

# U.S. Customs and Border Protection

**19 CFR PARTS 4, 10, 18, 113, 122, 123, 141, 191, AND 192  
CBP DEC. 17-06**

## **ELECTRONIC INFORMATION FOR CARGO EXPORTED FROM THE UNITED STATES; TECHNICAL AMENDMENTS**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule amends U.S. Customs and Border Protection regulations regarding the requirements to provide data for certain exported cargo to conform to current requirements. Various CBP regulations regarding exported cargo refer to outdated regulations or requirements of the U.S. Census Bureau, including the requirement to submit a paper Shipper's Export Declaration (SED). The U.S. Census Bureau's Foreign Trade Regulations (FTR) have been amended to eliminate the SED and to require that the information that was previously provided on the paper SED be filed electronically through the Automated Export System. This rule amends the CBP regulations to incorporate the current requirements. The rule also makes related conforming changes as well as non-substantive editorial and nomenclature changes.

**DATES:** This final rule is effective on July 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Robert C. Rawls, Branch Chief, Outbound Enforcement and Policy Branch, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs and Border Protection, (202) 344-2847.

### **SUPPLEMENTARY INFORMATION:**

#### **I. Background and Purpose**

U.S. Customs and Border Protection (CBP) periodically reviews its regulations to ensure that they are up to date. As explained below, various provisions of the CBP regulations contain references to certain U.S. Census Bureau (Census Bureau) requirements and regula-

tions which are out of date. CBP is updating the regulations so that they conform to current requirements.

In 2008, 2013, and 2016, the Census Bureau issued amendments to the Foreign Trade Regulations (FTR) codified at 15 CFR part 30 that require exporters to use the Automated Export System (AES) to file export commodity and transportation information, known as Electronic Export Information (EEI), directly with CBP and the Census Bureau.<sup>1</sup> The amendments concurrently eliminated the use of the Shipper's Export Declaration (SED), the paper form previously used by exporters to report export information.<sup>2</sup> The amendments also revised some terminology and clarified some requirements. Because various CBP regulations refer to AES as a voluntary program, and refer to the SED and other outdated provisions and terminology in the FTR, it is necessary to amend the CBP regulations so that they are consistent with current requirements.

It should be noted that the Department of Homeland Security (DHS), through CBP, collects certain export information under its own authority pursuant to section 343(a) of the Trade Act of 2002, Public Law 107–210, 116 Stat. 981 (August 6, 2002), as amended, which mandates that the Secretary of Homeland Security collect information pertaining to cargo before the cargo is either brought into or sent from the United States by any mode of commercial transportation (sea, air, rail or truck). *See* 19 U.S.C. 2071 note. The cargo information required is that which is reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security pursuant to those laws enforced and administered

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<sup>1</sup> In 2002, Congress passed the Foreign Relations Authorization Act (the "FRAA"), Public Law 107–228, 116 Stat. 1350 (September 30, 2002). Section 1404 of the FRAA mandates that the Census Bureau, with the concurrence of the Secretary of State and the Secretary of Treasury, publish regulations implementing the requirement to file export information through AES for all shipments where an SED was required. On June 2, 2008, the Census Bureau published a final rule in the **Federal Register** (73 FR 31548) ("the 2008 Census Bureau rule") creating the FTR, which required export information for which an SED was previously required to be filed to be from then on filed through AES for most exports. That final rule did not require the use of AES to report export data for used self-propelled vehicles and temporary exports. On March 14, 2013, the Census Bureau published a final rule in the **Federal Register** (78 FR 16366) ("the 2013 Census Bureau rule") that expanded the requirement for exporters to use AES to include shipments of used self-propelled vehicles and temporary exports. On November 13, 2013, the Census Bureau published a notice in the **Federal Register** (78 FR 67928) delaying the effective date of this final rule until April 5, 2014. On April 19, 2017, the Census Bureau published a final rule in the **Federal Register** (82 FR 18383) amending the FTR to reflect new export reporting requirements, which, among other things, redesignated Appendix D as Appendix B.

<sup>2</sup> On June 29, 2008, CBP published a general notice in the **Federal Register** (73 FR 32466) to inform the public that CBP would enforce compliance with the regulations pertaining to the mandatory, pre-departure electronic filing of export information through AES starting on September 30, 2008.

by CBP.<sup>3</sup> The advance reporting requirements pertaining to exported cargo are set forth in 19 CFR part 192. These part 192 regulations make various references to the SED and other outdated Census Bureau requirements.

## II. Explanation of Amendments

CBP has determined that it is necessary to update parts 4, 10, 18, 113, 122, 123, 141, 191 and 192 of the CBP regulations (19 CFR parts 4, 10, 18, 113, 122, 123, 141, 191 and 192) to conform them to the Census Bureau's FTR. Accordingly, this rule amends the CBP regulations by incorporating current requirements for the filing of EEI in AES, deleting references to the SED, updating outdated terminology and by making other conforming changes. These changes are discussed in more detail below.

### A. 19 CFR Part 4

Sections 4.61, 4.63, 4.75, 4.76, 4.81, 4.84 and 4.87 of the CBP regulations (19 CFR 4.61, 4.63, 4.75, 4.76, 4.81, 4.84 and 4.87) set forth various requirements pertaining to the exportation of cargo from the United States by vessel. These sections refer to the terms "shipper's export declarations", "export declarations", "paper SEDs", and "cargo information". Pursuant to the Census Bureau's FTR, SEDs are no longer accepted and exporters must file their export information as EEI through AES. Accordingly, CBP is replacing references to these terms with "Electronic Export Information (EEI)" or "EEI", as appropriate.

Under the FTR, when an export transaction is exempt or excluded from the requirement to file EEI, or when the EEI has not yet been filed in AES, the exporter must report to CBP the EEI exemption or exclusion legend that indicates the basis for not filing EEI, or must report the EEI filing citation (known as the "proof of filing citation" in the Census Bureau's FTR) to indicate that the EEI has been accepted or the post departure filing citation to indicate that EEI will be filed in AES. Therefore, where appropriate, CBP is replacing the references to the "shipper's export declarations" with "EEI filing citations, exclusions, and/or exemption legends".

Section 4.63 concerns the outward cargo declaration for vessels. Paragraph (b) provides that if EEI is not required for a shipment, a

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<sup>3</sup> On December 5, 2003, CBP published a final rule in the **Federal Register** (68 FR 68140) that amended the CBP regulations to require the submission of electronic information pertaining to cargo before the arrival or departure of that cargo from the United States by any mode of commercial transportation pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Security Act (19 U.S.C. 2071 note). See 19 CFR 4.7, 4.7a (vessel); 122.48a (air); 123.91 (rail); 123.92 (truck); 192.14 (exported cargo).

notation must be made on the outward cargo declaration describing the basis for the exemption. The Census Bureau's FTR, however, requires notations for both exemptions and exclusions. *See* 15 CFR 30.7, 30.45. Therefore, CBP is making a conforming change to § 4.63 to also require a notation describing the basis for an exclusion from filing EEI, if applicable. In addition, the last sentence of paragraph (b) provides that shipments that are exempt from the requirement to file EEI based on value or destination are not required to make reference to the applicable section in the Census Bureau's regulations on its outward cargo declaration. The Census Bureau's FTR, however, requires an annotation of the appropriate exemption legend on such documents, regardless of the type of exemption. *See* 15 CFR 30.45. Accordingly, CBP is making a conforming revision to § 4.63 by removing the last sentence of paragraph (b).

Section 4.76 sets forth procedures and responsibilities of carriers filing outbound vessel manifest information via the AES. As a result of the elimination of the SED and the new requirement to file EEI electronically, certain procedural language in § 4.76 must be updated. In paragraph (b), the second to last sentence provides that where paper SEDs have been submitted by exporters prior to departure, participant carriers will be responsible for submitting those SEDs to Customs within four (4) business days after the departure of the vessel from each port, unless a different time required is specified by § 4.75 or § 4.84. Because EEI has replaced paper SEDs, exporters are now required to submit to CBP a vessel manifest annotated with proof of EEI filing (as demonstrated by an Internal Transaction Number (ITN) issued by AES upon filing) rather than a paper SED. Therefore, CBP is revising this sentence to read: When the exporter submits Electronic Export Information (EEI) prior to departure, carriers will be responsible for annotating the manifest with the Internal Transaction Number (ITN) without change and submitting the manifest to CBP within four (4) business days after the departure of the vessel from each port unless a different time requirement is specified in § 4.75 or § 4.84. Additionally, CBP is removing the last sentence of § 4.76(b) regarding an alternative procedure for the filing of the paper SED. This procedure is no longer applicable in an environment where paper SEDs are not accepted.

CBP is also amending various sections throughout part 4 to update outdated terminology. These sections are amended by replacing outdated references to "Customs" or "Customs Service" with "CBP". These amendments are consistent with the transfer of the legacy U.S. Customs Service of the Department of the Treasury to the Depart-

ment of Homeland Security (DHS) in 2003 and the subsequent re-naming of the agency as U.S. Customs and Border Protection (CBP) by DHS on March 31, 2007. *See* 72 FR 20131 (April 23, 2007); 75 FR 12445 (March 16, 2010); *see also* U.S. Customs and Border Protection Authorization Act, Public Law 114–125, 130 Stat. 199 (19 U.S.C. 4301 note), enacted February 24, 2016.

CBP is also updating § 4.76(b) which refers to the “AES Trade Interface Requirements (AESTIR) handbook”. The AESTIR handbook is no longer published by CBP. The performance requirements and operational standards required to file EEI are collectively referred to as the AES Trade Interface Requirements and is available on CBP’s Web site. Therefore, CBP is removing the word “handbook”. Also in § 4.76(b), CBP is updating CBP’s Web site address.

CBP is amending various sections throughout part 4 that refer to the “Census Regulations”, “Bureau of Census Regulations”, “regulations of the Bureau of the Census”, or “Bureau of Trade Census Foreign Trade Statistics (FTSR)”. The 2008 Census Bureau rule mandating the use of AES for all shipments requiring an SED also re-named the regulations under title 15 of the CFR, part 30. They are now referred to as the “Foreign Trade Regulations (FTR)”. Accordingly, CBP is replacing references to “Census Regulations”, “Bureau of Census Regulations”, “regulations of the Bureau of the Census”, or “Bureau of Trade Census Foreign Trade Statistics (FTSR)” with “Census Bureau’s Foreign Trade Regulations”.

CBP is amending various sections in part 4 to correct certain outdated citations to the United States Code (U.S.C.) and the CFR. Section 4.61(c) is amended to correct “46 U.S.C. App. 97” to “46 U.S.C. 60106”, “46 U.S.C. App. 98” to “46 U.S.C. 60109”, and “Payment of State and Federal fees and fees due the Government of the Virgin Islands of the United States (46 U.S.C. App. 100)” to “Payment of all legal fees that have accrued on the vessel (46 U.S.C. 60107)”. Section 4.75(a) is amended to correct “46 U.S.C. 91” to “46 U.S.C. 60105.”<sup>4</sup> Section 4.61(e) is amended to correct a typographical error. Specifically, the citation in “22 U.S.C. 454a” is changed to “22 U.S.C. 454(a)”. Sections 4.63, 4.75 and 4.76 contain outdated references to 15 CFR part 30 as a result of the Census Bureau’s reorganization of the FTR and are amended to cite to the correct provisions in 15 CFR part 30.

CBP is also making certain minor changes in part 4 for clarity and for consistency, including replacing the references to “Form 1302–A” with “Form 1302A” for consistency with CBP’s current usage on its forms and replacing the term “port” with “port of lading”. “Port of

<sup>4</sup> Section 9 of the Merchant Marine Laws Codification, 109 Pub. L. 304, 120 Stat. 1485 (Oct. 6, 2006) redesignated these sections. The revisions incorporate the redesignations.

lading” is the nomenclature used for the sea port where the cargo is loaded on a vessel. Using this term rather than simply “port” clarifies that these regulations are referring to the “port of lading” rather than the “port of discharge,” where the cargo would be unloaded. For stylistic reasons, CBP is also replacing references to “shall” with “must” or “will”, as appropriate.

#### *B. 19 CFR Part 10*

Section 10.41b of the CBP regulations (19 CFR 10.41b) concerns the requirements for clearance of serially numbered substantial holders or outer containers. Paragraph (g)(2) provides that nothing in the procedure described by § 10.41b will be deemed to affect the requirements of the Department of Commerce on exportation with respect to the filing of “‘Shipper’s Export Declaration,’ Form 7525V”. CBP is replacing this reference with “Electronic Export Information (EEI)” to conform to the revised FTR.

#### *C. 19 CFR Part 18*

Sections 18.42 and 18.43 of the CBP regulations (19 CFR 18.42 and 18.43) set forth exportation requirements for merchandise exported under cover of a TIR (Transport International Routier) carnet. Section 18.42 covers the requirements for direct exportation and section 18.43 covers the requirements for indirect exportation. In these sections, CBP is replacing references to “export declarations” with “Electronic Export Information (EEI)” to conform to the revised FTR. CBP is also replacing references to “Bureau of the Census” with “Census Bureau” for consistency with other CBP regulations. For stylistic reasons, CBP is also replacing references to “shall” with “must” or “will”, as appropriate.

