
ANOTHER POINT IN CANADA**

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

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) plans to conduct a National Customs Automation Program (NCAP) test relating to highway movements of commercial goods that are transported in-bond through the United States from one point in Canada to another point in Canada. The NCAP test designates a new filing code in CBP's Automated Commercial Environment (ACE) Truck Manifest System to identify the shipment as being part of a joint CBP and Canada Border Services Agency (CBSA) In-Transit Project and requires test participants to transmit the manifest electronically and to submit an additional data element. The new filing code and additional data element will enable CBP and the CBSA to better track the movement of these goods, to share information about the in-bond movement and to streamline procedures for test participants. This notice provides a description of the NCAP test process, sets forth eligibility requirements for participation, and invites public comment on any aspect of the planned test.

DATES: The test will commence no earlier than July 13, 2011. Comments concerning this notice and all aspects of the announced test may be submitted at any time during the test period.

ADDRESSES: Written comments concerning program, policy and technical issues should be submitted to Mr. Gary Schreffler, Chief, Cargo Control Branch, Office of Field Operations, U.S. Customs and Border Protection, via e-mail at *Gary.R.Schreffler@dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

The National Customs Automation Program (NCAP) was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (Customs Modernization Act). See 19 U.S.C. 1411. The Customs Modernization Act provides the Commissioner of CBP with authority to conduct limited

test programs or procedures designed to evaluate planned components of the NCAP. This test is authorized pursuant to § 101.9(b) of the CBP Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. *See* T.D. 95–21.

Section 343(a) of the Trade Act of 2002, as amended (the Trade Act; 19 U.S.C. 2071 note), requires CBP to promulgate regulations providing for the mandatory transmission of electronic cargo information by way of a CBP approved electronic data interchange (EDI) system before the cargo is brought into or departs the United States by any mode of commercial transportation (sea, air, rail or truck). The required cargo information is that which is reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security and preventing smuggling pursuant to the laws enforced and administered by CBP.

On December 5, 2003, CBP published a final rule in the **Federal Register** (68 FR 68140) to effectuate the provisions of the Trade Act. In particular, a new § 123.92 (19 CFR 123.92) was added to the title 19 regulations to implement the requirements for cargo brought into the United States by truck. As provided in § 123.92, for any inbound truck required to report its arrival under § 123.1(b) that will have commercial cargo aboard, CBP must electronically receive certain information regarding that cargo through a CBP-approved EDI system no later than either 30 minutes or one hour prior to the carrier's reaching the first port of arrival in the United States. As explained in the preamble of the 2003 final rule, the 30 minute time frame applies to truck carriers arriving with shipments qualified for clearance under the FAST (Free and Secure Trade) program.

In a notice published in the **Federal Register** on October 27, 2006 (71 FR 62922), CBP designated the ACE Truck Manifest System as the approved system for receipt of EDI transmissions of required land border crossing manifest data. ACE was phased in as the required transmission system over a six month period at various ports of entry and CBP now requires ACE to be used for the transmission of advance electronic truck cargo information at every land border port in which CBP had planned to require the use of ACE. *See*, 72 FR 53789, September 20, 2007.

Highway movements of commercial goods that are transported through the United States from one point in Canada to another point in Canada must be transported in-bond and processed as Transportation and Exportation (T&E) entries. The procedures for these in-bond shipments are addressed in 19 CFR 123.42. Among other things, this regulation requires the filing of a manifest and various reports to CBP and the CBSA regarding the movement of the goods. Although reference is made to a paper manifest, CBP's in-bond process for T&E entries is supported in the ACE Truck Manifest System. The ACE

Truck Manifest System enables carriers to submit T&E entries by filing an e-Manifest. This NCAP test requires participants to file their T&E entries using an e-Manifest in the ACE Truck Manifest System and eliminates one of the reporting requirements.

