

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

[Docket No. TSA-2004-19515]

#### Intent To Request Renewal From OMB of One Current Public Collection of Information: Air Cargo Security Requirements

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 60-day Notice.

**SUMMARY:** The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), OMB control number 1652-0040, abstracted below that we will submit to the Office of Management and Budget (OMB) for renewal in compliance with the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. The collections of information that make up this ICR involve five broad categories affecting airports, passenger aircraft operators, foreign air carriers, indirect air carriers operating under a security program, and all-cargo carriers: security programs, security threat assessments (STA), known shipper data via the Known Shipper Management System (KSMS), cargo screening reporting, and evidence of compliance recordkeeping. TSA seeks continued OMB approval in order to secure passenger aircraft carrying cargo as authorized in the Aviation and Transportation Security Act, and to meet the screening requirements for cargo transported on passenger aircraft within the deadlines established in the Implementing Recommendations of the 9/11 Commission Act of 2007.

**DATES:** Send your comments by January 15, 2010.

**ADDRESSES:** Comments may be e-mailed to [TSAPRA@dhs.gov](mailto:TSAPRA@dhs.gov) or delivered to the TSA Paperwork Reduction Act (PRA) Officer, Office of Information Technology (OIT), TSA-40, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6040.

**FOR FURTHER INFORMATION CONTACT:** Please e-mail [TSA.PRA@dhs.gov](mailto:TSA.PRA@dhs.gov) with questions or comments.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless it displays a valid OMB control number. The ICR documentation is available at <http://www.reginfo.gov>. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

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

(2) Evaluate the accuracy of the agency's estimate of the burden;

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

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

#### Information Collection Requirement

*OMB Control Number 1652-0040 Air Cargo Security requirements, 49 CFR parts 1540, 1542, 1544, 1546, and 1548.* TSA is seeking renewal of an expiring collection of information. Congress set forth in the Aviation and Transportation Security Act (ATSA), Public Law 107-71, two specific requirements for TSA in the area of air cargo security: (1) To provide for screening of all property, including U.S. mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft; and (2) to establish a system to screen, inspect, report, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft as soon as practicable. In the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, Congress requires that 50 percent of cargo transported on passenger aircraft be screened by February 2009, and 100 percent of such cargo be screened by August 2010.

While aviation security requirements have greatly reduced the vulnerability of the air cargo system, TSA, in cooperation with industry stakeholders, identified additional gaps in the existing cargo security requirements that must be filled to reduce the likelihood of cargo tampering or unauthorized access to the aircraft with malicious intent. TSA must proceed with this ICR for this program in order to meet the Congressional mandates and current regulations (49 CFR 1542.209, 1544.205, 1546.205, and part 1548) that enable them to accept, screen, and transport air cargo. The uninterrupted collection of this information will allow TSA to continue to ensure implementation of these vital

security measures for the protection of the traveling public.

#### Data Collection

This information collection requires the “regulated entities,” who may include passenger and all-cargo aircraft operators, foreign air carriers, and indirect air carriers (IACs), to implement a standard security program or to submit modifications to TSA for approval, and update such programs as necessary. The regulated entities must also collect personal information and submit such information to TSA so that TSA may conduct security threat assessments (STA) for individuals with unescorted access to cargo. This includes each individual who is a general partner, officer or director of an IAC or an applicant to be an IAC, and certain owners of an IAC or an applicant to be an IAC; and any individual who has responsibility for screening cargo under 49 CFR parts 1544, 1546, or 1548. Aircraft operators and foreign air carriers must report the volume of accepted and screened cargo transported on passenger aircraft. Further, TSA will collect identifying information for both companies and individuals whom aircraft operators, foreign air carriers, and IACs have qualified to ship cargo on passenger aircraft, also referred to as “known shippers.” This information is primarily collected electronically via the Known Shipper Management System (KSMS). Whenever the information cannot be entered on KSMS, the regulated entity must conduct a physical visit of the shipper using the Aviation Security Known Shipper Verification Form and subsequently enter that information into KSMS. These regulated entities must also maintain records including records pertaining to security programs, training, and compliance. The forms used in this collection of information include the Aviation Security Known Shipper Verification Form, Cargo Reporting Template, and the Security Threat Assessment Application.

#### Estimated Burden Hours

The hour burden associated with the initial submission of security programs is estimated by TSA to be 4 hours for each of the 152 new aircraft operator, foreign air carrier and IAC average annual regulated entities for an average annual hour burden of 606 hours.