#### *D. 19 CFR Part 113*

Section 113.64 of the CBP regulations (19 CFR 113.64) sets forth international carrier bond conditions. Paragraph (i) relates to the agreement by carriers to deliver export documents to CBP and provides for the payment of liquidated damages if the agreement is not adhered to. The specified liquidated damage amounts reflect the amounts in the former Census Bureau regulation, § 30.24(a), later redesignated § 30.47(b). These amounts were increased by the 2008 Census Bureau rule. CBP is changing the specified liquidated damage amounts to conform to the Census Bureau’s FTR.

### *E. 19 CFR Part 122*

Sections 122.71, 122.72, 122.73, 122.74, 122.75, 122.76, and 122.79 of the CBP regulations (19 CFR 122.71, 122.72, 122.73, 122.74, 122.75, 122.76, and 122.79) set forth departure clearance requirements for aircraft, as well as electronic manifest requirements for passengers, crew members, and non-crew members onboard commercial aircraft departing from the United States. Section 122.143 of the CBP regulations (19 CFR 122.143) concerns flights from the U.S. to the U.S. Virgin Islands. In these sections, CBP is replacing references to “shipper’s export declarations” or variations thereof with “Electronic Export Information (EEI)” or “EEI”, as appropriate. In certain cases, however, CBP is replacing the references to the “shipper’s export declarations” or variations thereof with “Electronic Export Information (EEI) filing citations, exclusions, and/or exemption legends” or variations thereof, when the context of the reference indicates that the exporter may file with CBP the EEI exemption or exclusion legend when an export transaction is exempt or excluded from the requirement or when EEI has not yet been filed in AES.

Section 122.74 sets forth the conditions under which an aircraft bound for a foreign location may receive permission by CBP to depart before a complete manifest or all required EEI have been filed. In addition to the revisions described in the paragraph above, CBP is amending this section to eliminate the hanging text following paragraph (b)(2). CBP is revising paragraph (b) to move the hanging text to the introductory paragraph of paragraph (b) to improve clarity.

Section 122.75 sets forth the requirements for a complete air cargo manifest. Paragraph (a)(2) specifies the procedures applicable to direct departures of shipments requiring a shipper’s export declaration. CBP is amending this paragraph so that it conforms to the Census Bureau’s FTR requirements. Specifically, CBP is revising the language in paragraph (a)(2) to allow the “EEI filing citation” to be listed on the air cargo manifest in the column for air waybill numbers instead of “the number of each declaration”. CBP is also revising paragraph (a)(2) to require the statement “Electronic Information Annotated” to appear on the manifest instead of “Cargo as per Export Declarations Attached”.

CBP is also making other non-substantive changes to sections in part 122. In various sections throughout part 122, CBP is replacing outdated references to “Customs” with “CBP”. In § 122.143(b), CBP is replacing a reference to “Bureau of the Census” with “Census Bureau” for consistency and a reference to “Bureau of the Census regulations” with “Census Bureau’s Foreign Trade Regulations” or variations thereof to conform with the revised Census Bureau’s FTR. In §

122.143(b)(2), CBP is updating an outdated citation to the FTR. CBP is also making certain minor changes in part 122 for clarity and/or for consistency, including replacing references to “U.S.” to “United States” when not used as a modifier to conform to the U.S. Government Printing Office’s Style Manual. For stylistic reasons, CBP is also replacing references to “shall” with “must” or “will”, as appropriate.

#### *F. 19 CFR Part 123*

Section 123.28 of the CBP regulations (19 CFR 123.28) concerns merchandise remaining in or exported to Canada or Mexico. In paragraph (a), CBP is replacing an outdated reference to “U.S. Customs” with “CBP”. In paragraph (b), CBP is replacing a reference to “shipper’s export declaration” with “Electronic Export Information (EEI) filing citation, exclusions, and/or exemption legends” to conform to the revised FTR. For stylistic reasons, CBP is also replacing references to “shall” with “must” or “will”, as appropriate.

#### *G. 19 CFR Part 141*

Section 141.43 of the CBP regulations (19 CFR 141.43) concerns delegation to subagents. CBP is revising the phrase “executing shippers’ export declarations” to read “filing Electronic Export Information (EEI)” to conform to the revised FTR.

#### *H. 19 CFR Part 191*

Section 191.51 of the CBP regulations (19 CFR 191.51) pertains to the completion of drawback claims. In paragraph (c)(3), CBP is replacing references to “Shipper’s Export Declaration(s) (SEDs)” and “SED” with “Electronic Export Information (EEI)” and “EEI”, respectively, to conform to the revised FTR. For stylistic reasons, CBP is also replacing references to “shall” with “must” or “will”, as appropriate. CBP is also making a few editorial changes.

#### *I. 19 CFR Part 192*

Sections 192.0, 192.11, 192.12, 192.13, and 192.14 of the CBP regulations (19 CFR 192.0, 192.11, 192.12, 192.13, and 192.14) concern export control, including the filing of export information through AES.

Section 192.0 sets forth the scope of the regulations in part 192. CBP is amending this section to replace outdated references to “Customs” with “CBP”. CBP is also revising an outdated citation to the “Census Regulations at part 30, subpart E (15 CFR part 30, subpart



E)” to read “Foreign Trade Regulations (FTR) of the Census Bureau, U.S. Department of Commerce, at part 30, subpart A (15 CFR part 30, subpart A)”.

Section 192.11 sets forth a description of AES. CBP is revising this section to conform to the definition of AES contained in the revised FTR, codified at 15 CFR 30.1(c). The changes generally reflect that AES is no longer a voluntary program, and that EEI must be filed through AES. CBP is also updating the citation to the Census Bureau regulations so that it references the proper section in the FTR that describes the procedures for obtaining certification as an AES filer and for applying for authorization to file on a post-departure basis.

Section 192.12 sets forth the criteria for the denial of applications requesting AES post-departure (Option 4) filing status and appeal procedures and § 192.13 sets forth the reasons why CBP may revoke a participant’s AES post-departure filing and the revocation and appeal procedures. CBP is currently working on substantive revisions to these sections (which will include the appropriate technical amendments) and is therefore not amending these sections at this time.

Section 192.14 sets forth the procedures for filing EEI required in advance of departure. CBP is making revisions to this section to conform to the electronic filing requirements of EEI contained in the revised FTR. Throughout § 192.14, CBP is adding references to the “authorized filing agent of the Foreign Principal Party in Interest (FPPI)” (or “FPPI’s authorized filing agent”) where appropriate to clarify that this party, in addition to the U.S. Principal Party in Interest (USPPI) or its authorized agent, is authorized to file any required EEI under 15 CFR 30.2. CBP is also replacing all references to “cargo information” or variations thereof with “Electronic Export Information (EEI)” or “EEI”, as appropriate.

In the heading for § 192.14(b), CBP is replacing “Presentation of data” with “Transmission of data” to reflect the electronic submission of export information. In paragraph (b)(1), regarding the time for transmission of the data, CBP is updating the heading and contents to conform to the FTR. The heading is changed from “Time for presenting data” to “Time for transmission of EEI” and the paragraph now conforms to the requirements of the Census Bureau’s FTR, specifying that the USPPI, the USPPI’s authorized agent, or the FPPI’s authorized filing agent must “have received the AES Internal Transaction Number (ITN)” for outbound cargo no later than the time specified in the subsequent paragraphs. In paragraphs (b)(1)(i) through (b)(1)(iv), which specify the relevant time frames for the USPPI or the authorized agent to transmit the data for vessel, air, truck and rail cargo, respectively, CBP is rewording these provisions

to conform to the FTR by requiring the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent to "provide the EEI filing citation (the ITN), exclusion, and/or exemption legend to the exporting carrier" no later than the time specified in that paragraph. In new paragraph (b)(1)(v), CBP is providing the applicable time frame for the transmission of EEI for shipments of used self-propelled vehicles to conform with § 30.4(b)(5) of the Census Bureau's FTR (15 CFR 30.4). Finally, in new paragraph (b)(1)(vi), CBP is providing the public with a reference to the applicable sections of the Census Bureau's FTR that provide time frames for the transmission of EEI for cargo shipped by pipeline.

In paragraph (b)(2) of § 192.14, CBP is making certain revisions for clarity and to remove outdated language. Among other things, CBP is removing the sentence that references "[p]aragraph (e)" because paragraph (e) of § 192.14 was removed in a prior amendment to the regulation. In paragraph (b)(3), CBP is renaming the heading "System verification of data acceptance" to "System verification of data acceptance or rejection" to better describe the content of the paragraph, replacing certain outdated language, and revising the description of the ITN.

In paragraph (c) of § 192.14, CBP is changing the heading "Information required" to "EEI required" to clarify that all the information listed in paragraph (c) is required EEI.

In paragraph (c)(1) of § 192.14, CBP is changing the heading "Currently collected commodity data" to "Commodity data" to be more concise. CBP is removing the first two sentences of this paragraph because the reference to the SED is outdated and these sentences are redundant and unnecessary. CBP is replacing the phrase "export cargo data elements" with "commodity data elements" for consistency with the heading. CBP is also updating citations to the revised FTR.

In paragraph (c)(2) of § 192.14, under the heading "Transportation data", CBP is revising outdated language to clarify that these data elements must be reported electronically through the approved system and can be found in § 30.6 of the Census Bureau's FTR.

In paragraph (c)(3) of § 192.14, CBP is replacing the phrase "outbound carrier" with "exporting carrier" for clarity. CBP is also revising the sentence requiring the exporter to furnish proof to the exporting carrier of an "electronic filing citation (the ITN), low-risk exporter citation (currently, the Option 4 filing citation), or exemption statement" to read "EEI filing citation (the ITN), post-departure citation, AES downtime filing citation (when allowed), exclusion, and/or exemption legends (see paragraph (d) of this section)". This revision is necessary to include a greater range of EEI filing citation, exclusion

and/or exemption legends that may be furnished to the exporting carrier and that are acceptable to CBP under Appendix B to the Census Bureau's FTR (15 CFR part 30, Appendix B). The last sentence of paragraph (c)(3) is revised similarly to include the citations and legends referenced above and also to update the reference to the revised FTR.

In paragraphs (c)(4), (c)(5) and (d) of § 192.14, CBP is revising certain language and terminology for consistency and clarity. Among other changes, CBP is replacing the phrase "exemption statement" with "exemption legend"; "Bureau of Census" with "Census Bureau"; and "departed" with "been exported" in reference to high risk cargo that has been transported from the United States. CBP also added relevant citations to the sections in the Census Bureau's FTR providing exemptions from reporting requirements for export cargo.

### **III. Statutory and Regulatory Requirements**

#### *A. Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(b)(B), CBP has determined for good cause that it would be unnecessary and contrary to the public interest to delay publication of this rule in final form pending an opportunity for public comment because the technical amendments set forth in this document merely conform the CBP regulations to existing law and regulations. In addition, pursuant to 5 U.S.C. 553(d)(3), CBP has determined that there is good cause for this final rule to become effective immediately upon publication for the same reasons.

#### *B. Executive Orders 12866, 13563, and 13771*

Executive Orders 12866 ("Regulatory Planning and Review") and 13563 ("Improving Regulation and Regulatory Review") direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 ("Reducing Regulation and Controlling Regulatory Costs") directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process."

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. *See* OMB’s Memorandum “Guidance Implementing Executive Order 13771, Titled ‘Reducing Regulation and Controlling Regulatory Costs’” (April 5, 2017).

This final rule is a technical amendment and as previously discussed, it amends outdated CBP regulations to incorporate the current requirements. The final rule also makes related conforming changes as well as non-substantive editorial and nomenclature changes. CBP does not believe this rule imposes additional costs on industry or government.

### *C. Regulatory Flexibility Act*

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

## **IV. Signing Authority**

This document is limited to technical corrections of the CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b)(1).

## **List of Subjects**

### *19 CFR Part 4*

Customs duties and inspection, Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

### *19 CFR Part 10*

Bonds, Caribbean Basin initiative, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

### *19 CFR Part 18*

Common carriers, Customs duties and inspection, Exports, Freight, Penalties, Reporting and recordkeeping requirements, Surety bonds.

### *19 CFR Part 113*

Common carriers, Customs duties and inspection, Exports, Freight, Laboratories, Reporting and recordkeeping requirements, Surety bonds.

*19 CFR Part 122*

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Customs duties and inspection, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

*19 CFR Part 123*

Canada, Customs duties and inspection, Freight, International boundaries, Mexico, Motor carriers, Railroads, Reporting and recordkeeping requirements, Vessels.

*19 CFR Part 141*

Customs duties and inspection, Reporting and recordkeeping requirements.

*19 CFR Part 191*

Alcohol and alcoholic beverages, Claims, Customs duties and inspection, Exports, Foreign trade zones, Guantanamo Bay Naval Station, Cuba, Packaging and containers, Reporting and recordkeeping requirements, Trade agreements.

*19 CFR Part 192*

Aircraft, Exports, Motor vehicles, Penalties, Reporting and recordkeeping requirements, Vessels.

### **Amendments to the CBP Regulations**

For the reasons set forth above, parts 4, 10, 18, 113, 122, 123, 141, 191, and 192 of the CBP regulations (19 CFR parts 4, 10, 18, 113, 122, 123, 141, 191, and 192) are amended as set forth below.