Arrangement Between the Canada Border Services Agency and the Department of Homeland Security, United States Customs and Border Protection Regarding the Highway In-Transit Project

On March 10, 2011, CBP and the CBSA finalized a memorandum of understanding (MOU) titled, "Arrangement Between the Canada Border Services Agency and the Department of Homeland Security, United States Customs and Border Protection Regarding the Highway In-Transit Project." In the MOU, CBP and the CBSA state their intention to implement the Highway In-Transit Project (In-Transit Project) on a pilot basis for shipments transiting through the United States (from one point in Canada to another point in Canada) and to later jointly assess whether to begin implementing the In-Transit Project on a pilot basis for shipments transiting through Canada (from one point in the United States to another point in the United States), or on a permanent basis for one or both types of transit movements. The MOU provides for the automation of the reporting of in-transit highway movements of commercial goods between Canada and the United States. The MOU specifies the criteria that highway carriers must meet in order to participate in the In-Transit Project and provides for the transmission of pre-arrival cargo (manifest) and conveyance information using mutually identified electronic data interchange (EDI) highway cargo (manifest) and conveyance transaction sets. The MOU further allows for the confidential electronic sharing between the CBSA and CBP of certain manifest information to be used for the purposes of risk assessment and tracking of in-transit highway movement of commercial goods between Canada and the United States.

Implementation of the NCAP Test

In order to facilitate implementation of the In-Transit Project for shipments transiting the United States from one point in Canada to another point in Canada, CBP is implementing this NCAP test to designate a new filing code in the ACE Truck Manifest System for truck carriers participating in the In-Transit Project to indicate that their shipments are being shipped as part of the In-Transit Project. Additionally, under the NCAP test, carriers will file an additional data element, the Canadian Cargo Control Number (CCN), consisting of a CBSA-issued carrier code and a unique reference number as-

signed by the carrier. The CCN will allow the CBSA and CBP to track in-bond shipments being transported under the NCAP test and will facilitate the closing out of these T&E entries. Carriers will only be required to report their arrival to CBP at the United States port of export and the CBSA will notify CBP when the shipment enters into Canada. At that point, the T&E will be updated in the system as exported.

Eligibility and Acceptance

To participate in this NCAP test, a truck carrier must be a bonded carrier with CBP and the CBSA, be accepted by the CBSA to participate in the In-Transit Project, and must be able to transmit an e-Manifest using the American National Standards Institute (ANSI) X12 format to CBP. For information on how to participate in the In-Transit Project go to the CBSA Web site at: <http://www.cbsa-asfc.gc.ca/prog/manif/transit-eng.html>.

Carriers that wish to participate in this NCAP test should send a letter or e-mail to CBP stating that they meet the eligibility requirements and that they wish to participate in the NCAP Test of Automated Procedures for Canada-United States-Canada In-Transit Movements. The letter or e-mail must include (1) The carrier's name, (2) Internal Revenue Service number (IRS number), and (3) proof of acceptance by the CBSA to participate in the In-Transit Project. CBP will accept the first nine eligible carriers that apply and will notify the carriers that they have been accepted to participate in the NCAP test. Applications can be submitted at any time during the test and should be submitted to Gary Schreffler, Chief, Cargo Control Branch, Office of Field Operations, U.S. Customs and Border Protection, via e-mail at Gary.R.Schreffler@dhs.gov.

Method of Transmission of Advance Data and Content

Truck carriers participating in this NCAP test will be required to file a T&E entry for the in-bond movement by submitting a complete e-Manifest to CBP using the ANSI X12 format (referred to as a 309 manifest) no later than either 30 minutes or one hour (as applicable) before entering the United States. A complete e-Manifest using the ANSI X12 format includes the following components: Trip, crew, conveyance, equipment, and complete shipment data. At this time, the ACE Secure Data Portal and the United Nations/ Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) are not available for use.

