

United States International Trade Commission

Recommendations to Modify Chapters 29, 30, 37, and 85 of the Harmonized Tariff Schedule of the United States

Investigation No. 1205-10 (Final)

USITC Publication 4392

April 2013

Corrected to include all Appendices (August 2013)



U.S. International Trade Commission

COMMISSIONERS

Irving A. Williamson, Chairman

Daniel R. Pearson

Shara L. Aranoff

Dean A. Pinkert

David S. Johanson

Meredith M. Broadbent

Robert B. Koopman

Director of Operations

Staff Assigned

Scott Baker

David Michels

Jan Summers

**Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436**

U.S. International Trade Commission

Washington, DC 20436
www.usitc.gov

Recommendations to Modify Chapters 29, 30, 37, and 85 of the Harmonized Tariff Schedule of the United States

Investigation No. 1205-10 (Final)



Publication 4392

April 2013

Corrected to include all Appendices (August 2013)

(This page is intentionally blank)

TABLE OF CONTENTS

Overview	1
Recommendations and Probable Economic Effect Finding	2
Background	2
I. The Harmonized System Convention.....	2
II. Executive authority.....	4
Recommended Modifications to the HTS Regarding the Subject Goods	5
I. General considerations.....	5
II. Classification of goods in the HTS.....	6
Recommended modifications pertaining to HS	
changes omitted from the 2012 report.....	6
Recommended modifications relating to	
reclassified chemical products.....	7
Recommended modifications of a technical nature	
for certain chemical products.....	8
Probable economic effect of recommended modifications	9
Section 1205(d) requirements regarding Commission recommendations	10
 Appendixes	
A. <i>Federal Register</i> notice instituting the investigation; sections of	
WCO Article 16 document.....	A-1
B. Recommended modifications to the HTS.....	B-1
C. Correlation table, sorted by proposed HTS subheading.....	C-1
D. Correlation table, sorted by current HTS subheading.....	D-1

Submissions: No submissions were received from interested parties or other Government agencies.

OVERVIEW

This report contains the Commission's recommendations to the President under section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) (19 U.S.C. 3005) for modifications to provisions in various chapters of the Harmonized Tariff Schedule of the United States (HTS).¹ The report includes a summary of the information on which the recommendations are based and a probable economic effect statement. The recommended modifications are those which the Commission considers necessary or appropriate to conform the HTS with the current text of the Harmonized Commodity Description and Coding System (HS) and to make technical rectifications in the HTS. The Commission invited interested federal agencies and the public to submit written views, but none was received.

The modifications recommended by the Commission fall into two categories. The first concerns certain changes to the HS recommended by the World Customs Organization (WCO), to be made effective by member countries on January 1, 2012. Although most changes recommended by the WCO were made effective for the United States on February 3, 2012, pursuant to Proclamation 8771 of December 29, 2011, three specific changes recommended by the WCO were inadvertently omitted from the Commission's 2010 report in investigation No. 1205-7 and were not included in that proclamation. The Commission is recommending modifications to conform the HTS to the HS, so that the three omitted HS changes are reflected in the HTS while carrying forward the existing U.S. duty rates for the subject goods.

In the second category, the Commission recommends HTS changes with respect to certain chemical products, described in two groupings in this report. One group comprises products that U.S. Customs and Border Protection (CBP) has determined should be reclassified into different 6-digit HS subheadings that currently have no specific U.S. tariff lines covering these products at existing duty rates. The recommended actions would provide for these products under the appropriate 6-digit subheadings and carry forward the duty treatment now applicable to each product, with appropriate conforming changes in the HTS. The second group includes one product for which the listed chemical name has been misspelled and two products that have been either incorrectly named or incompletely described in terms of the chemical nomenclature and usage of the HS, so that no identifiable chemical product in trade is covered by the language. Technical corrections are recommended with respect to these products.

Section 1205 of the 1988 Act requires the Commission to keep the HTS under continuous review and periodically to recommend to the President, subject to certain limitations, such modifications to the HTS as the Commission considers necessary or appropriate. In formulating its recommendations, the Commission must provide notice of "proposed" recommendations and solicit and consider the views of interested federal agencies and the public. The Commission must submit its recommendations in the form of a report that includes (1) a summary of the information on which the recommendations are based, (2) a statement of the probable economic effect of each recommended change on any industry in the United States, and (3) a copy of all written views submitted by interested federal agencies and a copy or summary, prepared by the Commission, of the views of all other interested parties.

For the purpose of preparing its report containing these recommendations, the Commission instituted an investigation under section 1205 of the Act and published a notice to that effect in the *Federal Register* on December 27, 2012 (77 FR 76300). In the annex to that notice, the Commission set out its proposed recommendations. The Commission invited interested federal agencies and the public to file written views by February 22, 2013. The Commission indicated that it would transmit its report to the President by April 24, 2013. A copy of the *Federal Register* notice is included in appendix A.

¹ The 1988 Act, Public Law 100-418, approved the implementation of the HTS and repealed the former Tariff Schedules of the United States, effective as of January 1, 1989.

In addition to containing the *Federal Register* notice, appendix A to this report also contains pertinent segments of the WCO's recommendation concerning the provisions inadvertently omitted from the Commission's June 2010 report, as noted above. The HTS modifications the Commission recommends for all products covered by this investigation are set out in appendix B. Correlation tables between present and recommended HTS subheadings are found in appendix C (sorted by proposed HTS subheading) and appendix D (sorted by current HTS subheading).

RECOMMENDATIONS AND FINDINGS

The Commission's recommendations fall into two categories: modifications to conform the HTS with the international HS; and carrying forward duty treatment in the proper classification of certain chemicals and making editorial corrections with regard to other chemicals. On the basis of the information available, the Commission makes the following three recommendations:

- (1) with respect to the three international changes inadvertently omitted from the Commission's 2010 report, that the President proclaim the changes proposed in appendix B(1) to this report;
- (2) with respect to the reclassification of certain chemicals, in order to carry forward the duty treatment that had applied to these products before they were reclassified, that the President proclaim the proposed rate lines, modifications of an article description, and conforming changes shown in appendix B(2) to this report; and
- (3) with respect to technical corrections with regard to three chemical products, that the President proclaim the changes as shown in appendix B(3) to this report.

The Commission finds that the proclamation of these modifications would have little or no economic effect on any industry in the United States. The Commission also finds, based on information currently available to the Commission, that these recommended modifications meet the requirements of section 1205(d) of the 1988 act, in that they are consistent with the Convention, consistent with sound nomenclature principles, and ensure substantial rate neutrality, and they would not alter existing conditions of competition for the affected U.S. industry, labor, or trade.

The Commission's reasons in support of these recommendations and findings are set forth below.

BACKGROUND

I. THE HARMONIZED SYSTEM CONVENTION

Subtitle B of title I of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) approved the United States' accession to the International Convention on the Harmonized Commodity Description and Coding System (the Convention), which was completed in Brussels on June 14, 1983, under the auspices of the Customs Cooperation Council.² The Convention established a standardized

² The Customs Cooperation Council (CCC) was renamed the World Customs Organization (WCO) in 1994; although it is still referred to in legal documentation as the CCC, it is commonly referred to now as the WCO.

tariff nomenclature for goods in trade,³ the purpose of which is to facilitate international trade through the use of a single nomenclature structure for the description, classification, and coding of imports and exports of the contracting parties. This nomenclature, under the requirements of the Convention, assists in the collection, comparison, and analysis of international trade statistics. Article 3 of the Convention requires each contracting party to use the HS nomenclature as the basis of its customs tariff nomenclature and publication of foreign trade statistics and to apply the general rules for the interpretation of the nomenclature in classifying goods. Within this context, the HS nomenclature reflects the adoption of the particular descriptive usage in many product areas that was agreed by the members to be clearest or most commonly used in trade, because technical or commercial “languages” for doing so may differ around the world.