The hour burden associated with the security program updates is estimated by TSA to be 4 hours for each of the 4,509 aircraft operators, foreign air carriers, and IACs for an average annual hour burden of 18,036 hours. TSA estimates one percent of IACs (42) will

file an appeal at 5 hours per appeal for an average annual hour burden of 210 hours.

For the STA requirement, based on a 15-minute estimate for each of the average 40,003 annual responses, TSA estimates that the average annual burden will be 10,001 hours.

For the Known Shipper Management System (KSMS), given that the IAC or aircraft operator must input a name, address, and telephone number, TSA estimates it will take 2 minutes for the 792,000 electronic submissions for a total annual burden of 26,400 hours. Also for KSMS, TSA estimates it will take one hour for the 8,000 manual submissions for a total annual burden of 8,000 hours.

TSA estimates out of the 480 total aircraft operators and foreign air carriers impacted by TSA regulations, 135 aircraft operators and foreign air carriers will submit cargo screening reporting information because not all aircraft operators and foreign air carriers transport cargo. TSA estimates this will take an estimated one hour per week (52 hours per year) for a total average annual burden of 6,994 hours. For recordkeeping, based on a 5-minute estimate for each of the 40,003 average annual responses, TSA estimates that the total average annual burden will be 3,320 hours.

Issued in Arlington, Virginia, on November 9, 2009.

**Joanna Johnson,**

*TSA Paperwork Reduction Act Officer, Office of Information Technology.*

[FR Doc. E9-27349 Filed 11-13-09; 8:45 am]

BILLING CODE 9110-05-P

## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

#### Notice of Issuance of Final Determination Concerning Toner Cartridges and Image Drums

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

**ACTION:** Notice of final determination.

**SUMMARY:** This document provides notice that the Bureau of U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of certain toner cartridges and image drums to be offered to the United States Government under an undesignated government procurement contract. Based upon the facts presented, in the final

determination CBP concluded that Japan is the country of origin of the subject toner cartridges and the United States is the country of origin of the subject image drums for purposes of U.S. Government procurement.

**DATES:** The final determination was issued on November 9, 2009. 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 December 16, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Karen S. Greene, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202-325-0041).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on November 9, 2009, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain toner cartridges and image drums to be offered to the United States Government under an undesignated government procurement contract. This final determination, in HQ W563548, was issued at the request of Oki Data Americas, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18).

The final determination concluded that, based upon the facts presented, the replacement in the United States of minor components of U.S. and foreign origin and the addition of Japanese-origin toner to a Chinese-origin toner cartridge do not substantially transform the toner cartridge into a product of the United States. Therefore, the last country in which the toner cartridge undergoes a substantial transformation is based on the essential character of the toner cartridge, which is the toner from Japan. Based upon the facts presented, the final determination also concluded that the disassembly in the United States of a Thai-origin image drum, the cleaning and reassembly of salvageable parts, and the replacement of a significant number of parts essential to the functionality of the image drum result in a substantial transformation of the components into a product of the United States.

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

final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: November 9, 2009.

**Sandra L. Bell,**

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

Attachment

**HQ W563548**

**November 9, 2009**

MAR-2-05 RR:CTF:VS W563548 KSG

CATEGORY: Marking

Mr. Stephen E. Becker  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.,  
Washington, DC 20037-1122

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, Customs and Border Protection Regulations (19 CFR § 177); Final Determination; country of origin of remanufactured toner cartridges and image drums

Dear Mr. Becker:

This is in response to your letter dated July 28, 2006, requesting a final determination on behalf of Oki Data Americas, Inc. ("Oki Data"), pursuant to subpart B of Part 177, Customs Regulations (19 C.F.R. § 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), U.S. Customs and Border Protection ("CBP") issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated foreign country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of certain remanufactured toner cartridges and image drums. We note that Oki Data is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination. In issuing this final determination, we have given consideration to the arguments presented during a meeting at our offices on November 17, 2006, and your additional submissions dated September 12, 2006, September 28, 2006, November 17, 2006, and November 30, 2006, which include photographs of the articles at various stages of the processes performed.

**FACTS:**

**I. Toner Cartridges**

You advise us that Oki Data will remanufacture C7300/7500 Series toner cartridges at its facility in Mount Laurel, New Jersey. You state that the spent toner cartridges were originally manufactured in China and that the toner cartridges were used in printers in the United States. You also indicate that the actual cartridges lack any notation of their origin.

You advise that the toner cartridge is comprised of 52 parts plus toner. The remanufactured cartridge will consist of 20 newly manufactured parts: 14 from the