New Filing Code and Data Element

Carriers will indicate that the T&E entry is being filed as part of the In-Transit Project by designating the entry as a type 70 filing. Type 62 filings are currently used for Canadian T&E entries transiting the United States. Additionally, carriers will file an additional data element, the CCN, issued by the CBSA when the shipment leaves Canada. The CCN consists of a CBSA-issued carrier code and a unique reference number assigned by the carrier. The CCN is not required under CBP's current process. The CCN will be used by CBP to notify the CBSA when the shipment crosses into the United States and by the CBSA to notify CBP when the shipment is exported back into Canada.

Processing and Tracking the In-Bond Shipment

The 309 manifest will be processed and retained in ACE as a normal manifest. Upon arrival in the United States, CBP will generate a "transit movement authorized" message (referred to as a 350 message) that will be sent to the carrier and to the CBSA. The shipment will then be able to transit the United States and proceed to the United States port of export as a T&E entry. When the shipment arrives at the United States port of export, the carrier will report the arrival of the shipment to CBP via an EDI message or through their ACE portal account. When the shipment exits the United States and arrives in Canada, the CBSA will transmit a message (referred to as a 353 message) notifying CBP that the shipment has entered Canada. CBP will generate another 350 message and send it to the carrier notifying the carrier that the shipment has entered Canada and that the T&E entry status is exported. At this point the T&E entry will be closed with CBP.

No Diversions of In-Bond Shipment Permitted

Carriers transporting a shipment through the United States as part of this NCAP test will be required to complete the T&E entry by exporting their shipment to Canada. Carriers will not be allowed to divert these shipments to a port that is not a land crossing port between the United States and Canada.

Future Expansion of the Test

Any future expansion in ACE to include a new in-bond filing code for in-transit movements through Canada and back to the United States (U.S-Canada-U.S) or expansion of this test to include other transmission methods, i.e., UN/ EDIFACT or ACE Secure Data Portal, will be announced via a separate **Federal Register** Notice.

Regulatory Provisions Affected

Regulations that conflict with the terms and conditions of this test, namely regulations contained in parts 18 and 123, including section 123.42, are suspended and overridden to the extent of the conflict for the duration of this test for those participants in this test and only to the extent of their participation in this test.

Misconduct

If a test participant fails to abide by the rules, procedures, or term and conditions of this and all other applicable **Federal Register** Notices, fails to exercise reasonable care in the execution of participant obligations, or otherwise fails to comply with all applicable laws and regulations, then the participant may be suspended from participation in this test and/or subjected to penalties, liquidated damages, and/or other administrative or judicial sanction. Additionally, CBP has the right to suspend a test participant based on a determination that an unacceptable compliance risk exists. Any decision proposing suspension may be appealed in writing to the Assistant Commissioner (Office of Field Operations) within 15 days of the decision date. Such proposed suspension will apprise the participant of the facts or conduct warranting suspension. Should the participant appeal the notice of proposed suspension, the participant should address the facts or conduct charges contained in the notice and state how he has or will achieve compliance. However, in the case of willfulness or where public health interests are concerned, the suspension may be effective immediately.

Test Evaluation Criteria

All interested parties are invited to comment on any aspect of this test at any time. To ensure adequate feedback, participants are required to take part in an evaluation of this test. CBP needs comments and feedback on all aspects of this test, including the design, conduct and implementation of the test, in order to determine whether to modify, alter, expand, limit, continue, end or implement this program by regulation. The final results of the evaluation will be published in the **Federal Register** and the Customs Bulletin as required by section 101.9 of the CBP Regulations.

Paperwork Reduction Act

As noted above, CBP will be accepting only nine participants in the NCAP test. This means that fewer than ten persons will be subject to any information collections under the NCAP test. Accordingly, collec-

tions of information encompassed within this notice are exempted from the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3502 and 3507).

Dated: June 7, 2011.

THOMAS WINKOWSKI,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, June 13, 2011 (76 FR 34246)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
APPLICATION FOR WAIVER OF PASSPORT AND/OR VISA**

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

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651–0107.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application for Waiver of Passport and/or Visa (DHS Form I–193). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (76 FR 17426) on March 29, 2011, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 14, 2011.