#### **PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

■ 1. The general authority citation for part 4 and the specific authority citation for §§ 4.75 and 4.84 continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

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Section 4.75 also issued under 46 U.S.C. 60105;

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Section 4.84 also issued under 46 U.S.C. 12118;

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**§ 4.61 [Amended]****■ 2. Amend § 4.61 as follows:**

**■ a.** In paragraph (a), remove all references to “Customs” and add in their place “CBP”.

**■ b.** In paragraph (b), remove all references to “Customs” and add in their place “CBP”.

**■ c.** In paragraph (c)(2), remove the words “shippers export declarations” and add in their place “Electronic Export Information (EEI)”.

**■ d.** In paragraph (c)(6), remove the citation “46 U.S.C. App. 97” and add in its place “46 U.S.C. 60106”.

**■ e.** In paragraph (c)(12), remove the citation “46 U.S.C. App. 98” and add in its place “46 U.S.C. 60109”.

**■ f.** In paragraph (c)(18), remove the words “Payment of State and Federal fees and fees due the Government of the Virgin Islands of the United States (46 U.S.C. App. 100)” and add in their place “Payment of all legal fees that have accrued on the vessel (46 U.S.C. 60107)”.

**■ g.** In paragraph (e), remove “22 U.S.C. 454a” and add in its place “22 U.S.C. 454(a)”.

**■ 3. Amend § 4.63 as follows:**

**■ a.** The section heading is revised.

**■ b.** In paragraph (a) introductory text, remove the word “Customs” and add in its place “CBP”; and remove the word “shall” and add in its place “will”.

**■ c.** In paragraph (a)(1), remove all references to “Customs” and add in their place “CBP”; and remove the words “export declarations” and add in their place “EEI”; and remove the reference to “1302–A” and add in its place “1302A”.

**■ d.** Revise paragraph (b).

**■ e.** In paragraph (c) introductory text, remove the word “shall” and add in its place “must”; remove all references to “Customs” and add in their place “CBP”; and remove all references to “1302–A” and add in their place “1302A”.

■ f. In paragraph (d), remove all references to “Customs” and add in their place “CBP”; and remove all references to “1302–A” and add in their place “1302A”.

■ g. In paragraph (e), remove the first reference to “Customs” and add in its place “CBP”; remove the reference to “1302–A” and add in its place “1302A”; remove the word “shall” and add in its place “must”; and remove the second reference to “Customs” and add in its place “customs”.

■ h. In paragraph (f), remove all references to “Customs” and add in their place “CBP”; remove the word “shall” and add in its place “will”; and remove the reference to “1302–A” and add in its place “1302A”.

The revisions read as follows:

**§ 4.63 Outward cargo declaration; Electronic Export Information (EEI).**

\* \* \* \* \*

(b) Except as hereafter stated, the Internal Transaction Number (ITN) of the Electronic Export Information (EEI) covering each shipment for which EEI is required must be shown on the Cargo Declaration Outward With Commercial Forms, CBP Form 1302A, in the marginal column headed “B/L No.” If EEI is not required for a shipment, a notation must be made on the Cargo Declaration Outward With Commercial Forms (CBP Form 1302A) describing the basis for the exemption or exclusion using the reference number found in the Census Bureau’s Foreign Trade Regulations (see 15 CFR part 30, Appendix B) where the particular exemption or exclusion is provided.

\* \* \* \* \*

■ 4. Amend § 4.75 as follows:

■ a. The section heading, paragraphs (a) and (b) are revised.

■ b. In paragraph (c), revise the introductory text preceding the list of countries.

The revisions read as follows:

**§ 4.75 Incomplete manifest; incomplete or missing Electronic Export Information (EEI); bond.**

(a) *Pro forma manifest.* Except as provided for in § 4.75(c), if a master desiring to clear his vessel for a foreign port does not have available for filing with the CBP port director a complete Cargo Declaration Outward with Commercial Forms, CBP Form 1302A (see

§ 4.63) in accordance with 46 U.S.C. 60105, or all required EEI filing citations, exclusions, and/or exemption legends (see 15 CFR 30.47), the CBP port director may accept in lieu thereof an incomplete manifest (referred to as a pro forma manifest) on the Vessel Entrance or Clearance Statement, CBP Form 1300, if there is on file in his office a bond on CBP Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers, executed by the vessel owner or other person as attorney in fact of the vessel owner. The “Incomplete Manifest for Export” box in item 17 of the Vessel Entrance or Clearance Statement form must be checked.

(b) *Time in which to file complete manifest and EEI.* Not later than the fourth business day after clearance from each port of lading in the vessel’s itinerary, the master, or the vessel’s agent on behalf of the master, must submit to the director of each port a complete Cargo Declaration Outward with Commercial Forms, CBP Form 1302A, in accordance with § 4.63, of the cargo laden at such port together with all required EEI filing citations, exclusions, and/or exemption legends for such cargo and a Vessel Entrance or Clearance Statement, CBP Form 1300. The statutory grace period of four (4) days for filing the complete manifest and missing EEI begins to run on the first day (exclusive of any day on which the U.S. port of lading is not open for marine business) following the date on which clearance is granted.

(c) *Countries for which vessels may not be cleared until complete manifests and EEI are filed.* To aid CBP in the enforcement of export laws and regulations, no vessel will be cleared for any port in the following countries until a complete outward foreign manifest and all required EEI filing citations, exclusions, and/or exemption legends have been filed with the port director:

\* \* \* \* \*

■ 5. Amend § 4.76 as follows:

■ a. In paragraph (a), remove the citation “15 CFR 30.60” and add in its place “15 CFR 30.5”; and remove the words “Census Regulations” and add in their place “Census Bureau’s Foreign Trade Regulations”.

■ b. Revise paragraph (b) to read as follows:

**§ 4.76 Procedures and responsibilities of carriers filing outbound vessel manifest information via the AES.**

\* \* \* \* \*

(b) *Responsibilities.* The performance requirements and operational standards and procedures for electronic submission of outbound vessel manifest information are detailed in the AES Trade Interface



Requirements (AESTIR) available on the CBP Web site, *http://www.cbp.gov*. Carriers and their agents are responsible for reporting accurate and timely information and for responding to all notifications concerning the status of their transmissions and the detention and release of freight in accordance with the procedures set forth in the AESTIR. CBP will send messages to participant carriers regarding the accuracy of their transmissions. Carriers and their agents are required to comply with the recordkeeping requirements contained at § 30.10 of the Census Bureau's Foreign Trade Regulations (15 CFR 30.10) and any other applicable recordkeeping requirements. When the exporter submits Electronic Export Information (EEI) prior to departure, carriers will be responsible for annotating the manifest with the Internal Transaction Number (ITN) without change and submitting the manifest to CBP within four (4) business days after the departure of the vessel from each port unless a different time requirement is specified in § 4.75 or § 4.84.

\* \* \* \* \*

#### **§ 4.81 [Amended]**

■ 6. Amend paragraph (g)(2) of § 4.81 by removing all references to “Customs” and adding in their place “CBP”; and removing the words “shipper’s export declarations” and adding in their place “Electronic Export Information (EEI)”.

#### **§ 4.84 [Amended]**

■ 7. Amend § 4.84 as follows:

■ a. In paragraph (a), remove the references to “shall” and add in their place “will”; and remove the words “shipper’s export declarations” and add in their place “the filing of Electronic Export Information (EEI)”.

■ b. In paragraph (c)(1):

■ i. Remove all references to “shall” and add in their place “will”;

■ ii. Remove the words “regulations of the Bureau of the Census” and add in their place “the Census Bureau’s Foreign Trade Regulations”;

■ iii. Remove the words “Shipper’s Export Declarations” and add in their place “EEI”;

■ iv. Remove the citation “15 CFR 30.24” and add in its place “15 CFR 30.47”;

■ v. Remove all references to “Customs” and add in their place “CBP”; and

■ vi. Remove all references to “export declarations” and add in their place “EEI”.

■ c. In paragraph (c)(2):

■ i. Remove the references to “shall” in the first and second sentences and add in their place “must”; and remove the reference to “shall” in the third sentence and add in its place “will”;

■ ii. Remove the words “regulations of the Bureau of the Census” and add in their place “the Census Bureau’s Foreign Trade Regulations”;

■ iii. Remove all references to “Shipper’s Export Declarations” and add in their place “EEI”;

■ iv. Remove all references to “Customs” and add in their place “CBP”;

■ v. Remove the citation to “15 CFR 30.24” and add in its place “15 CFR 30.47”; and

■ vi. Remove the words “export declarations” and add in their place “EEI”.

■ d. In paragraph (d):

■ i. Remove the first and second references to “shall” in the first sentence and add in their place “must”;

■ ii. Remove the third reference to “shall” in the first sentence and add in its place “will”;

■ iii. Remove the first reference to “shall” in the second sentence and add in its place “must”; and remove the second reference to “shall” in the second sentence and add in its place “will”; and

■ iv. Remove the word “Customs” and add in its place “CBP”.

#### § 4.87 [Amended]

■ 8. Amend § 4.87 as follows:

■ a. In paragraph (b), remove all references to “Customs” and add in their place “CBP”; and remove the reference to “1302–A” and add in its place “1302A”.

- b. In paragraph (c), remove all references to “Customs” and add in their place “CBP”.
- c. In paragraph (d), remove all references to “Customs” and add in their place “CBP”.
- d. In paragraph (f):
  - i. Remove all references to “Customs” and add in their place “CBP”;
  - ii. Remove the reference to “1302–A” and add in its place “1302A”; and
  - iii. Remove the words “shipper’s export declarations” and add in their place “Electronic Export Information (EEI) filing citations, exclusions, and/or exemption legends”.
- e. In paragraph (g):
  - i. Remove the word “Customs” and add in its place “CBP”;
  - ii. Remove the reference “1302–A” and add in its place “1302A”; and
  - iii. Remove the words “export declarations” and add in their place “EEI”.

**PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT  
TO A REDUCED RATE, ETC.**

- 9. The general authority citation for part 10 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314.

\* \* \* \* \*

**§ 10.41b [Amended]**

- 10. Amend paragraph (g)(2) of § 10.41b by removing the words “Shipper’s Export Declaration,” “Form 7525–V” and adding in their place “Electronic Export Information (EEI)”.

## PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

■ 11. The general authority citation for part 18 continues to read 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), 1551, 1552, 1553, 1623, 1624.

\*       \*       \*       \*       \*

### § 18.42 [Amended]

■ 12. Amend § 18.42 as follows:

■ i. Remove the words “export declarations” and add in their place “Electronic Export Information (EEI)”;

■ ii. Remove the words “Bureau of the Census” and add in their place “Census Bureau”;

■ iii. Remove all references to “shall” in the first and second sentence and add in their place “must”; and

■ iv. Remove all references to “shall” in the third sentence through the remainder of the paragraph and add in their place “will”.

### § 18.43 [Amended]

■ 13. Amend paragraph (a) of § 18.43 by removing the words “export declarations” and adding in their place “Electronic Export Information (EEI)”;

removing the word “shall” and adding in its place “must”;

and removing the words “Bureau of the Census” and adding in their place “Census Bureau”.

## PART 113—CBP BONDS

■ 14. The general authority citation for part 113 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1623, 1624.

\*       \*       \*       \*       \*

### § 113.64 [Amended]

■ 15. Amend paragraph (i) of § 113.64 by removing the words “\$50 per day for the first 3 days, and \$100 per day thereafter, up to \$1,000 in total” and adding in their place “\$1,100 for each day’s delinquency beyond the prescribed period, but not more than \$10,000 per violation”.

## PART 122—AIR COMMERCE REGULATIONS

■ 16. The general authority citation for part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

\* \* \* \* \*

### § 122.71 [Amended]

■ 17. Amend § 122.71 as follows:

■ a. In paragraph (a)(1)(ii), remove the words “Shipper’s Export Declarations are” and add in their place “Electronic Export Information (EEI) is”.

■ b. In paragraph (a)(2), remove the word “shall” and add in its place “must”; and remove the word “Customs” and add in its place “CBP”.

■ c. In paragraph (b), remove all references to “Customs” and add in their place “CBP”.

### § 122.72 [Amended]

■ 18. Amend § 122.72 by removing the words “Shipper’s Export Declarations” and adding in their place “Electronic Export Information (EEI)”; and removing the word “shall” and adding in its place “must”.

### § 122.73 [Amended]

■ 19. Amend § 122.73 as follows:

■ a. In paragraph (a)(1), remove the word “Customs” and add in its place “CBP” and remove all references to “shall” and add in their place “must”.

■ b. In paragraph (a)(2), remove the word “Customs” and add in its place “CBP”; and remove the word “shall” and add in its place “must”.

■ c. In paragraph (a)(3), remove the word “Customs” and add in its place “CBP”; and remove the word “shall” and add in its place “will”.

■ d. In paragraph (b)(1) remove the word “Customs” and add in its place “CBP”; and remove all references to the word “shall” and add in their place “must”.