The Convention created the Harmonized System Committee (HSC), made up of representatives of all the contracting parties to the Convention. Among the HSC’s functions is the preparation of recommendations for achieving uniform interpretation of the HS nomenclature by the members and for keeping the HS product categories current, taking into account technological developments and changing patterns in international trade. These recommendations are issued as amendments to the Convention, especially to the HS annex, and may be reflected in one or more related publications of the WCO, notably the Explanatory Notes to the HS and the Compendium of Classification Opinions, on which the contracting parties rely for guidance in the understanding of the nomenclature. While the Explanatory Notes and Compendium are helpful and authoritative sources of such information, they are not legally binding on the contracting parties.

The amendments to the HS recommended by the WCO generally arise in two contexts: (1) the HSC’s actions on classification questions or disputes initiated by members, and (2) the work of the Review Sub-Committee (RSC), when its recommendations are subsequently approved by the HSC and ultimately by the WCO. The RSC was established in 1990 by the HSC to review the HS nomenclature on a regular basis and to consider possible changes needed to keep it current with changes in technology and trade patterns. These recommended amendments are set forth in a document presented to the contracting parties to the Convention under the process set forth in Article 16 to the Convention. Most of the amendments set forth in the WCO’s most recent Article 16 recommendation⁴ were addressed by the Commission in its report to the President in 2010 in investigation No. 1205-7, concerning RSC proposals that resulted from its 2009 review cycle.

Pursuant to Article 16, amendments to the HS that have been recommended to members by the WCO are deemed to be accepted 6 months after the date of notification of the recommendation by the Secretary General, provided that there is no objection outstanding before the WCO at the end of this period. By agreement of the members, any amendments to the Explanatory Notes or to the Compendium of Classification Opinions are deemed to be accepted when no objection is notified within 3 months of HSC approval.

³ The annex to the Convention contains the Harmonized Commodity Description and Coding System, commonly referred to as the Harmonized System or HS, which includes the HS structured nomenclature, rules of interpretation, and legal notes. The 1988 Act implemented the HTS, which incorporates the structure of the HS nomenclature.

⁴ Article 16 of the HS Convention sets out the procedures for amending the Convention and its HS annex, including provisions for contracting parties to notify the WCO Secretary General of objections to any recommended amendment. A copy of the WCO recommendation of June 26, 2009, which is the source of the amendments proposed to the HTS in investigation No. 1205-7, can be found on the Commission’s website, http://www.usitc.gov/tariff_affairs/modifications_hts.htm.

II. EXECUTIVE AUTHORITY

Section 1206 of the 1988 Act (19 U.S.C. 3006) authorizes the President to proclaim certain types of modifications to the HTS, on the basis of the Commission’s recommendations under section 1205 of the 1988 Act, including changes needed to bring the HTS into conformity with proposed WCO amendments of the HS nomenclature. The Commission is directed by section 1205(a) to keep the HTS under continuous review and to recommend such modifications as the Commission considers necessary or appropriate in the following circumstances:

“[The Commission] shall recommend to the President such modifications in the Harmonized Tariff Schedule as the Commission considers necessary or appropriate—

- (1) to conform the [HTS] with amendments made to the Convention;⁵
- (2) to promote the uniform application of the Convention and particularly the Annex thereto;
- (3) to ensure that the HTS is kept up-to-date in light of changes in technology or changes in patterns of international trade;
- (4) to alleviate unnecessary administrative burdens; and
- (5) to make technical rectifications.”⁶

Section 1205(d) of the 1988 Act states that the Commission may not recommend any modification to the HTS unless the modification meets three specific requirements: (1) the modification is consistent with the HS Convention or any amendment thereto recommended for adoption, is consistent with sound nomenclature principles, and ensures substantial rate neutrality; (2) any change to a rate of duty must be consequent to, or necessitated by, nomenclature modifications that are recommended under section 1205; and (3) the modification must not alter existing conditions of competition for the affected U.S. industry, labor, or trade.

Section 1206 of the 1988 Act authorizes the President to proclaim modifications to the HTS, on the basis of recommendations by the Commission under section 1205, if he determines that the recommended changes are in conformity with U.S. obligations under the HS Convention and do not run counter to the national economic interest of the United States. The modifications can be proclaimed only after the expiration of a layover period of 60 legislative days that begins on the date the President submits a report to the Committee on Ways and Means of the House of Representatives and to the Committee on

⁵ Under the terms of article 2 of the HS Convention, the nomenclature annex is a part of the Convention, and a reference to the Convention is deemed to include a reference to the annex.

⁶ Section 1202(6) of the 1988 Act limits the scope of “technical rectifications” to include clerical or typographical errors that do not affect the substance or meaning of the text, such as errors in spelling, numbering, punctuation, or indentation and also to inadvertent errors (including inadvertent omissions) in cross-references between headings, subheadings, or notes, as well as to similar errors. The Commission recommends, wherever possible, appropriate conforming changes in legal notes or other provisions of the HTS, primarily to replace superseded heading or subheading references with the corresponding new references.

Finance of the Senate; the report must enumerate the proposed modifications and the reasons for making them. Under the terms of the 1988 Act, such proclaimed modifications cannot become effective before the 30th day after the implementing proclamation is published in the *Federal Register*.

RECOMMENDED MODIFICATIONS TO THE HTS REGARDING THE SUBJECT GOODS

I. GENERAL CONSIDERATIONS

The statute requires the Commission's recommendations for HTS modifications to carry forward existing duty treatment, to ensure substantial rate neutrality. In so doing, the Commission must identify the duty rates for the products under the appropriate existing subheading(s). To ascertain the appropriate duty rates, the Commission confers with CBP and seeks input from importers to confirm the rates of duty now applicable to each product and any instances where changes in rates might arise under the proposed modifications.⁷

All duty rates set forth in the new tariff subheadings in appendix B are those which are scheduled to be in effect as of January 1, 2014. Any staged duty-rate reductions that have already been established by the President (under bilateral, regional, or multilateral trade agreements) for existing HTS provisions would be applied in the recommended new provisions.⁸ Though they are not labeled as such in appendix B, the three tariff rate columns coincide with column 1-general, column 1-special, and column 2, as they appear in the HTS. If and when a proposed new HTS subheading represents the combination of two or more existing HTS subheadings with differing column 1-general duty rates, the proposal is made because descriptive distinctions among the goods in question are difficult to make or to administer. In such instances, the proposed general rate and staged special rate(s) for the new subheading are based on corresponding rates in the existing subheading or subheadings that account for a preponderance of the trade under the proposed new subheading.

Because HTS modifications the Commission recommends under section 1205 are implemented by Presidential proclamation under section 1206 following the required Congressional layover, it is possible that existing duty rates may change or be added after the Commission's report is submitted but before the issuance of the proclamation. Such changes may occur because of intervening legislation or proclamations whose HTS modifications become effective subsequent to the preparation of the Commission's report. Whenever that occurs, the corresponding duty rates shown in the Commission's report would be updated in any proclamation under section 1206.