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

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13). Your comments should address one of the following four points:

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

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

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

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

Title: Application for Waiver of Passport and/or Visa.

OMB Number: 1651–0107.

Form Number: DHS Form I–193.

Abstract: The data collected on DHS Form I–193, Application for Waiver of Passport and/or Visa, is used by CBP to determine an applicant’s eligibility to enter the United States under 8 CFR parts 211.1(b)(3) and 212.1(g). This form is filed by aliens who wish to waive the documentary requirements for passports and/or visas due to an unforeseen emergency such as an expired passport, or a lost, stolen, or forgotten passport or permanent resident card. This information collected on DHS Form I–193 is authorized by Section 212(a)(7)(B) of the Immigration and Nationality Act. This form is accessible at http://forms.cbp.gov/pdf/CBP_Form_i193.pdf.

Current Actions: This submission is being made to extend the expiration date with no change to information collected or to DHS Form I–193.

Type of Review: Extension (without change).

Affected Public: Individuals.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,150.

Estimated Total Annual Cost: \$14,625,000.

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 5th Floor, Washington, DC 20229-1177, at 202- 325-0265.

Dated: June 8, 2011.

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

[Published in the Federal Register, June 14, 2011 (76 FR 34740)]

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING THE COUNTRY OF ORIGIN OF CERTAIN
OFFICE CHAIRS**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of certain office chairs. Based upon the facts presented, CBP has concluded in the final determination that the U.S. is the country of origin of the office chairs for purposes of U.S. government procurement.

DATES: The final determination was issued on June 9, 2011. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination on or before July 15, 2011.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch: (202) 325-0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on June 9, 2011, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the SAYL task chair and the SAYL side chair which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, Headquarters Ruling Letter (“HQ”) H154135, was issued at the request of Herman Miller, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as

amended (19 U.S.C. 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the assembly of the SAYL task chair and the SAYL side chair in the U.S., from parts made in China, Canada, and the U.S., constitutes a substantial transformation, such that the U.S. is the country of origin of the finished articles for purposes of U.S. government procurement.

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

Dated: June 9, 2011.

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

Attachment

HQ H154135

June 9, 2011

OT:RR:CTF:VS H154135 EE**CATEGORY:** Marking

LISA A. CROSBY
SIDLEY AUSTIN, LLP
1501 K STREET, NW
WASHINGTON, D.C. 20005

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979
(19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Office Chairs

DEAR Ms. CROSBY:

This is in response to your correspondence of March 4, 2011, requesting a final determination on behalf of Herman Miller, Inc. (“Herman Miller”), pursuant to subpart B of part 177, U.S. Customs and Border Protection (“CBP”) Regulations (19 C.F.R. § 177.21 et seq.). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the SAYL task chair and the SAYL side chair (collectively, the SAYL office chairs). We note that Herman Miller is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

Herman Miller is a U.S. supplier of furniture products and accessories for home, office, healthcare and learning environments. The merchandise at issue is the Herman Miller SAYL task chair and the SAYL side chair. You state that Herman Miller engineered and designed the office chairs wholly within the U.S. The assembly of the office chairs, from U.S. and imported components, occurs in the U.S.

The SAYL task chair is intended for the principal occupant in an office and it swivels and has casters. The SAYL side chair is intended to serve as a guest chair in an office; it does not swivel, although it can be equipped with casters. Both SAYL office chairs have a variety of ergonomic features. For example, the SAYL task chair provides pelvic stabilization and the height may be adjusted and tilted to allow the body to naturally pivot at the ankles, knees, and hips. The seat depth adjusts. Two back support options are available to improve posture and lower back comfort. Three arm choices are also available—fixed, height-adjustable and fully-adjustable (i.e., pivot, fore/aft slide, in/ out slide).