- e. In paragraph (b)(2) introductory text, remove all references to “shall” and add in their place “must”.
- f. In paragraph (b)(2)(i), remove the words “Shipper’s Export Declarations” and add in their place “Electronic Export Information (EEI) filing citations, exclusions, and/or exemption legends”.
- 20. Amend § 122.74 as follows:
  - a. In paragraph (a)(1), remove all references to “Customs” and add in their place “CBP”; and remove the words “Shipper’s Export Declarations” and add in their place “Electronic Export Information (EEI)”.
  - b. In paragraph (a)(2), remove all references to “Shipper’s Export Declarations” and add in their place “EEI filing citations, exclusions, and/or exemption legends”; remove the abbreviation “U.S.” and add in its place “United States”; remove all references to “shall” and add in their place “must”; and remove all references to “Customs” and add in their place “CBP”.
  - c. Revise paragraph (b) introductory text and paragraph (b)(2).
  - d. Designate the undesignated paragraph following paragraph (b)(2) as “Note to paragraph (b)”.
  - e. In paragraph (c)(1), remove the words “Shipper’s Export Declarations” and add in their place “EEI”; and remove the word “shall” and add in its place “must”.
  - f. In paragraph (c)(2), remove all references to “Shipper’s Export Declarations shall” and add in their place “EEI must”.
  - g. In paragraph (c)(3), remove the words “Shipper’s Export Declarations shall” and add in their place “EEI must”.

The revisions read as follows:

**§ 122.74 Incomplete (pro forma) manifest.**

\* \* \* \* \*

(b) *Exceptions.* In the following circumstances, an incomplete manifest will not be accepted and a complete air cargo manifest and all required EEI must be filed with the port director before the aircraft will be cleared:

\* \* \* \* \*

(2) If the aircraft is departing on a flight from the U.S. directly or indirectly to a foreign country listed in § 4.75 of this chapter.

\* \* \* \* \*

■ 21. Amend § 122.75 as follows:

■ a. In paragraph (a) introductory text, remove all references to “shall” and add in their place “must”; and remove the words “a Shipper’s Export Declaration” and add in their place “Electronic Export Information (EEI) filing citations, exemptions, and/or exclusion legends”.

■ b. Revise paragraph (a)(2).

■ c. In paragraph (b)(1), remove the words “Attached Shipper’s Export Declarations” and add in their place “The annotated EEI filing citations, exclusions, and/or exemption legends”.

■ d. In paragraph (b)(2), remove the word “shall” and add in its place “must”; remove the words “Shipper’s Export Declarations” and add in their place “EEI filing citations, exclusions, and/or exemption legends”; and remove the words “Attached Shipper’s Export Declarations” and add in their place “The annotated EEI filing citations, exclusions, and/or exemption legends”.

The revision reads as follows:

**§ 122.75 Complete manifest.**

(a) \* \* \*

(2) *Direct departure.* With regard to direct departures of shipments requiring EEI, each EEI filing citation must be listed on the air cargo manifest in the column for air waybill numbers. The statement “Electronic Information Annotated” must appear on the manifest if this is done.

\* \* \* \* \*

■ 22. Amend § 122.76 as follows:

■ a. Revise the heading of the section and paragraph (a).

■ b. In paragraph (b), remove the word “shall” and add in its place “must”; and remove the word “Customs” and add in its place “CBP”.

The revisions read as follows:

**§ 122.76 Electronic Export Information (EEI) filing citations, exclusions, and/or exemption legends and inspection certificates.**

(a) *Electronic Export Information (EEI)*—(1) *Other than shipments to Puerto Rico.* For shipments other than to Puerto Rico, at the time of clearance, the aircraft commander or agent must file with the CBP port director of the departure airport any EEI filing citations, exclusions, and/or exemption legends required by the Census Bureau’s Foreign Trade Regulations (FTR) (see 15 CFR part 30).

(2) *Shipments to Puerto Rico.* For flights carrying shipments to Puerto Rico from the United States, the aircraft commander or agent must file any EEI filing citations, exclusions, and/or exemption legends required by the Census Bureau’s FTR (see 15 CFR part 30) upon arrival in Puerto Rico with the CBP port director there.

\* \* \* \* \*

■ 23. Revise § 122.79 to read as follows:

**§ 122.79 Shipments to U.S. possessions.**

(a) *Other than Puerto Rico.* An air cargo manifest must be filed for aircraft transporting cargo between the United States and U.S. possessions. Electronic Export Information (EEI) is not required for shipments from the United States or Puerto Rico to the U.S. possessions, except to the U.S. Virgin Islands or from a U.S. possession and destined to the United States, Puerto Rico, or another U.S. possession.

(b) *Puerto Rico.* When an aircraft carries merchandise on a direct flight from the United States to Puerto Rico, any required air cargo manifest or EEI filing citations, exclusions, and/or exemption legends, must be filed with the appropriate port director Puerto Rico.

**§ 122.143 [Amended]**

■ 24. Amend § 122.143 as follows:

■ a. In paragraph (b) introductory text, remove the words “Bureau of the Census” in the heading and add in their place “Census Bureau”; remove the words “Bureau of the Census regulations” in the text and add in their place “Census Bureau’s Foreign Trade Regulations”; and remove the word “shall” and add in its place “will”.

■ b. In paragraph (b)(1), remove the words “Shipper’s Export Declarations” and add in their place “Electronic Export Information (EEI)”.



■ c. In paragraph (b)(2), remove the citation “15 CFR 30.24” and add in its place “15 CFR 30.47”; and remove the words “Shipper’s Export Declarations are” and add in their place “EEI is”.

## PART 123—CBP RELATIONS WITH CANADA AND MEXICO

■ 25. The general authority citation for part 123 and the specific authority citation for § 123.28 continue to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1436, 1448, 1624, 2071 note.

\* \* \* \* \*

Sections 123.21–123.23, 123.25–123.29, 123.41, 123.51 also issued under 19 U.S.C. 1554.

\* \* \* \* \*

### § 123.28 [Amended]

■ 26. Amend § 123.28 as follows:

■ a. In paragraph (a), remove all references to “shall” and add in their place “must”; and remove the words “U.S. Customs” and add in their place “CBP”.

■ b. In paragraph (b), remove references to “shall” in the first and second sentence and add in their place “will”; remove the words “shipper’s export declaration” and add in their place “Electronic Export Information (EEI) filing citations, exclusions, and/or exemption legends”; and remove the word “shall” in the third sentence and add in its place “must”.

## PART 141—ENTRY OF MERCHANDISE

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

**Authority:** 19 U.S.C. 66, 1448, 1484, 1498, 1624.

\* \* \* \* \*

### § 141.43 [Amended]

■ 28. Amend paragraph (a) of § 141.43 by removing the words “executing shippers’ export declarations” and adding in their place “filing Electronic Export Information (EEI)”.

## PART 191—DRAWBACK

■ 29. The general authority citation for part 191 continues to read 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), 1313, 1624;

\*       \*       \*       \*       \*

■ 30. Revise paragraph (c)(3) of § 191.51 to read as follows:

### § 191.51 Completion of drawback claims.

\*       \*       \*       \*       \*

(c) \* \* \*

(3) *Exports.* For exports, the HTSUSA number(s) or Schedule B commodity classification number(s) must be from the Electronic Export Information (EEI), when required. If no EEI is required (see, *e.g.*, 15 CFR 30.58), the claimant must provide the Schedule B commodity classification number(s) or HTSUSA number(s) that the exporter would have set forth in the EEI, but for the exemption from the requirement to file EEI.

\*       \*       \*       \*       \*

## PART 192—EXPORT CONTROL

■ 31. The authority citation for part 192 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1624, 1646c. Subpart A also issued under 19 U.S.C. 1627a, 1646a, 1646b; subpart B also issued under 13 U.S.C. 303; 19 U.S.C. 2071 note; 46 U.S.C. 91.

### § 192.0 [Amended]

■ 32. Amend § 192.0 as follows:

■ a. Remove all references to “Customs” and add in their place “CBP”.

■ b. Remove the words “Census Regulations at part 30, subpart E (15 CFR part 30, subpart E)” and add in their place “Foreign Trade Regulations (FTR) of the Census Bureau, U.S. Department of Commerce, at part 30, subpart A (15 CFR part 30, subpart A)”.

■ 33. Revise § 192.11 to read as follows:

### § 192.11 Description of the AES.

The Automated Export System (AES) is the information system for collecting Electronic Export Information (EEI) from persons exporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands; between Puerto Rico and the United States; and to the U.S. Virgin Islands from the United States or Puerto Rico. Pursuant to the Census Bureau's Foreign Trade Regulations (FTR), all commodity export information for which EEI is required must be filed through the AES. This system is the CBP-approved electronic data interchange system used for purposes of filing EEI as required by § 192.14. AES is also the system by which certain sea carriers may report required outbound vessel information electronically (*see*, §§ 4.63, 4.75, and 4.76 of this chapter). Eligibility and application procedures are found in the General Requirements section of the FTR, codified at 15 CFR part 30, subpart A. The Census Bureau's FTR (15 CFR part 30, subpart A) provides that exporters may choose to submit export information through AES by any one of three electronic filing options available. Only Option 4, the complete post-departure submission of export information, requires prior approval by participating agencies before it can be used by AES participants.

■ 34. Revise § 192.14 to read as follows:

### § 192.14 Electronic information for outward cargo required in advance of departure.

(a) *General requirement.* Pursuant to section 343(a), Trade Act of 2002, as amended (19 U.S.C. 2071 note), for any commercial cargo that is to be exported from the United States by vessel, aircraft, rail, or truck, unless exempted under paragraph (d) of this section, the U.S. Principal Party in Interest (USPPI), the USPPI's authorized agent, or the authorized filing agent of the Foreign Principal Party in Interest (FPPI) must electronically transmit for receipt by CBP, no later than the time period specified in paragraph (b) of this section, certain Electronic Export Information (EEI), as enumerated in paragraph (c) of this section. Specifically, to effect the advance electronic transmission of the required cargo information to CBP, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must use a CBP-approved electronic data interchange system (currently, the Automated Export System (AES)).

(b) *Transmission of data*—(1) *Time for transmission of EEI.* The USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must electronically transmit the EEI required by § 30.6 of the Census Bureau's FTR (15 CFR 30.6) and have received the AES

Internal Transaction Number (ITN) (see paragraph (b)(3) of this section) for outbound cargo no later than the time period specified as follows:

(i) For vessel cargo, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must provide the EEI filing citation (the ITN), exclusion, and/or exemption legend to the exporting carrier no later than 24 hours prior to loading cargo on the vessel at the U.S. port of lading;

(ii) For air cargo, including cargo being transported by air express couriers, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must provide the EEI filing citation (the ITN), exclusion, and/or exemption legend to the exporting carrier no later than 2 hours prior to the scheduled departure time of the aircraft from the U.S. port of export;

(iii) For truck cargo, including cargo departing by express consignment courier, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must provide the EEI filing citation (the ITN), exclusion, and/or exemption legend to the exporting carrier no later than 1 hour prior to the arrival of the truck at the border;

(iv) For rail cargo, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must provide the EEI filing citation (the ITN), exclusion, and/or exemption legend to the exporting carrier no later than 2 hours prior to the arrival of the train at the border;

(v) For shipments of used self-propelled vehicles as defined in § 192.1, the USPPI's authorized agent, or the FPPI's authorized filing agent must provide the EEI filing citation (the ITN), exclusion, and/or exemption legend to the exporting carrier at least 72 hours prior to export; and

(vi) For cargo shipped by pipeline, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent should refer to § 30.4 of the Census Bureau's FTR (15 CFR 30.4, 30.46) for applicable time frames for the transmission of EEI.

(2) *Applicability of time frames.* The time periods in paragraph (b)(1) of this section for reporting required EEI to CBP for outward vessel, air, truck, or rail cargo only apply to shipments without an export license, license exemption, or license exception that require full predeparture reporting of shipment data, in order to comply with the advance cargo information filing requirements under section 343(a), Trade Act of 2002, as amended. Requirements placed on exports controlled by other government agencies will remain in force unless changed by the agency having the regulatory authority to do so. CBP will also continue to require 72-hour advance notice for used vehicle exports pursuant to § 192.2(c)(1) and (c)(2)(i). The USPPI, the

USPPI's authorized agent, or the FPPI's authorized filing agent should refer to the relevant titles of the Code of Federal Regulations (CFR) for pre-filing requirements of other government agencies. In particular, for the advance reporting requirements for exports of U.S. Munitions List items, see the U.S. Department of State's International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130).

(3) *System verification of data acceptance or rejection.* Once the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent has transmitted the EEI required under paragraphs (c)(1) and (c)(2) of this section, and AES has received and accepted this data, AES will generate and transmit to the party that filed the EEI a confirmation number, the Internal Transaction Number (ITN), assigned to that shipment confirming acceptance of the EEI transmission. When the submission is not accepted, a rejection message will be transmitted to the filer.

(c) *EEI required*—(1) *Commodity data.* The commodity data elements that are required to be reported electronically through the approved system are found in § 30.6 of the Census Bureau's FTR (15 CFR 30.6).