Finally, although the amendments to the HTS that would be proclaimed by the President deal only with legal amendments to the HTS (i.e., those at the 8-digit level), the Commission normally includes in its report, as reference information, any nonlegal 10-digit statistical reporting numbers that are expected to carry over from the current HTS to the provisions that the Commission recommends be

⁷ Although CBP is authoritative on classification, importers can advise if products they believe would be covered by proposed HTS modifications have been entered under different HTS subheadings, when the entries have been liquidated by CBP. If that occurs in a section 1205 investigation, the Commission contacts CBP to attempt to verify the claims made by importers, and then takes any verified alternative classifications into account in its recommendations.

⁸ As a result of any HTS modifications the President may proclaim, revised staged rate reductions for pertinent provisions will also be proclaimed. The one- or two-letter alphabetical symbols in the middle column of duty rates (representing the column 1-special duty rate column in the HTS) are explained in detail in the general notes at the beginning of the HTS. See HTS general note 3(c)(i), which may be found on line at <http://www.usitc.gov/tata/hts/bychapter/index.htm>, and subsequent general notes for the requirements of individual preferential duty programs.

proclaimed by the President.⁹ In this report, no such statistical reporting numbers are included because none exist in the currently applicable HTS subheadings.

II. CLASSIFICATION IN THE HTS

The following paragraphs set forth a summary of the characteristics at issue with regard to the subject products, explain the intent of the proposed HTS modifications, and indicate the changes (and the reasons therefor) with respect to the proposed HTS subheadings set forth in the request letter. Editorial and formatting adjustments are also briefly noted.

Recommended modifications pertaining to HS changes omitted from the 2010 report

With respect to the first category of changes recommended in this report, as shown in appendix B(1), the three recommended modifications fall in three HTS chapters. These three changes were inadvertently omitted from the Commission's recommendations submitted to the President in June 2010 in investigation No. 1205-7, *Proposed Modifications to the Harmonized Tariff Schedule of the United States*, USITC Publication 4166). The HS modifications in question were included in the WCO's recommendation issued under Article 16 of the HS Convention on June 26, 2009, with the intent that member states should reflect the provisions in their national tariff schedules as of January 1, 2012.¹⁰ Over 200 amendments to the HS were contained in that document based on a consensus of the members. Relevant portions of the Article 16 document are reproduced in Appendix A to this report.

The first modification presented in appendix B(1) would make a conforming change in a U.S. tariff rate line, following a 2012 change in the text of heading HS 3002. The heading was changed to include products "...whether or not modified or obtained by means of biotechnological processes;...". Accordingly, a conforming change is also necessary in the article description of HTS subheading 3002.10.02, so that its product coverage describes the products concerned in language identical to the 4-digit heading's description. This language was inadvertently omitted from the Commission's 2010 recommendations.

The second modification in appendix B(1) concerns the WCO's 2009 recommendation to remove HS subheadings for certain types of photographic film of chapter 37. As trade decreased in particular film categories, the member countries agreed that it was no longer necessary to maintain specific provisions for sensitized, unexposed film in rolls when the film is less than 35 mm in width. This narrow-width film was typically imported in 8 mm to 16 mm widths. Trade in narrow-width film other than color photographic film, predominantly used in home movie film cameras, has disappeared, virtually replaced by electronic imaging cameras and other devices. Under the HS, the existing subheading 3702.91, providing for film of up to 16 mm in width, was deleted and appropriate descriptions revised to provide for film up to 35 mm in width under HS subheadings 3702.96 and 3702.97. Duty rates for the existing HTS subheadings involved have general duty rates of either free or 3.7 percent ad valorem; column 2 rates are either 38 cents per square meter or 25 percent ad valorem. The HTS modifications recommended in appendix B(1) would provide for the narrow-width film affected by the WCO action under subheadings having identical duty rates.

⁹ See the Preface to the HTS for an explanation of the administration of these nonlegal provisions.

¹⁰ See http://www.usitc.gov/tariff_affairs/modifications_hts.htm for a copy of the complete WCO recommendation.

The third modification in appendix B(1) concerns the WCO recommended modifications to HS note 1(m) to chapter 95, which added new products to an enumeration of named goods that are not to be classified in chapter 95. The modification to this chapter note, which was included in the HTS as of February 3, 2012, provides that “cordless infrared remote control devices” are not goods of chapter 95 but instead must be classified in HS heading 8543. As a result of this note, CBP officials examined the HS 6-digit subheadings in heading 8543 to determine the appropriate classification of video game controllers which use infrared transmissions to operate or access the various functions and capabilities of the game console and are imported separately from a video game system. Such controllers, when produced in countries eligible for general rates of duty, were accorded duty-free entry under existing subheading 9504.50.00 as “parts and accessories” of the video games prior to February 3. However, there is no duty-free U.S. rate line under HS subheading 8543.70 (the 6-digit subheading applicable to these goods, according to CBP) under which these goods can be entered. The simplest way to maintain existing duty treatment is to add these reclassified controllers to the article description of existing subheading 8543.70.92, which would be redesignated as subheading 8543.70.93 to reflect its changed product coverage. This subheading has a general duty rate of free. The column 2 duty rates for both subheadings 9504.50.00 and 8543.70.92 are 35 percent ad valorem. It is the Commission’s understanding that liquidation of any entries of goods affected by this omission has been suspended pending Presidential action.

Recommended modifications relating to reclassified chemical products

With respect to the second category of recommendations, the Commission recommends a first group of HTS modifications covering certain organic chemical products to maintain existing duty treatment and provide for these products clearly, following their reclassification by officials of U.S. Customs and Border Protection (CBP) into different 6-digit HS subheadings. Pure organic chemicals are generally provided for in chapter 29 of the HTS. The particular products for which recommendations are included are shown in appendix B(2) and are briefly detailed below. The need for these changes was brought to the Commission’s attention during conversations with officials of CBP.

The first change pertains to 1,6-hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate), which has been classified in HS subheading 2918.99 and specifically in HTS subheading 2918.99.05. That subheading covers this product and three others as “Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides, and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives... Other... Aromatic...” Upon examination, CBP has concluded that the subject chemical is more appropriately classified under HS subheading 2918.29, through the application of HS general rule of interpretation (GRI) 3(a), as a carboxylic acid with phenol function. The column 1 general and column 2 duty rates for subheading 2918.99.05 are identical to those of HTS subheading 2918.29.04, and in its notice of institution the Commission proposed adding this chemical name to the article description of that tariff line. Subsequent to the publication of the notice in this investigation, Commission staff noted that taking that action would not fully continue previously proclaimed staged special rates of duty for originating goods of Korea under the terms of HTS general note 33. Thus, the Commission recommends that the product be provided for separately under a new *eo nomine* provision, shown as HTS subheading 2918.29.06 in the appendix. All other special duty treatment is carried forward in the new provision, except for duty-free entry for products listed in the HTS Pharmaceuticals Appendix, shown by the “K” in subheading 2918.99.05. The subject chemical is not listed in that Appendix as being eligible for treatment as a pharmaceuticals product, so a special duty rate code “K” should not be carried over to the new provision.