The SAYL chairs are offered in several aesthetic configurations: 1) upholstered back, 2) single surface elastomeric thermo-plastic urethane (“TPU”) (i.e., mesh) back, and 3) an injection molded hard plastic back (not the subject of this final determination request). All configurations offer two leg options: a four-leg base and a cantilever base.

The SAYL task chair, depending on its specific configuration, comprises approximately 35 components (excluding fasteners). The SAYL side chair,

depending on its specific configuration, comprises approximately 15 components (excluding fasteners). All of the components are of U.S., Chinese, or Canadian origin.

You submitted the costed bills of materials for the SAYL task chair and the SAYL side chair. Each bill of material represents a different aesthetic configuration. The two types of SAYL office chairs share many of the same components. The components from China of the SAYL chairs include: casters, tilt assembly, cylinder, arm supports, and plastic back (including the TPU mesh). The component from Canada is a five-star base subassembly. The components from the U.S. include: foam seat assembly, crossing, seat pan, spine, pelvis, mid-back foam assembly, leg base, glides, back frame, arms, and back assembly.

You state that the manufacture of both types of SAYL office chairs involves similar processes. The production in the U.S. involves approximately 35 individual steps to convert the components into a finished chair. From start to finish, including quality testing and packaging, it takes approximately 19 minutes to manufacture the TPU mesh configuration and 17 minutes to manufacture the upholstered configuration.

TPU Mesh Configuration

You state that the production of both types of SAYL chairs with the TPU mesh configuration begins with Herman Miller receiving a sheet of Chinese-origin TPU mesh from its supplier in the exact size and shape requested by Herman Miller. The TPU mesh is placed in a custom-made machine, which is designed to stretch the mesh into the required shape.

Two arrow hangers are then added to the two top points of the TPU mesh. Using a special fixture, the hangers are pressed into place and the TPU mesh is stretched into a secure position in each hanger. Next, two strips of plastic featuring a dozen tabs are placed at the bottom of the TPU mesh, with one strip on each side of the mesh. Using a special hand tool, each tab is bent upward in order to attach each strip of plastic to the TPU mesh. The TPU mesh is then ready for assembly with the spine and back. The Y-shaped spine is placed on top of the TPU mesh. The pelvis is then inserted into the Y-shaped spine. Next, the TPU mesh is stretched horizontally using a special tool. Arm sleeves are affixed to the TPU mesh. Using the stretcher fixture, the TPU mesh is stretched over the Y-shaped spine so that the two hangers at the top of the mesh fit over the spine. The TPU mesh is stretched until it snaps into place.

The next step is to prepare the seat subassembly to which the TPU mesh-spine-pelvis subassembly is attached. Each seat consists of a foam base that is upholstered. The foam base is assembled with a plastic frame in advance. The seat upholstery is also cut and sewn into shape in advance. The upholstery is placed tightly over the foam base and is stapled into place. Then, the bottom frame and seat subassembly are secured into place by hand-driven screws.

Next, the legs are prepared for insertion into the bottom frame. The five-star base subassembly is fitted with a top. Two adjustment levers, which permit the chair to tilt, are inserted into the top of the five-star subassembly. A mechanical subassembly, which houses the tilting mechanism and other aspects of the chair's ergonomic features, is fitted onto the top. The mechanical subassembly, top and five-star base subassembly are then joined with the seat.

Next, the arm pads are inserted into the arms and secured with hand-driven screws. The arms are fitted into the arm sleeves. The components are pressed together until they snap into place.

Upholstered Configuration

The first step in the production of both types of SAYL chairs with the upholstered configuration is to sew the cover of the chair back from U.S.-origin fabric. Depending on the fabric chosen, a liner may be sewn into the back side of the cover. A button hole also is sewn into the back side of the cover.

Next, the foam base for the chair back is upholstered with the cover. A plug or control handle which controls the adjustability of the seat back is inserted into the buttonhole on the backside of the cover. A “doghouse,” or half circle, is then aligned inside the center back of the foam base. Using the doghouse as a guide, the fabric in the interior of the doghouse is cut, folded over and stapled in place.