(2) *Transportation data.* The following transportation data elements are also required to be reported electronically through the approved system. These data elements are also found in § 30.6 of the Census Bureau's FTR (30 CFR 30.6):

(i) Method of transportation (the method of transportation is defined as that by which the goods are exported or shipped (vessel, air, rail, or truck));

(ii) Carrier identification (for vessel, rail and truck shipments, the unique carrier identifier is the 4-character Standard Carrier Alpha Code (SCAC); for aircraft, the carrier identifier is the 2- or 3-character International Air Transport Association (IATA) code);

(iii) Conveyance name (the conveyance name is the name of the carrier; for sea carriers, this is the name of the vessel; for others, the carrier name);

(iv) Country of ultimate destination (this is the country as known to the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent at the time of exportation, where the cargo is to be consumed or further processed or manufactured; this country would be identified by the 2-character International Standards Organization (ISO) code for the country of ultimate destination);

(v) Date of export (the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must report the date the cargo is scheduled to leave the United States for all modes of transportation;

if the actual date is not known, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must report the best estimate as to the time of departure); and

(vi) Port of export (the port where the outbound cargo departs from the United States is designated by its unique code, as set forth in Annex C, Harmonized Tariff Schedule of the United States (HTSUS); the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must report the port of exportation as known when the USPPI, USPPI's authorized agent, or the FPPI's authorized filing agent tenders the cargo to the outbound carrier; should the carrier export the cargo from a different port and the carrier so informs the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent, the port of exportation must be corrected by the filer in AES.).

(3) *Proof of electronic filing; exemption from filing.* The USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must furnish to the exporting carrier a proof of EEI filing citation (the ITN), post-departure filing citation, AES downtime filing citation (when allowed), and the exclusion, and/ or exemption legends (see paragraph (d) of this section) for annotation on the carrier's outward manifest, waybill, or other export documentation covering the cargo to be shipped. The proof of EEI filing citation (the ITN), post-departure filing citation, AES downtime filing citation, exclusion, and/or exemption legend must conform to the approved EEI filing citation, exclusion, and/or exemption legend formats in Appendix B to the Census Bureau's FTR (15 CFR part 30, Appendix B).

(4) *Carrier responsibility*—(i) *Loading of cargo.* The carrier may not load cargo without first receiving from the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent either the related electronic filing citation as prescribed under paragraph (c)(3) of this section, or an appropriate exemption legend for the cargo as specified in paragraph (d) of this section.

(ii) *High-risk cargo.* For cargo that CBP has identified as potentially high-risk, the carrier, after being duly notified by CBP, will be responsible for delivering the cargo for inspection/ examination. When cargo identified as high risk has already been exported, CBP may demand that the export carrier redeliver the cargo in accordance with the terms of its international carrier bond (see § 113.64(k)(2) of this chapter).

(5) *USPPI receipt of information believed to be accurate.* When the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent electronically presenting the cargo information required in paragraphs (c)(1) and (c)(2) of this section receives any of this information from another party, CBP will take into consideration how, in

accordance with ordinary commercial practices, the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent acquired this information, and whether and how the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent is able to verify this information. When the USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent is not reasonably able to verify any information received, CBP will permit this party to electronically present the information on the basis of what it reasonably believes to be true.

(d) *Exemptions from reporting; Census exemptions or exclusions applicable.* The USPPI, the USPPI's authorized agent, or the FPPI's authorized filing agent must furnish to the outbound carrier an appropriate exemption or exclusion legend for any export shipment laden that is not subject to predeparture electronic information filing under this section. The exemption or exclusion legend must conform to the proper format approved by the Census Bureau (see 15 CFR part 30, Appendix B). Any exemptions or exclusions from reporting requirements for export cargo are enumerated in §§ 30.2 and 30.35 through 30.40 of the Census Bureau's FTR (15 CFR 30.2 and 30.35 through 30.40). These exemptions or exclusions under §§ 30.2 and 30.35 through 30.40 of the Census Bureau's FTR are equally applicable under this section.

Dated: July 5, 2017.

KEVIN K. McALEENAN,  
*Acting Commissioner.*

[Published in the Federal Register, July 13, 2017 (82 FR 32232)]



**COPYRIGHT, TRADEMARK, AND TRADE NAME  
RECORDATIONS  
(NO. 6 2017)**

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

**SUMMARY:** The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in June 2017. The last notice was published in the CUSTOMS BULLETIN Vol. 51, No. 27, on July 5, 2017.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177, or via email at [iprrquestions@cbp.dhs.gov](mailto:iprrquestions@cbp.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations and Rulings, Office of Trade at (202) 325-0095.