Second, two chemicals, 4,4'-Methylenebis(3-chloro-2,6-diethylaniline) and 4,4'-Methylenebis(2,6-diisopropylaniline), have been classified in HTS subheading 2921.42.36 as “Amine-function compounds... Aromatic monoamines and their derivatives, salts thereof... Aniline derivatives and their salts.” However, CBP has concluded that because these chemicals are polyamines, and the application of GRI 3(a) requires that they be classified in HS subheading 2921.59, “Amine-function compounds... Aromatic polyamines and their derivatives, salts thereof... Other.” The original duty rate structure under subheading 2921.42.36 has a general rate of “Free” and a column 2 rate of 15.4 cents per kg plus 60 percent ad valorem, and the same duty rates now apply to the enumerated chemicals provided for in HTS subheading 2921.59.17. Therefore, the simplest approach to ensuring that prior duty treatment continues for this product is to add it to the article description of subheading 2921.59.17. Additional review indicates that the Chemical Abstracts Service (CAS) registry number for 4,4'-methylenebis(2,6-diisopropylaniline) occurs in the Chemical Appendix to the Tariff Schedule.¹¹ Because this product is entering the U.S. customs territory free of duty under existing subheading 2921.42.36, it is appropriate to remove the CAS number 19900-69-7 from the HTS Chemical Appendix as a conforming change, upon a finding by USTR that such an action is consistent with U.S. international obligations. A corresponding deletion would be needed in the Appendix on file at the WTO.

The third change concerns the chemical hexamethylenetetramine, which is currently specifically provided for in HTS subheading 2933.99.87, subordinate to an HS subheading covering a residual class of noneumerated “heterocyclic compounds with nitrogen hetero-atom(s) only.” According to CBP, the chemical should be reclassified under HS subheading 2933.69, which covers nonenumerated “Compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure.” Because there is no 8-digit U.S. tariff rate line under HS subheading 2933.69 with the same duty rate structure given to hexamethylenetetramine in existing subheading 2933.99.87, new subheading 2933.69.50 should be created to ensure that existing duty treatment from subheading 2933.99.87 will continue for this product.

Recommended modifications of a technical nature for certain chemical products

With respect to the second grouping of chemical products, as set forth in appendix B(3), technical changes are needed for three chemical products as they are now enumerated in the HTS. In the first such change, a chemical product is currently enumerated as “ethyl (1*H*-phenothiazin-2,4,1) carbamate” in the article description of HTS subheading 2934.30.18. The name should be changed to correct its spelling. The name of the chemical should be modified by changing “4,1” to “yl”.

The second and third changes concern two chemical names that should be deleted from the HTS because they are incorrect as enumerated and therefore do not appropriately designate actual goods in trade. These chemical names were originally inserted in the former TSUS pursuant to the Trade Agreements Act of 1979 (Public Law 96-36 of July 26, 1979),¹² with the implementation by the United States of the Customs Valuation Code negotiated during the Tokyo Round of Multilateral Trade Negotiations. The product names were inserted in former TSUS item 406.36 in a long enumeration of

¹¹ The Chemical Appendix is a list of compounds that were imported into the U.S. before January 1, 1978, or were produced in the U.S. before May 1, 1978. It consists of approximately 10,000 compounds listed by CAS registry number where known, or by the common chemical name or trade name where the CAS number is not available. This appendix and related HTS provisions make available tariff rates established in the Tokyo Round of multilateral trade negotiations when the former American Selling Price method of appraisement was replaced by transaction value and related valuation principles. Many of the duty distinctions, such as the one pertaining to the subject chemicals, have disappeared over time as a result of subsequent concessions and reclassifications. See Chemical Appendix Note, HTS (2013).

¹² Presidential Proclamation 4768 of June 28, 1980, (45 FR 45135 at 45154-55).

“cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure.” The enumerated chemical names were carried forward in the conversion of the TSUS to the HTS in 1989. However, the chemical names were incomplete or incorrect at the time they were originally proclaimed, and it is impossible from the existing descriptive text to complete or correct the chemical names or to ensure that such names are enumerated in the correct HTS subheadings. The chemical name enumerated as “3-Methylene-7-(2-phenoxyacetamido)-cephan-4-carboxylic acid, p-nitrobenzyl ester, 1-oxide” should be deleted from HTS subheading 2934.99.03, and the chemical name enumerated as “2-Methyl-2,5-dioxo-1-oxa-2-phospholan” should be deleted from HTS subheading 2934.99.70. Because the chemical products currently enumerated are believed not to exist in trade, no change in duty treatment will occur due to this change.

PROBABLE ECONOMIC EFFECT OF RECOMMENDED MODIFICATIONS

Section 1205(c) of the Act requires the Commission to include in its report a statement of the probable economic effect of each recommended change on any industry in the United States. The Commission finds that these recommendations will have little or no economic effect on any industry in the United States.

The Commission reached this conclusion for two principal reasons. First, the Commission’s recommendations would not result in changes in duty for any of the covered products. The Commission’s recommended modifications relating to products omitted from the Commission’s 2010 report and the reclassified chemicals would continue all duty treatment afforded under the HTS subheadings that have previously covered the subject products. Because all of the modifications are constructed to achieve duty rate neutrality, it is believed that none of the modifications for these products will alter the customs tariff treatment previously afforded to these goods. The chapter 30 U.S. rate line would be modified to conform it to the HS subheading, making it clear that the product coverage is identical. The appendix B(1) provisions recommended for photographic film in chapter 37 would replicate existing duty treatment but would do so under the 6-digit HS subheadings recommended by the WCO. The recommended change for remote game controllers in chapter 84 would restore the duty-free status previously available to these goods before the February 3, 2012, HTS classification change mandated by the new chapter 95 legal note. The goods covered by the modifications recommended in appendix B(2) would receive the identical duty treatment that was afforded by CBP prior to the reclassification of the chemicals concerned, but under the correct 6-digit HS subheadings. The recommended modification for the third chemical in this group would ensure that no duty rate modification can occur as a result of CBP’s reclassification.

Second, with regard to the recommended technical changes in appendix B(3) deleting certain chemical names from the article descriptions of existing HTS subheadings, the recommendations of the Commission are consistent with sound nomenclature principles, so that products in trade are accurately described and any technically inaccurate descriptions are deleted, preventing confusion about the coverage of existing tariff rate lines. No known trade has been reported or identified for these products, and no importer has raised a concern about any potential change in tariff treatment that might ensue. It is believed that no firm could claim entry of any chemical compounds based upon the language that has attempted to describe imported goods in the HTS to date. Clarifying the tariff nomenclature by deleting nonexistent products should have no economic effect, because no duty rate change for a product in trade would occur as a result of the recommended modifications.

SECTION 1205(d) REQUIREMENTS REGARDING COMMISSION RECOMMENDATIONS

As indicated above, section 1205(d) of the 1988 Act states that the Commission may not recommend any modification to the HTS unless the modification meets three specific requirements: (1) the modification is consistent with the Convention or any amendment thereto recommended for adoption, the modification is consistent with sound nomenclature principles, and the modification ensures substantial rate neutrality; (2) any change to a rate of duty must be consequent to, or necessitated by, nomenclature modifications that are recommended under section 1205; and (3) the modification must not alter existing conditions of competition for the affected U.S. industry, labor, or trade. In the view of the Commission, the recommended modifications meet these requirements for the following reasons.

With regard to the three recommended modifications inadvertently omitted from the Commission's 2010 report, the three modifications are consistent with the WCO's 2009 recommendation under Article 16 and, upon implementation, would bring U.S. HTS treatment for the subject products into conformity with the 2009 WCO recommendations. The changes would be rate neutral and would not alter the U.S. duties applicable to imports entered under the respective HTS headings. Accordingly, there should be no change in existing conditions of competition affecting U.S. industry, labor, or trade relating to the subject products.

With regard to the modifications relating to the four reclassified chemical products, the Commission's recommended modifications would place these products in the correct HTS subheadings and at the same time maintain prior duty treatment. Thus, the changes would be rate neutral and would not alter the U.S. duties applicable to imports entered under the respective HTS headings; accordingly, there should be no change in existing conditions of competition affecting U.S. industry, labor, or trade relating to the subject products.