Next, the joints for attaching the spine are affixed to the chair back. A Y-shaped spine is then prepared for attachment to the pivot joints by inserting tabs into the spine. The top of the spine is then forced down onto the pivot joints until they click into place. The bottom of the spine fits into the opening created by the doghouse operation previously described. Then, nut plates are installed on either side of the chair. Arm sleeves are affixed to the nut plates using hand-driven screws.

Next, the pelvis is assembled with the chair back. The pelvis and chair back then are joined with the seat. The seat is assembled in a manner similar to the chair back. Fabric is cut and sewn into a cover, which is fitted over a foam base. The cover is stretched tight over the foam base. Then, the seat handle is installed.

Next, the arm pads are inserted into the arms and secured with hand-driven screws. The arms are then fitted into the arm sleeves. The components are pressed together until they snap into place.

You provided a copy of the product brochure for the SAYL office chairs. Additionally, you submitted an example of Herman Miller’s research in the field of ergonomics; sample job instructions which explain each step involved in the manufacturing process of the SAYL office chairs; and a DVD which depicts the assembly procedures for the SAYL office chairs. You also provided a list of patents applicable to the SAYL office chairs.

ISSUE:

What is the country of origin of the SAYL task chair and the SAYL side chair for the purpose of U.S. government procurement?

LAW AND ANALYSIS:

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

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

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

See also, 19 C.F.R. § 177.22(a).

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

* * * an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.
48 C.F.R. § 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In *Carlson Furniture Industries v. United States*, 65 Cust. Ct. 474 (1970), the U.S. Customs Court ruled that U.S. operations on imported chair parts constituted a substantial transformation, resulting in the creation of a new article of commerce. After importation, the importer assembled, fitted, and glued the wooden parts together, inserted steel pins into the key joints, cut the legs to length and leveled them, and in some instances, upholstered the chairs and fitted the legs with glides and casters. The court determined that the importer had to perform additional work on the imported chair parts and add materials to create a functional article of commerce. The court found that the operations were substantial in nature, and more than the mere assembly of the parts together.

In Headquarters Ruling Letter ("HQ") W563456, dated July 31, 2006, CBP held that certain office chairs assembled in the U.S. were a product of the U.S. for purposes of U.S. government procurement. The office chairs were assembled from over 70 U.S. and foreign components. In finding that the imported parts were substantially transformed in the U.S., CBP stated that the assembly processing that occurred in the U.S. was complex and meaningful, required the assembly of a large number of components, and rendered a new and distinct article of commerce that possessed a new name, character,

and use. CBP noted that the U.S.-origin seat and back frame assemblies, which were made with the importer's trademark fabric, together with the tilt assembly, were of U.S. origin and gave the chair its unique design profile and essential character.

In this case, the SAYL task chair comprises approximately 35 components and the SAYL side chair has approximately 15 components, which are assembled in the U.S. We note that some of the major components of the office chairs such as the spine, seat pan, and glides are of U.S. origin. You state that as in HQ W563456, the U.S.-origin fabric and the Chinese-origin TPU mesh, used in most aesthetic configurations of the SAYL office chairs, impart the essential identity of the chairs and that the backs were designed by Herman Miller in the U.S. and are trademarked. We note the Chinese-origin TPU mesh is extensively processed in the U.S. by stretching and fitting it into the required shape using special tools. Other U.S.-sourced components of the SAYL chairs include the foam seat assembly, crossing, seat pan, spine, pelvis, mid-back foam assembly, leg base, glides, back frame, arms, and back assembly. It takes approximately 19 minutes to manufacture the TPU mesh configuration of the office chairs and 17 minutes to manufacture the upholstered configuration. Under the described assembly process, we find that the foreign components lose their individual identities and become an integral part of a new article, the SAYL task chair or the SAYL side chair, possessing a new name, character and use. Based upon the information before us, we find that the imported components that are used to manufacture the SAYL task chair and the SAYL side chair, when combined with the U.S. origin components, are substantially transformed as a result of the assembly operations performed in the U.S., and that the country of origin of the SAYL task chair and the SAYL side chair for government procurement purposes will be the U.S.