CHARLES R. STEUART

*Chief,*

*Intellectual Property Rights Branch  
Regulations and Rulings, Office of Trade*



## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 17-00100	06/02/2017	06/02/2037	Gucci Serpent Grey	Guccio Gucci S.p.A.	No
COP 17-00101	06/02/2017	06/02/2037	GG Hamlet White	Guccio Gucci S.p.A.	No
COP 17-00102	06/02/2017	06/02/2037	Web Bianco H. Red Nero.	Guccio Gucci S.p.A.	No
COP 17-00103	06/02/2017	06/02/2037	Gucci Tiger	Guccio Gucci S.p.A.	No
COP 17-00104	06/13/2017	06/13/2037	Karlito.	Fendi Adele SRL.	No
COP 17-00108	06/13/2017	06/13/2037	Elf Pets: A Saint Bernard Tradition - Packaging Design	CCA and B, LLC	No
COP 17-00109	06/13/2017	06/13/2037	Elf Pets: A Reindeer Tradition Plush Doll	CCA and B, LLC	No
COP 17-00111	06/13/2017	06/13/2037	Elf Pets: A St. Bernard Tradition Plush Doll	CCA and B, LLC	No
COP 17-00112	06/13/2017	06/13/2037	The Elf on the Shelf. A Christmas Tradition Illustrations	CCA and B, LLC	No
COP 17-00113	06/13/2017	06/13/2037	The Elf on the Shelf	CCA and B, LLC	No
COP 17-00114	06/13/2017	06/13/2037	Elf Pets A Reindeer Tradition - Text	CCA and B, LLC	No
COP 17-00115	06/13/2017	06/13/2037	Elf Pets: A Saint Bernard Tradition - Text and Illustrations	CCA and B, LLC	No
COP 17-00116	06/13/2017	06/13/2037	Elf Pets A Reindeer Tradition - Illustrations	CCA and B, LLC	No
COP 17-00117	06/14/2017	06/14/2037	Granada	Nancy Epstein	No
COP 17-00118	06/14/2017	06/14/2037	Jaipur Vine	Nancy Epstein	No
COP 17-00119	06/14/2017	06/14/2037	Joy-Con Charging Grip (US Commercial Packaging)	Nintendo of America Inc.	No
COP 17-00120	06/14/2017	06/14/2037	Allison.	Nancy Epstein.	No
COP 17-00121	06/14/2017	06/14/2037	Seychelles	Nancy Epstein	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 17-00122	06/14/2017	06/14/2037	Katsura	Nancy Epstein	No
COP 17-00123	06/19/2017	06/19/2037	Estrella	Nancy Epstein	No
COP 17-00124	06/19/2017	06/19/2037	Ziva Leaves	Nancy Epstein	No
COP 17-00125	06/19/2017	06/19/2037	Whirlwind	Nancy Epstein	No
COP 17-00126	06/19/2017	06/19/2037	Canopy	Nancy Epstein	No
COP 17-00127	06/19/2017	06/19/2037	Dapper Daisy	Nancy Epstein	No
COP 17-00128	06/19/2017	06/19/2037	Blue Note Circles	Nancy Epstein	No
COP 17-00129	06/19/2017	06/19/2037	Estrella Grande	Nancy Epstein	No
COP 17-00130	06/19/2017	06/19/2037	Siam	Nancy Epstein	No
COP 17-00131	06/19/2017	06/19/2037	Vecchia Romana	Nancy Epstein	No
COP 17-00132	06/19/2017	06/19/2037	Xanadu	Nancy Epstein	No
COP 17-00133	06/23/2017	03/23/2018	Medium Handle	Rhineland Cutlery LLP	No
COP 17-00134	06/23/2017	03/23/2018	Small Handle	Rhineland Cutlery LLP	No
COP 17-00135	06/23/2017	03/23/2018	Large Handle	Rhineland Cutlery LLP	No
COP 17-00136	06/26/2017	06/26/2037	BTN11922 GROUP	NICOLE, INC. d.b.a. NICOLE LEE.	No
COP 17-00137	06/26/2017	06/26/2037	FUN STORY	NICOLE, INC. d.b.a. NICOLE LEE	No
COP 17-00138	06/28/2017	06/28/2037	Joy-Con Wheel (US Commercial Packaging)	Nintendo of America Inc.	No
COP 17-00139	06/28/2017	06/28/2037	THE LEGEND OF ZELDA BREATH OF THE WILD	Nintendo of America Inc.	No
COP 17-00140	06/29/2017	06/29/2037	AMERICAN FEATHER	KEVIN K NOH	No
COP 17-00141	06/29/2017	06/29/2037	AMERICAN ZERAPA CACTUS	KEVIN NOH	No
COP 17-00142	06/29/2017	06/29/2037	BLOOM FLOWER	KEVIN K NOH	No
COP 17-00143	06/29/2017	06/29/2037	Happy Pig Town	KEVIN K NOH	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 17-00144	06/29/2017	06/29/2037	Moroccan Garden Park	KEVIN K NOH	No
COP 17-00145	06/29/2017	06/29/2037	SPRING FLOWERAND ME	KEVIN K NOH	No
COP 17-00146	06/30/2017	06/30/2037	CHIC IKAT	KEVIN K NOH	No
COP 17-00147	06/30/2017	06/30/2037	Paisley People	KEVIN K NOH	No
COP 17-00148	06/30/2017	06/30/2037	SOUTHERN ARROW	KEVIN K NOH	No
COP 17-00149	06/30/2017	06/30/2037	ELEPHANT IN TOWN	KEVIN S NOH	No
COP 17-00150	06/30/2017	06/30/2037	SOUTHERN TEEPEE	KEVIN K NOH	No
COP 17-00151	06/30/2017	06/30/2037	HAPPY BEACH DAY	KEVIN NOH	No
COP 17-00152	06/30/2017	06/30/2037	PINE FLAMINGO	KEVIN NOH	No
COP 17-00153	06/30/2017	06/30/2037	FLOWER ANCHOR	KEVIN NOH	No
COP 99-00205	06/02/2017	06/02/2037	Packaging of bottle Eau fraiche, Bulgari	Bulgari, SPA	No
COP 99-00205	06/02/2017	06/02/2037	Packaging of bottle Eau fraiche, Bulgari	Bulgari, SPA	No
TMK 03-00924	06/20/2017	02/06/2021	PROCELL	DURACELL U.S. OPERATIONS, INC.	No
TMK 03-00924	06/20/2017	02/06/2021	PROCELL	DURACELL U.S. OPERATIONS, INC.	No
TMK 04-00784	06/02/2017	01/07/2024	MARC JACOBS	Marc Jacobs Trademarks, L.L.C.	No
TMK 04-00784	06/02/2017	01/07/2024	MARC JACOBS	Marc Jacobs Trademarks, L.L.C.	No
TMK 04-01096	06/23/2017	05/05/2027	Helmet Design	CLEVELAND BROWNS FOOTBALL COMPANY, LLC	No
TMK 04-01096	06/23/2017	05/05/2027	Helmet Design	CLEVELAND BROWNS FOOTBALL COMPANY, LLC	No
TMK 06-00852	06/21/2017	05/08/2025	Jeep Liberty Grille Design Mark	FCA US LLC	No
TMK 06-00852	06/21/2017	05/08/2025	Jeep Liberty Grille Design Mark	FCA US LLC	No
TMK 06-01023	06/09/2017	01/15/2027	ESTEE LAUDER PLEASURES	ESTEE LAUDER INC.	No
TMK 06-01023	06/09/2017	01/15/2027	ESTEE LAUDER PLEASURES	ESTEE LAUDER INC.	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-01227	06/02/2017	10/25/2026	ERMENEGILDO ZEGNA PINSTRIP LOGO	Ermenegildo Zegna Corporation	No
TMK 06-01227	06/02/2017	10/25/2026	ERMENEGILDO ZEGNA PINSTRIP LOGO	Ermenegildo Zegna Corporation	No
TMK 07-00247	06/14/2017	03/26/2027	CANON (Stylized)	Canon Kabushiki Kaisha	No
TMK 07-00247	06/14/2017	03/26/2027	CANON (Stylized)	Canon Kabushiki Kaisha	No
TMK 07-00479	06/29/2017	06/27/2027	SEATRADE	SEATRADE INTERNATIONAL CO., LLC	No
TMK 07-00479	06/29/2017	06/27/2027	SEATRADE	SEATRADE INTERNATIONAL CO., LLC	No
TMK 07-00720	06/25/2017	08/12/2027	SUPERCIPS	POWERTEQ, LLC	No
TMK 07-00720	06/25/2017	08/12/2027	SUPERCIPS	POWERTEQ, LLC	No
TMK 07-00726	06/25/2017	07/17/2027	E-CURVE	MSD, LLC	No
TMK 07-00726	06/25/2017	07/17/2027	E-CURVE	MSD, LLC	No
TMK 07-00742	06/02/2017	07/24/2027	DAISY and design (Stylized)	DAISY BRAND, LLC	No
TMK 07-00742	06/02/2017	07/24/2027	DAISY and design (Stylized)	DAISY BRAND, LLC	No
TMK 07-00798	06/25/2017	06/29/2027	BRAWNY	GEORGIA-PACIFIC CONSUMER PRODUCTS LP GPCom/GP LLC,	No
TMK 07-00798	06/25/2017	06/29/2027	BRAWNY	GEORGIA-PACIFIC CONSUMER PRODUCTS LP GPCom/GP LLC,	No
TMK 07-00809	06/21/2017	08/01/2027	DENVER BRONCOS	PDB Sports, Ltd.	No
TMK 07-00809	06/21/2017	08/01/2027	DENVER BRONCOS	PDB Sports, Ltd.	No
TMK 08-00149	06/21/2017	06/21/2027	LIPTON	CONOPCO, INC.	No
TMK 08-00149	06/21/2017	06/21/2027	LIPTON	CONOPCO, INC.	No
TMK 08-00268	06/13/2017	08/08/2027	XBOX 360 "X" DESIGN	Microsoft Corporation	No
TMK 08-00268	06/13/2017	08/08/2027	XBOX 360 "X" DESIGN	Microsoft Corporation	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	GM Restricted
TMK 08-01015	06/21/2017	02/12/2026	AIR JORDAN	NIKE, INC.	No
TMK 08-01015	06/21/2017	02/12/2026	AIR JORDAN	NIKE, INC.	No
TMK 09-00086	06/09/2017	06/08/2027	PANADOL	GLAXOSMITHKLINE CONSUMER HEALTHCARE (UK)	No
TMK 09-00086	06/09/2017	06/08/2027	PANADOL	GLAXOSMITHKLINE CONSUMER HEALTHCARE (UK)	No
TMK 09-00206	06/02/2017	06/30/2027	VISAGE	VISAGE SWISS WATCH LLC	No
TMK 09-00206	06/02/2017	06/30/2027	VISAGE	VISAGE SWISS WATCH LLC	No
TMK 09-00287	06/14/2017	06/18/2027	LAUREN RALPH LAUREN	PRL USA HOLDINGS, INC.	No
TMK 09-00287	06/14/2017	06/18/2027	LAUREN RALPH LAUREN	PRL USA HOLDINGS, INC.	No
TMK 09-00446	06/22/2017	06/27/2027	REFRIGIWEAR	Refrigiwear, Inc.	No
TMK 09-00446	06/22/2017	06/27/2027	REFRIGIWEAR	Refrigiwear, Inc.	No
TMK 09-00453	06/07/2017	01/31/2027	ACELAGRAFT	Celgene Corporation	No
TMK 09-00453	06/07/2017	01/31/2027	ACELAGRAFT	Celgene Corporation	No
TMK 09-00823	06/14/2017	06/06/2027	AFINITOR	Novartis AG	No
TMK 09-00823	06/14/2017	06/06/2027	AFINITOR	Novartis AG	No
TMK 10-00157	06/02/2017	02/28/2027	CHOY SUN & design	Lee Kum Kee Company Limited	No
TMK 10-00157	06/02/2017	02/28/2027	CHOY SUN & design	Lee Kum Kee Company Limited	No
TMK 10-00516	06/25/2017	09/23/2027	SPRINGFIELD ARMORY	SPRINGFIELD, INC.	No
TMK 10-00516	06/25/2017	09/23/2027	SPRINGFIELD ARMORY	SPRINGFIELD, INC.	No
TMK 10-00623	06/02/2017	04/02/2027	VIBRAM AND DESIGN	VIBRAM S.P.A.	No
TMK 10-00623	06/02/2017	04/02/2027	VIBRAM AND DESIGN	VIBRAM S.P.A.	No
TMK 10-00685	06/02/2017	03/18/2022	DESIGN ONLY (Ball Bearing Swivels)	ROME SPECIALTY COMPANY, INC.	No
TMK 10-00685	06/02/2017	03/18/2022	DESIGN ONLY (Ball Bearing Swivels)	ROME SPECIALTY COMPANY, INC.	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 11-00034	06/14/2017	06/11/2027	DESIGN ONLY	Paul Reed Smith Guitars	No
TMK 11-00034	06/14/2017	06/11/2027	DESIGN ONLY	Paul Reed Smith Guitars	No
TMK 11-00291	06/12/2017	09/13/2026	Trefoil Design	ADIDAS AG	No
TMK 11-00291	06/12/2017	09/13/2026	Trefoil Design	ADIDAS AG	No
TMK 11-01009	06/14/2017	08/17/2027	MAYBELLINE	L'OREAL USA CREATIVE, INC.	No
TMK 11-01009	06/14/2017	08/17/2027	MAYBELLINE	L'OREAL USA CREATIVE, INC.	No
TMK 12-00406	06/30/2017	11/21/2027	AVENGERS	MARVEL CHARACTERS, INC.	No
TMK 12-00406	06/30/2017	11/21/2027	AVENGERS	MARVEL CHARACTERS, INC.	No
TMK 12-00500	06/02/2017	01/17/2027	BISSELL (Stylized)	BISSELL Homecare, Inc.	No
TMK 12-00500	06/02/2017	01/17/2027	BISSELL (Stylized)	BISSELL Homecare, Inc.	No
TMK 12-00742	06/20/2017	07/03/2027	F-117 NIGHTHAWK	Lockheed Martin Corporation	No
TMK 12-00742	06/20/2017	07/03/2027	F-117 NIGHTHAWK	Lockheed Martin Corporation	No
TMK 13-00349	06/12/2017	06/13/2027	EDMUNDO	MIZKAN AMERICA, INC.	No
TMK 13-00349	06/12/2017	06/13/2027	EDMUNDO	MIZKAN AMERICA, INC.	No
TMK 13-01004	06/02/2017	04/30/2026	COZY COCOON	DeLisa, Patricia M	No
TMK 13-01004	06/02/2017	04/30/2026	COZY COCOON	DeLisa, Patricia M	No
TMK 14-00420	06/29/2017	07/27/2027	CATERPILLAR	CATERPILLAR INC.	No
TMK 14-00420	06/29/2017	07/27/2027	CATERPILLAR	CATERPILLAR INC.	No
TMK 14-00699	06/23/2017	05/05/2027	TOM FORD	Ford, Thomas C.	No
TMK 14-00699	06/23/2017	05/05/2027	TOM FORD	Ford, Thomas C.	No
TMK 15-00561	06/27/2017	04/21/2024	GRENCO SCIENCE	GS HOLISTIC, LLC	No
TMK 15-00561	06/27/2017	04/21/2024	GRENCO SCIENCE	GS HOLISTIC, LLC	No
TMK 15-00601	06/27/2017	11/27/2023	G PEN	GS HOLISTIC, LLC	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 15-00601	06/27/2017	11/27/2023	G PEN	GS HOLISTIC, LLC	No
TMK 15-00602	06/28/2017	04/14/2024	G (stylized)	GS HOLISTIC, LLC	No
TMK 15-00602	06/28/2017	04/14/2024	G (stylized)	GS HOLISTIC, LLC	No
TMK 15-00633	06/27/2017	04/07/2024	MICROG	GS HOLISTIC, LLC	No
TMK 15-00633	06/27/2017	04/07/2024	MICROG	GS HOLISTIC, LLC	No
TMK 16-00405	06/07/2017	08/15/2027	PELLE PELLE	Pelle Pelle, Inc.	No
TMK 16-00405	06/07/2017	08/15/2027	PELLE PELLE	Pelle Pelle, Inc.	No
TMK 16-00740	06/29/2017	09/24/2027	LEE (Stylized)	H. D. LEE COMPANY, INC., THE	No
TMK 16-00740	06/29/2017	09/24/2027	LEE (Stylized)	H. D. LEE COMPANY, INC., THE	No
TMK 17-00561	06/02/2017	12/11/2027	WILD GROWTH	WILD GROWTH CO	No
TMK 17-00562	06/02/2017	10/08/2024	MOODSTRUCK	Younique, LLC	No
TMK 17-00563	06/02/2017	03/21/2021	777	A.C.T. 898 PRODUCTS, INC.	No
TMK 17-00564	06/02/2017	02/26/2024	HANDYMAN IN A CAN	SWIFT IP, LLC	No
TMK 17-00565	06/02/2017	09/03/2024	FLEX WIPE-OFF	Swift Response, LLC	No
TMK 17-00566	06/02/2017	11/26/2024	FLEX SHOT	Swift Response, LLC	No
TMK 17-00567	06/02/2017	03/13/2027	FLEX SEAL LIQUID	Swift IP, LLC	No
TMK 17-00568	06/02/2017	07/18/2027	KD KING DESIGN (STYLIZED)	KING DESIGN INDUSTRIAL CO., LTD	No
TMK 17-00569	06/05/2017	11/23/2026	PRIVILEGE SOCIETY	Mohamad Abdelhag	No
TMK 17-00570	06/05/2017	07/21/2025	CROMAGNON	Roma Craft Tbbac, LLC	No
TMK 17-00571	06/05/2017	08/19/2021	WELDOLET (Stylized)	CEDAR INVESTMENTS, INC.	No
TMK 17-00572	06/05/2017	02/05/2028	NIPOLET	CEDAR INVESTMENTS, INC.	No
TMK 17-00573	06/05/2017	06/03/2025	SMILE MORE	Roman Atwood	No
TMK 17-00574	06/05/2017	06/10/2028	VALVOLET	CEDAR INVESTMENTS, INC.	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 17-00575	06/06/2017	08/09/2027	MINOO	Farsi Cafe Import, LLC	No
TMK 17-00576	06/06/2017	10/28/2021	THREDOLET	CEDAR INVESTMENTS, INC.	No
TMK 17-00577	06/06/2017	02/24/2026	CIZE	Beachbody, LLC	No
TMK 17-00578	06/07/2017	09/08/2020	BRANSTON	The J.M. Smucker Company	No
TMK 17-00579	06/07/2017	03/30/2019	THE ELF ON THE SHELF (Stylized)	CCA and B, LLC	No
TMK 17-00580	06/07/2017	07/05/2021	FENDI	Fendi Adele S.r.l.	No
TMK 17-00581	06/07/2017	01/11/2022	"FF" (Stylized)	Fendi Adele S.r.l.	No
TMK 17-00582	06/09/2017	02/04/2027	KLONOPIN	HOFFMANN-LA ROCHE INC.	No
TMK 17-00583	06/09/2017	04/17/2027	HANDY	Bercom International, LLC	No
TMK 17-00584	06/13/2017	09/04/2023	DESIGN ONLY (Wave Design)	Lululemon Athletica Canada Inc.	No
TMK 17-00585	06/13/2017	05/24/2019	IKEY	iKey, Ltd.	No
TMK 17-00586	06/13/2017	05/24/2019	iKey and Design	iKey, Ltd.	No
TMK 17-00587	06/13/2017	08/31/2026	DESIGN ONLY (Automobile 3-Dimensional Configuration)	Jaguar Land Rover Limited	No
TMK 17-00588	06/13/2017	09/04/2023	IKEY	Ikey, Ltd.	No
TMK 17-00589	06/13/2017	10/09/2023	iKey and Design	Ikey, Ltd.	No
TMK 17-00590	06/13/2017	03/17/2024	IKEY	Ikey, Ltd.	No
TMK 17-00591	06/13/2017	11/16/2026	THE ELF ON THE SHELF	CCA and B, LLC	No
TMK 17-00592	06/13/2017	06/10/2019	DESIGN ONLY(The Elf on the Shelf Boy Watercolor Logo)	CCA and B, LLC	No
TMK 17-00593	06/13/2017	07/06/2020	CCA and B Logo	CCA and B, LLC	No
TMK 17-00594	06/13/2017	03/30/2025	ELF PETS (Stylized)	CCA and B, LLC	No
TMK 17-00595	06/13/2017	12/23/2024	U-BAR	C G MOTOR SPORT INC.	No
TMK 17-00596	06/13/2017	01/13/2026	THANKS FOR BEING COOL	ENLIGHTENED COOLNESS.COM LLC	No



## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 17-00597	06/13/2017	02/19/2027	FORD	FORD MOTOR COMPANY	No
TMK 17-00598	06/13/2017	08/26/2019	MAGIC JUMP	Magic Jump, Inc. AKA Magic Jump Inflatables, Magic Jump Rentals	No
TMK 17-00599	06/13/2017	06/26/2027	FORD	FORD MOTOR COMPANY	No
TMK 17-00600	06/13/2017	02/17/2026	UNITED STATES MARINE CORPS SEMPER FIDELIS and Emblem Design	U.S. Marine Corps, a component of the U.S. Department of the Navy	No
TMK 17-00601	06/13/2017	04/05/2026	UNITED STATES MARINE CORPS SEMPER FIDELIS and Emblem Design	U.S. Marine Corps, a component of the U.S. Department of the Navy	No
TMK 17-00602	06/13/2017	10/07/2025	UNITED STATES MARINE CORPS SEMPER FIDELIS and Emblem Design	U.S. Marine Corps, a component of the U.S. Department of the Navy	No
TMK 17-00603	06/14/2017	06/10/2025	RUNBELL and Design	Nadolny, Kevin John	No
TMK 17-00604	06/19/2017	03/26/2027	RAIN DRAIN	ALTUS VINYL LLC	No
TMK 17-00605	06/19/2017	10/27/2025	BOUNTY	PROCTER & GAMBLE COMPANY, THE	No
TMK 17-00606	06/19/2017	09/12/2021	DESIGN ONLY (Enclosed Wave Design)	LULULEMON ATHLETICA CANADA INC.	No
TMK 17-00607	06/19/2017	08/07/2026	WINNING MOVES	Winning Moves Inc.	No
TMK 17-00608	06/19/2017	08/16/2027	1ST NOR CAL	1st Northern California Credit Union	No
TMK 17-00609	06/19/2017	05/13/2021	HFPA and Golden Globe Award Statuette	HOLLYWOOD FOREIGN PRESS ASSOCIATION	No
TMK 17-00610	06/19/2017	05/05/2018	FLIGHT LINE and Design	Morningsstar Business Group US Inc.	No
TMK 17-00611	06/19/2017	12/15/2025	RAGE	Out RAGE, LLC	No
TMK 17-00612	06/20/2017	09/30/2025	U.S. Marine Corps, Eagle Globe and Anchor plus Design	U.S. Marine Corps	No
TMK 17-00613	06/20/2017	01/27/2026	U.S. Marine Corps Eagle, Globe and Anchor (design)	U.S. Marine Corps	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 17-00614	06/20/2017	07/25/2027	PF AND LOGO (Stylized)	Paul Forrest Co.	No
TMK 17-00615	06/20/2017	02/19/2027	Winning Moves Inc. Corporate Symbol (design only)	Winning Moves Inc.	No
TMK 17-00616	06/20/2017	02/13/2028	XW4Z-19805-EA	Ford Motor Company	No
TMK 17-00617	06/20/2017	05/07/2027	MAMISAN and DESIGN	PLANTIMEX DISTRIBUTORS INC	No
TMK 17-00618	06/20/2017	05/23/2026	GROUP B and Design (Stylized)	Autodromo LLC	No
TMK 17-00619	06/20/2017	01/21/2025	MONOPOSTO	Autodromo LLC	No
TMK 17-00620	06/20/2017	11/05/2024	VALELUNGA	Autodromo LLC	No
TMK 17-00621	06/20/2017	08/22/2022	AUTODROMO	Autodromo LLC	No
TMK 17-00622	06/20/2017	09/05/2022	Autodromo Logo (design only)	Autodromo LLC	No
TMK 17-00623	06/20/2017	12/02/2024	PROTOTIPO CHRONOGRAPH	Autodromo LLC	No
TMK 17-00624	06/20/2017	12/03/2023	HYPODERMIC	FERADYNE OUTDOORS, LLC	No
TMK 17-00625	06/21/2017	03/18/2023	CELL ESSENTIALS	Direct Marketing Group International, LLC	No
TMK 17-00626	06/21/2017	04/20/2019	TT and DESIGN	River Light V, L.P.	No
TMK 17-00627	06/21/2017	04/13/2025	ALO	SPI West Port, Inc.	No
TMK 17-00628	06/21/2017	02/20/2023	CELL ESSENTIALS ULTRA PROBIOTICS	Direct Marketing Group International, LLC	No
TMK 17-00629	06/21/2017	07/28/2019	JUSTIN'S	JUSTIN'S, LLC	No
TMK 17-00630	06/21/2017	09/06/2027	CORE DE FORCE & Design (Stylized)	Beachbody, LLC	No
TMK 17-00631	06/21/2017	06/18/2023	ECHOMETER	Echometer Company	No
TMK 17-00632	06/22/2017	07/15/2023	ECHOMETER & Design	Echometer Company	No
TMK 17-00633	06/22/2017	11/09/2025	H MART and Design	H MART COMPANIES, INC.	No
TMK 17-00634	06/23/2017	06/11/2023	ECHOMETER & design	Echometer Company	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 17-00635	06/23/2017	08/10/2026	JUSTIN'S	JUSTIN'S, LLC	No
TMK 17-00636	06/23/2017	10/12/2021	EYENOTE	United States Department of the Treasury, Bureau of Engraving and Printing	No
TMK 17-00637	06/23/2017	10/12/2021	DESIGN ONLY	United States Department of the Treasury, Bureau of Engraving and Printing	No
TMK 17-00638	06/25/2017	10/23/2022	FILSON	C.C. FILSON CO.	No
TMK 17-00639	06/25/2017	10/17/2022	Dragon Design	Cambria Company LLC	No
TMK 17-00640	06/25/2017	10/17/2022	Dragon Design	Cambria Company LLC	No
TMK 17-00641	06/25/2017	03/11/2023	Dragon Design	Cambria Company LLC	No
TMK 17-00642	06/25/2017	10/24/2022	CAMBRIA	Cambria Company LLC	No
TMK 17-00643	06/25/2017	02/20/2023	CAMBRIA	Cambria Company LLC	No
TMK 17-00644	06/26/2017	07/14/2019	MESABI BLACK	Cold Spring Granite Company	No
TMK 17-00645	06/28/2017	07/04/2027	GONESH	Genieco, Inc.	No
TMK 17-00646	06/28/2017	07/04/2027	EXTRA RICH	Genieco, Inc.	No
TMK 17-00647	06/28/2017	06/01/2026	MPC	Digital LLC	No
TMK 17-00648	06/28/2017	07/18/2025	LOS ANGELES RAMS	THE LOS ANGELES RAMS, LLC	No
TMK 17-00649	06/29/2017	06/14/2019	RIMOWA	RIMOWA GMBH	No
TMK 17-00650	06/29/2017	06/02/2020	DOLO-NEUROBION	Benard Industries, Inc.	No
TMK 17-00651	06/30/2017	08/08/2027	Design (Horse Head)	PDB Sports, Ltd. DBA Denver Broncos Bowlen Sports, Inc.	No
TMK 17-00652	06/30/2017	06/07/2027	PLATO	KDR Pet Treats, LLC	No
TMK 17-00653	06/30/2017	04/05/2020	FARMERS MARKET	KDR PET TREATS, LLC	No
TMK 17-00654	06/30/2017	10/22/2024	ARUBA NETWORKS	Aruba Networks, Inc.	No
TMK 17-00655	06/30/2017	02/07/2027	ARUBA	ARUBA NETWORKS, INC.	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 17-00656	06/30/2017	08/16/2027	HEWLETT PACKARD ENTERPRISE and Design	Hewlett-Packard Development Company, L.P. HPQ Holdings, LLC	No
TMK 17-00657	06/30/2017	08/23/2027	HEWLETT PACKARD ENTERPRISE	Hewlett-Packard Development Company, L.P. HPQ Holdings, LLC	No
TMK 17-00658	06/30/2017	08/16/2027	HPE	Hewlett-Packard Development Company, L.P. HPQ Holdings, LLC	No
TMK 93-00302	06/02/2017	06/03/2027	MOSCHINO	MOSCHINO S.P.A. CORPORATION	No
TMK 93-00302	06/02/2017	06/03/2027	MOSCHINO	MOSCHINO S.P.A. CORPORATION	No
TMK 96-00006	06/20/2017	03/30/2026	OSCAR STATUETTE	ACADEMY OF MOTION PICTURE ARTS AND SCIENCES	No
TMK 96-00006	06/20/2017	03/30/2026	OSCAR STATUETTE (design only)	ACADEMY OF MOTION PICTURE ARTS AND SCIENCES	No
TMK 98-00088	06/29/2017	09/02/2027	CONFIGURATION OF END PANEL ON CABINET	WATERLOO INDUSTRIES, INC.	No
TMK 98-00088	06/29/2017	09/02/2027	CONFIGURATION OF END PANEL ON CABINET	WATERLOO INDUSTRIES, INC.	No
TMK 98-00167	06/20/2017	08/06/2027	FORD	FORD MOTOR COMPANY	No
TMK 98-00167	06/20/2017	08/06/2027	FORD	FORD MOTOR COMPANY	No
TMK 98-00183	06/02/2017	09/10/2027	FORD TRUCK EMBLEM LIGHT BOLT & GEAR (design)	FORD MOTOR COMPANY	No
TMK 98-00183	06/02/2017	09/10/2027	FORD TRUCK EMBLEM LIGHT BOLT & GEAR (design)	FORD MOTOR COMPANY	No
TMK 98-00377	06/14/2017	06/05/2026	OSCAR	ACADEMY OF MOTION PICTURE ARTS AND SCIENCES	No
TMK 98-00377	06/14/2017	06/05/2026	OSCAR	ACADEMY OF MOTION PICTURE ARTS AND SCIENCES	No

## CBP IPR RECORDATION — JUNE 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 98-00410	06/20/2017	10/08/2027	GUESS	GUESS.? IP HOLDER L.P. Composed of GUESS? Licensing, Inc.	No
TMK 98-00410	06/20/2017	10/08/2027	GUESS	GUESS.? IP HOLDER L.P. Composed of GUESS? Licensing, Inc.	No
TMK 98-00853	06/21/2017	08/06/2027	BEL AIR	GENERAL MOTORS LLC	No
TMK 98-00853	06/21/2017	08/06/2027	BEL AIR	GENERAL MOTORS LLC	No
TMK 98-00891	06/20/2017	06/11/2027	DEX-COOL	GENERAL MOTORS LLC	No
TMK 98-00891	06/20/2017	06/11/2027	DEX-COOL	GENERAL MOTORS LLC	No

## NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING A DIGITAL RADIOGRAPHY SYSTEM

**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 a digital radiography system, (also commonly referred to as an x-ray system), known as the Carestream DRX-Ascend Digital Radiography system. Based upon the facts presented for purposes of U.S. Government procurement, CBP has concluded that the United States is the country of origin of the fully assembled and installed DRX-Ascend Digital Radiography system.

**DATES:** The final determination was issued on June 30, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within August 7, 2017.

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

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on June 30, 2017 pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of a digital radiography system known as the Carestream DRX–Ascend Digital Radiography system, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H283088, was issued 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). The major components of the DRX-Ascend Digital Radiography system include a Chinese-origin high-voltage generator, a U.S.-origin wireless DRX detector, a Chinese-origin elevating float-top table, a Chinese-origin tubestand, a Chinese-origin wall stand, and either a U.S. or a Japanese-origin x-ray tube. These components are combined with software that is largely developed in the United States. In the final determination, CBP concluded that the components are substantially transformed in the United States when the fully functioning digital radiography system is completely assembled and installed at an on-site location. Thus, the fully

assembled digital radiography system becomes a product of the United States. Therefore, for purposes of U.S. Government procurement, the United States is the country of origin of the installed and assembled Carestream DRX-Ascend Digital Radiography system.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination 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 30, 2017.

Alice A. Kipel,  
*Executive Director,*  
*Regulations and Rulings, Office of Trade.*

HQ H283088  
OT:RR:CTF:VS H283088 RSD  
CATEGORY: Origin

GUNJAN R. TALATI,  
ESQ. KILPATRICK TOWNSEND & STOCKTON  
607 14TH STREET NW. SUITE 900  
WASHINGTON, DC 20005-2018

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

DEAR MR. TALATI:

This is in response to your letter of January 11, 2017, forwarded to the National Commodity Specialist Division on behalf of Carestream Health, Inc. (Carestream), requesting a final determination concerning the country of origin of a Digital Radiography System, pursuant to subpart B of Part 177, U.S. Customs and Border Protection (CBP) Regulations (19 CFR 177.21, *et seq.*). The National Commodity Specialist Division transmitted your request to the Office of Trade, Regulations and Rulings Headquarters for a response. 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 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.

This final determination concerns the country of origin of a digital radiography system, which will be assembled on-site. As a U.S. importer, Carestream is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

## FACTS

The product at issue is a digital radiography system known as the DRX-Ascend Digital system that is assembled in the United States from U.S. and foreign origin components. According to the information that you have provided, the DRX-Ascend Digital system is a digital radiography system (also commonly known as an x-ray system) engineered, designed, and assembled (final assembly) in the United States from seven major U.S. and foreign-origin components. The seven components are (1) a diagnostic x-ray high voltage generator; (2) wireless DRX Detector; (3) an x-ray tube; (4) a tube-stand; (5) an elevating float-top table; (6) a wall stand; and, (7) Carestream Health software.

The diagnostic x-ray high-voltage generator supplies and controls the electrical energy applied to a diagnostic x-ray tube for medical/veterinary radiographic examinations. The initial manufacturing of the generator occurs in China, where Chinese components of the generator are provided by Chinese suppliers. The generator goes through two hours of processing in China to produce an unfinished generator. Carestream imports the unfinished generators into the United States. When it is imported, the generator does not contain the necessary printed circuit boards, and it also needs to be programmed. The printed circuit boards are stated to be manufactured in the United States and will be programmed using software written by a company called Quantum Manufacturing located in New York. Adding the boards to



the generator and programming in the United States take roughly one hour of manufacturing time. The generator then undergoes extensive testing (approximately 6.5 hours) in the United States. You maintain that this testing is critical to the generator manufacturing process of the DRX-Ascend Digital system and must be completed before Carestream delivers the system to the customer.

The wireless DRX Detector, produced in the United States, utilizes Directview software and facilitates diagnostic exams by capturing the x-ray images and wirelessly transmitting them to a capture console that allows for immediate viewing at the capture console and manipulation. The chief benefit of instant image access is that it can reduce exam time and recall, and improves patient satisfaction. The detector is integrated into the DRX-Ascend Digital system by both hardware and software and you indicate that the detectors are made in the United States by Carestream Health or an external supplier.