With regard to the modifications relating to the chemical names of three chemical products, the Commission's recommended modifications would correct the chemical name of one product and delete the chemical names of two other products that are apparently incorrect and are believed not to exist in trade. The correction in the name of the one product would not involve a change in duty. Accordingly, the changes would be rate neutral and there would be no change in existing conditions of competition affecting U.S. industry, labor, or trade relating to these products.

Appendix A

Federal Register Notice and Pertinent Provisions of WCO Article 16 Document

(b) Information transfer between vessels using the Automatic Identification System (AIS), and

(c) Plans to improve Coast Guard Form 2692, REPORT OF MARINE ACCIDENT, INJURY OR DEATH.

(3) Public comment.

Public Participation

We have scheduled the last hour of the meeting, from 3 to 4 p.m., for oral comments from the public. If you wish to make an oral comment, please contact Mr. William J. Abernathy, listed in the **FOR FURTHER INFORMATION CONTACT** section, either before the meeting or at the meeting when the members of the audience are requested to state their interest in commenting. We request that you limit your oral comments to 3 minutes. Please note that this public comment period may start before 3 p.m. if all other agenda items have been covered and may end before 4 p.m. if all of those wishing to comment have done so.

As indicated in the **DATES** and **ADDRESSES** sections, please contact Mr. Abernathy by January 7, 2013, if you wish to make a presentation. If you want to submit a written comment, please do so by January 7, 2013 using one of the methods indicated in the **ADDRESSES** section.

For information on facilities or services for individuals with disabilities or to request special assistance at the teleconference, please contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section, as soon as possible.

Minutes

Minutes from the meeting will be available for public review and copying within 30 days following the meeting at the <http://fido.gov/facadatabase/public.asp> Web site. The meeting minutes may be accessed via this Web site by clicking "Explore Data" and typing "704" in the "Committee Quick Find" box. Once you have accessed the Committee page, click on the meetings tab and then the "View" button for the meeting dated January 16, 2013, to access the information for this meeting. Minutes and documents applicable for this meeting can also be found at an alternative site using the following web address: <https://homeport.uscg.mil/tsac>

Dated: December 20, 2012.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2012-31135 Filed 12-26-12; 8:45 am]

BILLING CODE 9110-04-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 1205-10]

Recommendations To Modify Chapters 29, 30, 37, and 85 of the Harmonized Tariff Schedule of the United States

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation, proposed recommendations, and procedures to be followed.

SUMMARY: The United States International Trade Commission (Commission) is instituting investigation No. 1205-10 for the purpose of making recommendations to the President with respect to modifying provisions of chapters 29, 30, 37, and 85 of the Harmonized Tariff Schedule of the United States (HTS). The goods involved include certain sensitized photographic film, video game console controllers, and chemical compounds. The Commission's proposed recommendations follow as an annex to this notice.

DATES:

February 22, 2013: Deadline for filing written views on proposed Commission recommendations.

April 24, 2013: Transmittal of report to the President containing Commission recommendations.

ADDRESSES: All Commission offices are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC 20436. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov/edis3-internal/app>.

FOR FURTHER INFORMATION CONTACT:

Project Leaders David G. Michels (202-205-3440 or david.michels@usitc.gov) or Janis L. Summers (202-205-2605 or janis.summers@usitc.gov) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD

terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

BACKGROUND: Section 1205(a) of the 1988 Act (19 U.S.C. 3005(a)) requires that the Commission keep the HTS under continuous review and periodically recommend to the President such modifications in the HTS as the Commission considers necessary or appropriate to accomplish five general objectives, including to conform the Harmonized Tariff Schedule with amendments made to the Harmonized System Convention (to which the United States is a signatory) and to promote the uniform application of the Harmonized System Convention and particularly the Annex [Protocol] thereto, which contains the HS nomenclature structure and accompanying legal notes and rules. Section 1205(b)-(c) sets out procedures that the Commission must follow in making and reporting recommendations, including to provide notice of proposed recommendations to interested parties and provide such parties with an opportunity to present their views in writing. Section 1205(d) sets forth certain requirements regarding the recommendations the Commission is authorized to make to the President.

The Commission is publishing its proposed recommendations in this investigation in the annex attached to this notice. Interested parties will have until February 22, 2013, to present their views in writing. See further instructions below relating to the time, place, and form for filing written views, including requirements relating to the submission of any confidential business information.

The modifications being considered by the Commission at this time fall into two categories. The first category concerns modifications to two HTS chapters inadvertently omitted from Commission consideration when the Commission submitted a report to the President in June 2010 in investigation No. 1205-7, *Proposed Modifications to the Harmonized Tariff Schedule of the United States*, USITC Publication 4166). That investigation involved more than 200 amendments to the HS recommended by the WCO to be made effective on January 1, 2012. Most of the changes recommended by the WCO were made effective for the United States on February 3, 2012, pursuant to Proclamation 8771 of December 29,

2011 (see annexes thereto published in USITC Publication 4276, December 2011). This first category of modifications involves the following goods:

(1) Inserting three new HS 6-digit subheadings for sensitized, unexposed photographic film in rolls from HTS chapter 37, and

(2) Providing specifically for cordless video game console controllers which use infrared transmissions to operate or access the various functions and capabilities of the console in a duty-free tariff rate line in chapter 85, following the insertion of a new legal note in chapter 95 that excludes these goods from chapter 95.

The second category of modifications involves certain chemical products that are either incorrectly named or incompletely described in terms of the chemicals nomenclature of the HS, and others that are specified under HTS rate lines that do not cover such products. Based on information about their structure and characteristics supplied by interested firms, the possible modifications are intended to ensure that the affected products can be correctly classified and named in the HS/HTS structure. The Commission is seeking input from other federal agencies and the public to ensure that no duty rate changes on imported goods would result if the following modifications are proclaimed:

(1) “1,6-hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate)” would be removed from HTS subheading 2918.99.05 and inserted into subheading 2918.29.04;

(2) “4,4'-Methylenebis(3-chloro-2,6-diethylaniline); 4,4'-Methylenebis(2,6-diisopropylaniline)” would be removed from subheading 2921.42.36 and inserted into subheading 2921.59.17;

(3) Subheading 2933.99.87 would be deleted and its product coverage and rates of duty would be inserted as new subheading 2933.69.50;

(4) A technical correction in the chemical name of the sole product provided for in subheading 2934.31.18 would be made, deleting from the current description “4,1” and inserting in lieu thereof “yl”;

(5) The chemical “3-Methylene-7-(2-phenoxyacetamido)-cephan-4-carboxylic acid, p-nitrobenzyl ester, 1-oxide” would be deleted from subheading 2934.99.03;

(6) The chemical “2-Methyl-2,5-dioxo-1-oxa-2-phospholan” would be deleted from subheading 2934.99.70; and

(7) The words “modified or” would be inserted after “not” in subheading 3002.10.02.

Information currently available to the Commission indicates that the duty rates for the goods involved in the investigation would not be affected by the proposed modifications. Input from other federal agencies and the public is sought to confirm that no duty rate changes on imported goods would result if the modifications contained in the proposed recommendations are proclaimed. Copies of liquidated customs entries, with confidential information redacted, should be filed with any submission asserting that a previously imposed duty rate would change if the proposed recommended modifications are proclaimed.

WRITTEN SUBMISSIONS: Written submissions expressing the views of interested parties on the proposed Commission recommendations should be addressed to the Secretary, and should be received not later than 5:15 p.m., February 22, 2013. All written submissions must conform with the provisions of section 201.8 of the *Commission’s Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission’s Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 noon eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding

electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the *Commission’s Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the confidential or non-confidential version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.
Issued: December 20, 2012.