HOLDING:

The imported components that are used to manufacture the SAYL task chair and SAYL side chair are substantially transformed as a result of the assembly operations performed in the U.S. Therefore, we find that the country of origin of the SAYL task chair and SAYL side chair for government procurement purposes is the U.S.

Notice of this final determination will be given in the Federal Register, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days after publication of the Federal Register notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

SANDRA L. BELL

*Executive Director Regulations and Rulings
Office of International Trade*

[Published in the Federal Register, June 15, 2011 (76 FR 35007)]

AGENCY INFORMATION COLLECTION ACTIVITIES:**Petition for Remission or Mitigation of Forfeitures and Penalties Incurred**

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

ACTION: 60-Day notice and request for comments; Extension of an existing collection of information: 1651–0100.

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

DATES: Written comments should be received on or before August 12, 2011, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 5th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 5th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be

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

Title: Petition for Remission or Mitigation of Forfeitures and Penalties Incurred.

OMB Number: 1651-0100.

Form Number: CBP Form 4609.

Abstract: CBP Form 4609, *Petition for Remission of Forfeitures and Penalties Incurred*, is completed and filed with the CBP Port Director by individuals who have been found to be in violation of one or more provisions of the Tariff Act of 1930, or other laws administered by the CBP. Persons who violate the Tariff Act are entitled to file a petition seeking mitigation of any statutory penalty imposed or remission of a statutory forfeiture incurred. This petition is submitted on CBP Form 4609. The information provided on this form is used by CBP personnel as a basis for granting relief from forfeiture or penalty. CBP Form 4609 is authorized by 19 U.S.C. 1618 and provided for by 19 CFR 171.11. It is accessible at http://forms.cbp.gov/pdf/CBP_Form_4609.pdf.

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

Type of Review: Extension (without change).

Affected Public: Businesses, Travelers.

Estimated Number of Respondents: 28,000.

Estimated Total Annual Responses: 28,000.

Estimated Time per Respondent: 14 minutes.

Estimated Total Annual Burden Hours: 6,500.

Dated: June 6, 2011.

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

[Published in the Federal Register, June 13, 2011 (76 FR 34245)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Automated Clearinghouse

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

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651-0078.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Automated Clearinghouse (CBP Form 400). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (76 FR 19121) on April 6, 2011, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 14, 2011.

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

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104-13). Your comments should address one of the following four points:

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

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

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

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

Title: Automated Clearinghouse.

OMB Number: 1651-0078.

Form Number: CBP Form 400.

Abstract: The Automated Clearinghouse (ACH) allows participants in the Automated Broker Interface (ABI) to transmit daily statements, deferred tax, and bill payments electronically through a financial institution directly to a CBP account. ACH debit allows the payer to exercise more control over the payment process. In order to participate in ACH debit, companies must complete CBP Form 400, *ACH Application*. Participants also use this form to notify CBP of changes to bank information or contact information. The ACH procedure is authorized by 19 U.S.C. 1202, and provided for by 19 CFR 24.24 (b). CBP Form 400 is accessible at <http://www.cbp.gov/xp/cgov/toolbox/forms/>.

Current Actions: This submission is being made to extend the expiration date of this information collection with a change to the burden hours due to updated estimates by CBP. There is no change to the information being collected.

Type of Review: Extension (with change).

Affected Public: Businesses.

Estimated Number or Respondents: 1,443.

Estimated Number of Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 2,886.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 240.

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 5th Floor, Washington, DC 20229-1177, at 202- 325-0265.

Dated: June 7, 2011.

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