The x-ray tube converts power into x-rays that ultimately produce the image required for making a diagnosis. Carestream uses two suppliers to obtain the x-ray tubes, either from Japan or the United States.

Another component of the DRX-Ascend Digital system is an elevating float-top table made in China. The tubestand component of the table is assembled in the United States and holds three different parts. One of these parts is the x-ray tube, and the other two parts are an operator panel and the collimator, all of Chinese origin. Some of the tubestands have an overhead tube crane from Germany. These parts are installed on-site at the customer's location in the United States by a U.S. service provider. The time for manufacturing the basic stand is approximately six hours in China. The tubestand is then brought into the United States for final assembly. The final assembly takes about two hours. The DRX-Ascend Digital system can include a wall stand. The wall stand is fully assembled in China.

The final element of the DRX-Ascend Digital system is the Carestream Directview software, which is initially programmed and developed in the United States. While the software build is currently performed in China, substantial portions of the software are still developed in the United States. According to your submission, two percent of the Directview software involves research and 100 percent of that research was performed in the United States. The development/writing of the software specifications and architecture involve 15 percent of the project, with 90 percent of this work being done in the United States and 10 percent completed in China. Programming of the source code involved 40 percent of the creation of the software project, with 80 percent occurring in the United States and the remaining 20 percent done in China. Two percent of the product concerns the software build, with 100 percent of the software build done in China. Testing and validation involved 40 percent of the project of the software with 50 percent of this portion of the software done in United States and 50 percent done in China. The final one percent was preparing the software/burning media for distribution, with 50 percent done in United States and 50 percent done in China. The Directview software is installed onto an HP 5810 computer in China, and that computer with the loaded software is brought to the United States. This software has two primary functions: (1) allowing the operator to select the type of medical exam and selecting the generator and x-ray tube exposure settings (the computer then coordinates the timing between the detector and firing of the x-rays), and (2) the computer and software receive the image from the detector, process the image, and deliver the finished image.

The final assembly, configuration and testing of the DRX-Ascend Digital system take place in the United States at Carestream's facilities or at its customers' sites. You describe the assembly process as consisting of nine steps before the DRX-Ascend Digital system can become a functioning x-ray system. You have provided a copy of an installation guide, which sets forth the step-by-step process of installing the DRX-Ascend Digital System at a customer's site. The installation guide consists of over 80 pages of detailed instructions for the installation technicians, describing how the DRX-Ascend Digital System is assembled and installed at an on-site location. The ancillary parts for the system from China, including the table, the wall stand, a tubestand and the computer with the Directview software loaded onto it are assembled together in the United States. The x-ray tube and generator are calibrated together in the United States so that they can work together to produce an image. The generator tube-calibration process works by having the generator send a signal to the tube, and the tube responds and fires x-rays. The tube is then removed and reinserted into the x-ray system. The generator and the detector use the same calibration process. Carestream integrates the digital detector. The x-ray tube, generator, and detector are added to the Chinese ancillary parts. The DRX-Ascend Digital system is then shipped to and installed at a customer's site. When the system is installed at the customer's site, all the components are connected and powered, at which time the DRX-Ascend Digital system becomes a functioning radiography x-ray system.

You indicate that individuals responsible for the on-site installation are either Carestream employees or Carestream dealer employees. All individuals responsible for installation receive formal classroom training through multiple courses at Carestream. The first course is a four-day-long class on x-ray fundamentals. The second course is a five-day class on Carestream's DRX systems. The third course is a certification course that is also four days and teaches the students to become proficient in installing, calibrating, and repairing the DRX-Ascend Digital system.

Some of the specialized tools and equipment that the x-ray installers use in performing the installation include a digital volt meter, x-ray measurement meter, mAS meter, dose meter, high voltage insulating kit, and ratchet hoists. You further state that it typically takes four to five days to install the system at a customer site depending on site readiness, but the system is designed for installation in four days.

#### **ISSUE:**

What is the country of origin of the DRX-Ascend Digital x-ray system for purposes of U.S. government procurement?

#### **LAW AND ANALYSIS:**

Pursuant to subpart B of Part 177, 19 CFR 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 CFR 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 CFR 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 CFR 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 CFR 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, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process will be considered when determining whether a substantial transformation has occurred. No one factor is determinative. In *Texas Instruments v. United States*, 681 F.2d 778, 782 (CCPA 1982), the court observed that the substantial transformation issue is a "mixed question of technology and customs law."

Headquarters Ruling (HQ) H203555, dated April 23, 2012, concerned the country of origin of certain oscilloscopes. CBP considered five manufacturing scenarios. In the various scenarios, the motherboard and the power controller of either Malaysian or Singaporean origin were assembled in Singapore with subassemblies of Singaporean origin into oscilloscopes. CBP found that under the various scenarios, there were three countries under consideration where programming and/or assembly operations took place, the last of which was Singapore. CBP noted that no one country's operations dominated the manufacturing operations of the oscilloscopes. As a result, while the boards assembled in Malaysia were important to the function of the oscilloscopes, and the U.S. firmware and software were used to program the oscilloscopes in Singapore, the final programming and assembly of the oscilloscopes was in Singapore; hence, Singapore imparted the last substantial transformation, and the country of origin of the oscilloscopes was Singapore.

HQ H170315, dated July 28, 2011, concerned the country of origin of satellite telephones. CBP was asked to consider six scenarios involving the manufacture of PCBs in one country and the programming of the PCBs with

second country software either in the first country or in a third country, where the phones were assembled. In the third scenario, the application and transceiver boards for satellite phones were assembled in Malaysia and programmed with U.K.-origin software in Singapore, where the phones were also assembled. CBP found that no one country's operations dominated the manufacturing operations of the phones and that the last substantial transformation occurred in Singapore. *See also* HQ H014068, dated October 9, 2007 (CBP determined that a cellular phone designed in Sweden, assembled in either China or Malaysia and shipped to Sweden, where it was loaded with software that enabled it to test equipment on wireless networks, was a product of Sweden. Once the software was installed on the phones in Sweden, they became devices with a new name, character and use: network testing equipment. As a result of the programming operations performed in Sweden, CBP found that the country of origin of the network testing equipment was Sweden).

In HQ H219597, dated April 3, 2013, ultrasound systems were engineered, designed and subject to final assembly in the United States from U.S. and foreign components. CBP noted that substantial manufacturing operations were performed in China, the United States, Korea, and Italy. The electronics module, which was partially assembled in China, was imported into the United States, where it was assembled with other core components, including Korean-origin transducers that sent and received acoustic signals, an Italian-origin monitor that displayed images, and a U.S.-origin control panel that served as the user interface. The completely assembled ultrasound systems were then uploaded with U.S. designed, developed, and written operating system software and application software. The information provided indicated that the software was necessary for the ultrasound systems to perform their intended function of providing diagnostic information (an observable image with related data). It took approximately 23–24 hours to produce the finished S2000 ultrasound system of which 13–14 hours took place in the United States. Approximately 24–25 hours of time were expended to produce the finished Antares ultrasound system of which 14–15 hours took place in the United States. In addition, the assembly, integration, and testing in the United States was conducted by specialized technicians. All of the research and development, product engineering and design investment occurred in the United States. Based on the totality of the circumstances, CBP found that the last substantial transformation occurred in the United States, the location where the final assembly and installation of the operating system software and application software occurred. Prior to the assembly and programming in the United States, the products were unable to carry out the functions of the ultrasound systems. However, the assembly and programming in the United States created a new product that was capable of providing diagnostic information. Consequently, CBP found that the country of origin of the ultrasound systems was the United States.

Similarly, in this case, it is noted that there is a significant amount of U.S. assembly involved in producing the complete x-ray system on-site. We note that Carestream has a detailed step-by-step instruction booklet for the installation technicians on how to properly install and assemble the x-ray system. We note that there are a series of complicated steps and operations that must be carefully followed in assembling the components of the x-ray system in order to make sure that the finished installed x-ray system works properly. In addition, we recognize that major safety issues could arise for

future patients and operators, if the assembly and installation of an x-ray system is not done correctly. As such, the assembly requires the precise fitting, assembly, and calibration of the various components together in making the finished x-ray system. As previously noted, Carestream's technicians must undergo a series of intensive classroom training through multiple courses in order to obtain the necessary skills to be able to install and assemble the x-ray system. These technicians also use some highly specialized and sophisticated tools in completing the assembly and installation of an x-ray system.

While the x-ray system is comprised of various components mostly from China and the United States (in some cases a Japanese x-tube will be used), there is no one single component, which dominates and retains its own identity after the system is put together. We also note that while one of the more significant components, the system's high voltage generator, is of Chinese origin, it is unfinished when imported into the United States. The boards, which make the generator operational, are installed and programmed in the United States, and the finished generator undergoes significant testing in the United States before Carestream delivers the system to the customer in the United States.

Furthermore, while simply installing the U.S. developed software onto the x-ray system alone would not be sufficient to result in a substantial transformation of the foreign made components, we note that according to the information submitted, the U.S. origin software does play an integral role in the final product's proper functioning. More significantly, because a substantial assembly operation occurs in installing the x-ray system at the on-site location, more than just loading of software is involved in making the finished x-ray systems in the United States. Until all of the components are put together into the completed system, it will not have the character of an x-ray system, and the individual components cannot carry out the functions of an x-ray system of producing radiographic images suitable for making a diagnosis. We also find it highly significant that the information provided indicates the assembly and installation of the x-ray system require a significant amount of time, in that it usually takes about 4 to 5 days on-site to complete. As in HQ H219597, after the assembly and programming of the U.S. and foreign made components are completed in the United States, the foreign made components all lose their individual identities and connected together will create a distinct new product, an x-ray system, which is capable of providing radiographic images for diagnostic purposes. Consequently, we find that a product with a new name, character, and use is produced by the operations performed in the United States to make the x-ray system, and thus the country of origin of the DRX-Ascend Digital x-ray system is the United States.

#### **HOLDING:**

Based on the information presented, the imported components that are used in the manufacture of the DRX-Ascend Digital x-ray system are substantially transformed as a result of the assembly operations and the software installation performed at an on-site location in the United States. Therefore, the country of origin of the DRX-Ascend Digital Radiography x-ray system for government procurement purposes is the United States.

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

*Sincerely,*

ALICE A. KIPPEL,  
*Executive Director,*  
*Regulations and Rulings, Office of Trade*

[Published in the Federal Register, July 7, 2017 (82 FR 31615)]

**QUARTERLY IRS INTEREST RATES USED IN  
CALCULATING INTEREST ON OVERDUE ACCOUNTS AND  
REFUNDS ON CUSTOMS DUTIES**

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

**ACTION:** General notice.

**SUMMARY:** This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will remain the same from the previous quarter. For the calendar quarter beginning July 1, 2017, the interest rates for overpayments will be 3 percent for corporations and 4 percent for non-corporations, and the interest rate for underpayments will be 4 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

**EFFECTIVE DATE:** July 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Shandy Plicka, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 298-1717.

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2017-13, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2017, and ending on September 30, 2017. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%) for both corpo-

rations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%). These interest rates are subject to change for the calendar quarter beginning October 1, 2017, and ending December 31, 2017.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (Eff. 1-1-99) (percent)
070174 .....	063075	6	6	
070175 .....	013176	9	9	
020176 .....	013178	7	7	
020178 .....	013180	6	6	
020180 .....	013182	12	12	
020182 .....	123182	20	20	
010183 .....	063083	16	16	
070183 .....	123184	11	11	
010185 .....	063085	13	13	
070185 .....	123185	11	11	
010186 .....	063086	10	10	
070186 .....	123186	9	9	
010187 .....	093087	9	8	
100187 .....	123187	10	9	
010188 .....	033188	11	10	
040188 .....	093088	10	9	
100188 .....	033189	11	10	
040189 .....	093089	12	11	
100189 .....	033191	11	10	
040191 .....	123191	10	9	
010192 .....	033192	9	8	
040192 .....	093092	8	7	
100192 .....	063094	7	6	
070194 .....	093094	8	7	
100194 .....	033195	9	8	
040195 .....	063095	10	9	
070195 .....	033196	9	8	



Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (Eff. 1-1-99) (percent)
040196 .....	063096	8	7	
070196 .....	033198	9	8	
040198 .....	123198	8	7	
010199 .....	033199	7	7	6
040199 .....	033100	8	8	7
040100 .....	033101	9	9	8
040101 .....	063001	8	8	7
070101 .....	123101	7	7	6
010102 .....	123102	6	6	5
010103 .....	093003	5	5	4
100103 .....	033104	4	4	3
040104 .....	063004	5	5	4
070104 .....	093004	4	4	3
100104 .....	033105	5	5	4
040105 .....	093005	6	6	5
100105 .....	063006	7	7	6
070106 .....	123107	8	8	7
010108 .....	033108	7	7	6
040108 .....	063008	6	6	5
070108 .....	093008	5	5	4
100108 .....	123108	6	6	5
010109 .....	033109	5	5	4
040109 .....	123110	4	4	3
010111 .....	033111	3	3	2
040111 .....	093011	4	4	3
100111 .....	033116	3	3	2
040116 .....	093017	4	4	3

Dated: July 3, 2017.

SEAN M. MILDREW,  
*Acting Chief Financial Officer,*  
*Office of Finance.*

[Published in the Federal Register, July 12, 2017 (82 FR 32191)]