Lisa R. Barton,
Acting Secretary to the Commission.

Proposed Recommendations for Modifications to the Harmonized Tariff Schedule of the United States

Proposed recommendations for modifications to the Harmonized Tariff Schedule of the United States (HTS) that were recommended by the WCO, with bracketed material inserted for ease of use and with new material inserted in the HTS columns entitled “Heading/Subheading”, “Article Description”, “Rates of Duty 1 General”, “Rates of Duty 1 Special”, and “Rates of Duty 2”, respectively:

37–1. Subheadings 3702.91.01 through 3702.95.00 are deleted, and the following new subheadings are inserted in lieu thereof:

[Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed:]

[Other:]

“3702.96.00	Of a width not exceeding 35 mm and of a length not exceeding 30 m.	3.7%	Free	(A,AU,BH,CA,CL,CO,E,IL,J,JO,KR,MA, MX,OM,P,PA,PE,SG).	25%
3702.97.00	Of a width not exceeding 35 mm and of a length exceeding 30 mm.	Free	38¢/m ²
3702.98.00	Of a width exceeding 35 mm	3.7%	Free	(A,AU,BH,CA,CL,CO,E,IL,J,JO,KR,MA, MX,OM,P,PA,PE,SG).	25%”

85–1. Subheading 8543.70.92 is redesignated as subheading 8543.70.93, and the article description of such redesignated subheading is modified by

inserting at the end thereof the language “; cordless video game console controllers which use infrared transmissions to operate or access the

various functions and capabilities of the console”.

Proposed recommendations for modifications to the HTS relating to

chemicals products in the current HTS (these chemical descriptions have also appeared in previous editions of the HTS), with bracketed material inserted for ease of use and with new material inserted in the HTS columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1 General", "Rates of Duty 1 Special", and "Rates of Duty 2", respectively:

29-1. (a) Subheading 2918.99.05 is modified by deleting from the article description the chemical "1,6-hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate"; and

(b) Subheading 2918.29.04 is modified by inserting in the article description in alphabetical order the chemical "1,6-hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate)".

29-2. (a) Subheading 2921.42.36 is modified by deleting from the article description the chemical "4,4'-Methylenebis(3-chloro-2,6-diethylaniline); 4,4'-Methylenebis(2,6-diisopropylaniline);"; and

(b) Subheading 2921.59.17 is modified by inserting in the article description in alphabetical sequence the

chemicals "4,4'-Methylenebis(3-chloro-2,6-diethylaniline);" and "4,4'-Methylenebis(2,6-diisopropylaniline);"

29-3. (a) Subheading 2933.99.87 is deleted; and

(b) The following new subheading 2933.69.50 is inserted in numerical sequence:

[Heterocyclic compounds with nitrogen heteroatoms only:]

[Compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure:]

"2933.69.50 Hexamethylenetetramine 6.3% Free (A,AU,BH,CA,CL,CO,E,IL,J,JO,MA,MX,OM, P,PA,PE,SG) 4.2% (KR) 58%"

Note: Previously proclaimed staged reductions in duty under the United States-Korea Free Trade Agreement for subheading 2933.99.87 would be applied to this provision.

29-4. Subheading 2934.31.18 is modified by deleting from the article description the language "4,1" and by inserting "yl" in lieu thereof.

29-5. Subheading 2934.99.03 is modified by deleting from the article description the chemical "3-Methylene-7-(2-phenoxyacetamido)-cephan-4-carboxylic acid, p-nitrobenzyl ester, 1-oxide".

29-6. Subheading 2934.99.70 is modified by deleting from the article description the chemical "2-Methyl-2,5-dioxo-1-oxa-2-phospholan";

30-1. Subheading 3002.10.02 is modified by inserting "modified or" after "not" in the article description.

[FR Doc. 2012-31053 Filed 12-26-12; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice Lodging of Proposed Consent Decree Under the Clean Air Act

On December 20, 2012, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Kentucky in the lawsuit entitled *United States v. Kentucky Utilities Company*, Civil Action No. 3:12-cv-00076-CFVT.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks civil penalties and injunctive relief against Kentucky Utilities Company for violations of state and federal opacity, New Source Review, and Title V regulations at the company's electric generating station in Ghent, Kentucky. The proposed consent decree requires Kentucky Utilities to perform injunctive relief, pay a civil penalty of \$300,000, and pay \$500,000

for a mitigation project to fund the replacement of one or more coal-fired boilers used by public schools in Kentucky through geothermal technologies.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Kentucky Utilities Company*, D.J. Ref. No. 90-5-2-1-08850/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted by email or by mail:

To submit comments:	Send them to:
By email	<i>pubcomment-ees.enrd@usdoj.gov</i> .
By mail	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$13.25 (25 cents per page

reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012-31099 Filed 12-26-12; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; ISP Freetown Fine Chemicals

Pursuant to Title 21 Code of Federal Regulations 1301.34(a), this is notice that on November 7, 2012, ISP Freetown Fine Chemicals, 238 South Main Street, Assonet, Massachusetts 02702, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to manufacture amphetamine.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43, and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive,

FRANCAIS	ENGLISH
<p><u>CHAPITRE 30.</u></p> <p><u>Nouvelle Note 1 b).</u></p> <p>Insérer la nouvelle Note 1 b) suivante :</p> <p>“b) les préparations, telles que des comprimés, des gommes à mâcher ou des timbres ou rondelles autocollants (produits administrés par voie percutanée), destinées à aider les fumeurs qui s’efforcent de cesser de fumer (n°s 21.06 ou 38.24);”.</p> <p>Les Notes actuelles 1 b) à g) deviennent les Notes 1 c) à h), respectivement.</p>	<p><u>CHAPTER 30.</u></p> <p><u>New Note 1 (b).</u></p> <p>Insert the following new Note 1 (b) :</p> <p>“(b) Preparations, such as tablets, chewing gum or patches (transdermal systems), intended to assist smokers to stop smoking (heading 21.06 or 38.24);”.</p> <p>Reletter present Notes 1 (b) to (g) as Notes 1 (c) to (h), respectively.</p>
<p><u>Note 2.</u></p> <p>Nouvelle rédaction :</p> <p>“2.- Au sens du n° 30.02, on entend par <i>produits immunologiques</i> les peptides et les protéines (à l’exclusion des produits du n° 29.37) qui participent directement à la régulation des processus immunologiques, tels que les anticorps monoclonaux (MAB), les fragments d’anticorps, les conjugués d’anticorps et de fragments d’anticorps, les interleukines, les interférons (IFN), les chimiokines, ainsi que certains facteurs onconécrosants (TNF), facteurs de croissance (GF), hématopoïétines et facteurs de stimulation de colonies (CSF).”.</p>	<p><u>Note 2.</u></p> <p>Delete and substitute :</p> <p>“2.- For the purposes of heading 30.02, the expression “immunological products” applies to peptides and proteins (other than goods of heading 29.37) which are directly involved in the regulation of immunological processes, such as monoclonal antibodies (MAB), antibody fragments, antibody conjugates and antibody fragment conjugates, interleukins, interferons (IFN), chemokines and certain tumor necrosis factors (TNF), growth factors (GF), hematopoietins and colony stimulating factors (CSF).”.</p>
<p><u>N° 30.02. Libellé.</u></p> <p>Nouvelle rédaction :</p> <p>“30.02 Sang humain; sang animal préparé en vue d’usages thérapeutiques, prophylactiques ou de diagnostic; antisérums, autres fractions du sang et produits immunologiques, même modifiés ou obtenus par voie biotechnologique; vaccins, toxines, cultures de micro-organismes (à l’exclusion des levures) et produits similaires.”.</p>	<p><u>Heading 30.02. Heading text.</u></p> <p>Delete and substitute :</p> <p>“30.02 Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera, other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products.”.</p>
<p><u>N° 3002.10.</u></p> <p>Nouvelle rédaction :</p>	<p><u>Subheading 3002.10.</u></p> <p>Delete and substitute :</p>

FRANCAIS	ENGLISH
<p>“3002.10 - Antisérums, autres fractions du sang et produits immunologiques, même modifiés ou obtenus par voie biotechnologique”.</p>	<p>“3002.10 - Antisera, other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes”.</p>
<p>N° 3006.10.</p> <p>Remplacer “(y compris fils résorbables stériles pour la chirurgie ou l’art dentaire)” par “(y compris les fils résorbables stériles pour la chirurgie ou l’art dentaire)”.</p>	<p><u>Subheading 3006.10.</u></p> <p>French text only.</p>
<p><u>CHAPITRE 37.</u></p> <p><u>N°s 3702.51 et 3702.52.</u></p> <p>Nouvelle rédaction :</p> <p>“3702.52 -- D’une largeur n’excédant pas 16 mm”.</p>	<p><u>CHAPTER 37.</u></p> <p><u>Subheadings 3702.51 and 3702.52.</u></p> <p>Delete and substitute :</p> <p>“3702.52 -- Of a width not exceeding 16 mm”.</p>
<p><u>N°s 3702.91 à 3702.95.</u></p> <p>Nouvelle rédaction :</p> <p>“3702.96 -- D’une largeur n’excédant pas 35 mm et d’une longueur n’excédant pas 30 m</p> <p>3702.97 -- D’une largeur n’excédant pas 35 mm et d’une longueur excédant 30 m</p> <p>3702.98 -- D’une largeur excédant 35 mm”.</p>	<p><u>Subheadings 3702.91 to 3702.95.</u></p> <p>Delete and substitute :</p> <p>“3702.96 -- Of a width not exceeding 35 mm and of a length not exceeding 30 m</p> <p>3702.97 -- Of a width not exceeding 35 mm and of a length exceeding 30 m</p> <p>3702.98 -- Of a width exceeding 35 mm”.</p>
<p><u>CHAPITRE 38.</u></p> <p><u>Note 3 d).</u></p> <p>Nouvelle rédaction :</p> <p>“d) les produits pour correction de stencils, les autres liquides correcteurs, ainsi que les rubans correcteurs (autres que ceux du n° 96.12), conditionnés dans des emballages pour la vente au détail;”.</p>	<p><u>CHAPTER 38.</u></p> <p><u>Note 3 (d).</u></p> <p>Delete and substitute :</p> <p>“(d) Stencil correctors, other correcting fluids and correction tapes (other than those of heading 96.12), put up in packings for retail sale; and”.</p>

FRANCAIS	ENGLISH
<p>Nouvelle rédaction :</p> <p>“92.05 Instruments de musique à vent (orgues à tuyaux et à clavier, accordéons, clarinettes, trompettes, cornemuses, par exemple), autres que les orchestrions et les orgues de Barbarie.”</p>	<p>Delete and substitute :</p> <p>“92.05 Wind musical instruments (for example, keyboard pipe organs, accordions, clarinets, trumpets, bagpipes), other than fairground organs and mechanical street organs.”</p>
<p><u>CHAPITRE 93.</u></p> <p><u>N°s 9301.1 à 9301.19.</u></p> <p>Nouvelle rédaction :</p> <p>“9301.10 - Pièces d’artillerie (canons, obusiers et mortiers, par exemple)”.</p>	<p><u>CHAPTER 93.</u></p> <p><u>Subheadings 9301.1 to 9301.19.</u></p> <p>Delete and substitute :</p> <p>“9301.10 - Artillery weapons (for example, guns, howitzers and mortars)”.</p>
<p><u>N°s 9305.2 à 9305.29.</u></p> <p>Nouvelle rédaction :</p> <p>“9305.20 - De fusils ou carabines du n° 93.03”.</p>	<p><u>Subheadings 9305.2 to 9305.29.</u></p> <p>Delete and substitute :</p> <p>“9305.20 - Of shotguns or rifles of heading 93.03”.</p>
<p><u>CHAPITRE 94.</u></p> <p><u>Note 1 g).</u></p> <p>Remplacer “85.19 à 85.21” par “85.19 ou 85.21”.</p>	<p><u>CHAPTER 94.</u></p> <p><u>Note 1 (g).</u></p> <p>Delete “headings 85.19 to 85.21” and substitute “heading 85.19 or 85.21”.</p>
<p><u>Note 2 a).</u></p> <p>Texte anglais seulement.</p>	<p><u>Note 2 (a).</u></p> <p>Delete and substitute :</p> <p>“(a) Cupboards, bookcases, other shelved furniture (including single shelves presented with supports for fixing them to the wall) and unit furniture;”.</p>
<p><u>CHAPITRE 95.</u></p> <p><u>Note 1 m).</u></p> <p>Remplacer “et les appareils de radiotélécommande (n° 85.26);” à la fin de la Note 1 m) par :</p>	<p><u>CHAPTER 95.</u></p> <p><u>Note 1 (m).</u></p> <p>Delete “or radio remote control apparatus (heading 85.26);” at the end of Note 1 (m) and substitute :</p>

FRANCAIS	ENGLISH
<p>“, les disques, bandes, dispositifs de stockage rémanent des données à base de semi-conducteurs, <i>cartes intelligentes</i> et autres supports pour l’enregistrement du son ou pour enregistrements analogues, même enregistrés (n° 85.23), les appareils de radiotélécommande (n° 85.26) et les dispositifs sans fil à rayons infrarouges pour la commande à distance (n° 85.43);”.</p>	<p>“, discs, tapes, solid-state non-volatile storage devices, "smart cards" and other media for the recording of sound or of other phenomena, whether or not recorded (heading 85.23), radio remote control apparatus (heading 85.26) or cordless infrared remote control devices (heading 85.43);”.</p>
<p><u>Nouvelle Note 1 de sous-positions.</u></p> <p>Insérer la nouvelle Note 1 de sous-positions suivante :</p> <p>“Note de sous-positions.</p> <p>1.- Le n° 9504.50 couvre :</p> <ul style="list-style-type: none"> a) les consoles de jeux vidéo qui permettent d’afficher des images sur l’écran d’un récepteur de télévision, d’un moniteur ou d’un autre écran ou surface extérieure; ou b) les machines de jeux vidéo à écran incorporé, portatives ou non. <p>Cette sous-position ne couvre pas les consoles ou machines de jeux vidéo fonctionnant par l’introduction d’une pièce de monnaie, d’un billet de banque, d’une carte bancaire, d’un jeton ou par tout autre moyen de paiement (n° 9504.30).”.</p>	<p><u>New Subheading Note 1</u></p> <p>Insert the following new Subheading Note 1 :</p> <p>“Subheading Note.</p> <p>1.- Subheading 9504.50 covers :</p> <ul style="list-style-type: none"> (a) Video game consoles from which the image is reproduced on a television receiver, a monitor or other external screen or surface; or (b) Video game machines having a self-contained video screen, whether or not portable. <p>This subheading does not cover video game consoles or machines operated by coins, banknotes, bank cards, tokens or by any other means of payment (subheading 9504.30).”.</p>
<p><u>N° 95.04. Libellé.</u></p> <p>Remplacer “Articles pour jeux de société” par “Consoles et machines de jeux vidéo, articles pour jeux de société”.</p>	<p><u>Heading 95.04. Heading text.</u></p> <p>Delete “Articles for funfair” and substitute “Video game consoles and machines, articles for funfair”.</p>
<p><u>N° 9504.10.</u></p> <p>Supprimer cette sous-position.</p>	<p><u>Subheading 9504.10.</u></p> <p>Delete this subheading.</p>
<p><u>N° 9504.30.</u></p> <p>Nouvelle rédaction :</p> <p>“9504.30 - Autres jeux fonctionnant par l’introduction d’une pièce de monnaie, d’un billet de banque, d’une carte bancaire, d’un jeton ou par tout autre moyen de paiement, à l’exclusion des jeux de quilles</p>	<p><u>Subheading 9504.30.</u></p> <p>Delete and substitute :</p> <p>“9504.30 - Other games, operated by coins, banknotes, bank cards, tokens or by any other means of payment, other than automatic bowling alley equipment”.</p>

Appendix B

Recommended modifications

Appendix B

Recommended Modifications to the Harmonized Tariff Schedule of the United States

B.1. Modifications to the Harmonized Tariff Schedule of the United States (HTS) that were omitted from investigation No. 1205-7, with bracketed material inserted for ease of use and with new material inserted in the HTS columns entitled “Heading/Subheading”, “Article Description”, “Rates of Duty 1 General”, “Rates of Duty 1 Special”, and “Rates of Duty 2”, respectively:

1. Subheading 3002.10.02 is modified by inserting the words “modified or” after the word “not” in the article description.
2. Subheadings 3702.91.01 through 3702.95.00 are deleted, and the following new subheadings are inserted in lieu thereof:

	[Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed:]		
	[Other:]		
“3702.96.00	Of a width not exceeding 35 mm and of a length not exceeding 30 m.	3.7%	Free (A,AU,BH, CA,CL,CO,E,IL, J,JO,KR,MA, MX,OM,P, PE,SG)
3702.97.00	Of a width not exceeding 35 mm and of a length exceeding 30 m.	Free	38¢/m ²
3702.98.00	Of a width exceeding 35 mm.	3.7%	Free (A,AU,BH, CA,CL,CO,E,IL, J,JO,KR,MA, MX,OM,P, PE,SG)

3. Subheading 8543.70.92 is redesignated as subheading 8543.70.93, and the article description of such redesignated subheading is modified by inserting at the end thereof the phrase “; video game console controllers which use infrared transmissions to operate or access the various functions and capabilities of the console”.

B.2. Modifications to the HTS relating to reclassified chemicals products, with bracketed material inserted for ease of use and with new material inserted in the HTS columns entitled “Heading/Subheading”, “Article Description”, “Rates of Duty 1 General”, “Rates of Duty 1 Special”, and “Rates of Duty 2”, respectively:

1. (a) Subheading 2918.99.05 is modified by deleting from the article description the chemical “1,6-hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate”;

(b) The following new subheading 2918.29.06 is inserted in numerical sequence:

[Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives:]

[Carboxylic acids with phenol function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives:]

[Other:]

“2918.29.06	1,6-Hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate). 5.8%	Free (A+,AU,BH, CA,CL,CO,D,E, IL,J,JO,MA, MX,OM,P, PA,PE,SG) 1.9% (KR)	15.4¢/kg + 40%” ¹³
-------------	--	--	-------------------------------

Note: The staged reductions in rates of duty previously proclaimed under the United States-Korea Free Trade Agreement for subheading 2918.99.05 should be applied to this provision by any Presidential proclamation implementing this recommendation.

2. (a) Subheading 2921.42.36 is modified by deleting from the article description the chemical “4,4'-Methylenebis(3-chloro-2,6-diethylaniline); 4,4'-Methylenebis(2,6-diisopropylaniline);”;

(b) Subheading 2921.59.17 is modified by inserting in the article description in alphabetical sequence the chemical names “4,4'-Methylenebis(3-chloro-2,6-diethylaniline);” and “4,4'-Methylenebis(2,6-diisopropylaniline);”

3. (a) Subheading 2933.99.87 is deleted; and

(b) The following new subheading 2933.69.50 is inserted in numerical sequence:

[Heterocyclic compounds with nitrogen heteroatoms only:]

[Compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure:]

“2933.69.50	Hexamethylenetetramine. 6.3%	Free (A,AU,BH, CA,CL,CO,E, IL,J,JO,MA, MX,OM,P,PA, PE,SG) 4.2% (KR)	58%”
-------------	--------------------------------------	---	------

¹³ The Commission’s notice in this investigation proposed adding this chemical product to the article description of subheading 2918.29.04. It was discovered subsequent to the publication of that notice that the proposed addition would have altered the duty treatment of originating goods of Korea under the terms of HTS general note 33. Accordingly, the Commission now recommends providing for this product separately as shown above in order to prevent any change in duty treatment.

Note: The staged reductions in rates of duty previously proclaimed under the United States-Korea Free Trade Agreement for subheading 2933.99.87 should be applied to this provision.

B3. Modifications to the HTS relating to improperly reflected chemicals products in the current HTS:

1. Subheading 2934.31.18 is modified by deleting from the article description the expression “4,1” and by inserting “yl” in lieu thereof.
2. Subheading 2934.99.03 is modified by deleting from the article description the chemical name “3-Methylene-7-(2-phenoxyacetamido)-cephan-4-carboxylic acid, p-nitrobenzyl ester, 1-oxide”.
3. Subheading 2934.99.70 is modified by deleting from the article description the chemical name “2-Methyl-2,5-dioxo-1-oxa-2-phospholan;”.

Appendix C

Correlation Table Sorted by Proposed HTS Number

Appendix C

Correlation table sorted by proposed HTS number

<u>Proposed HTS No.</u>	<u>Current HTS No.</u>
2918.29.04	2918.99.05
2921.59.17	2921.42.36
2933.69.50	2933.99.87
3702.96.00 3702.97.00	3702.91.01
3702.96.00	3702.93.00
3702.97.00	3702.94.00
3702.98.00	3702.95.00
8543.70.93	9504.50.00 ¹⁴

Note: No nonlegal statistical reporting numbers would be established in the HTS as a result of the recommended changes, because none of the current HTS subheadings contains such provisions.

¹⁴ Subheading 9504.50.00 covered the goods in question prior to February 3, 2012; it is not known whether any entries have been liquidated since that date by CBP under any provision of HTS heading 8543, as directed by note 1(m) to chapter 95, as modified.

Appendix D

Correlation Table Sorted by Current HTS Number

Appendix D

Correlation table sorted by current HTS number

<u>Current HTS No.</u>	<u>Proposed HTS No.</u>
2918.99.05	2918.29.04
2921.42.36	2921.59.17
2933.99.87	2933.69.50
3702.91.01	3702.96.00 3702.97.00
3702.93.00	3702.96.00
3702.94.00	3702.97.00
3702.95.00	3702.98.00
9504.50.00 ¹⁵	8543.70.93

Note: No nonlegal statistical reporting numbers would be established in the HTS as a result of the recommended changes, because none of the current HTS subheadings contains such provisions.

¹⁵ Subheading 9504.50.00 covered the goods in question prior to February 3, 2012; it is not known whether any entries have been liquidated since that date by CBP under any provision of HTS heading 8543, as directed by note 1(m) to chapter 95, as modified.

