

Additionally, TSA collects the information to monitor carrier compliance with the fee requirements and for auditing purposes. Air carriers are required to retain this information for a six-year rolling period. For instance, air carriers must keep the information collected during Fiscal Year 2008 until the expiration of Fiscal Year 2014.

TSA rules require air carriers to impose and collect the fee on passengers, and to submit the fee to TSA by the final day of the calendar month following the month in which the fee was collected. 49 CFR 1510.13. Air carriers are further required to submit quarterly reports to TSA, which provide an accounting of the fees imposed, collected, and refunded to passengers and remitted to TSA. 49 CFR 1510.17. The fee amount collected from each passenger is \$2.50 per enplanement originating in the United States. Passengers may not be charged for more than two enplanements per one-way trip or four enplanements per round trip. 49 CFR 1510.5.

Each air carrier that collects security service fees from more than 50,000 passengers annually is also required under 49 CFR 1510.15 to submit to TSA an annual independent audit, performed by an independent certified public accountant, of its security service fee activities and accounts. Although the annual independent audit requirements were suspended on January 23, 2003 (68 FR 3192), TSA conducts its own audits of the air carriers. 49 CFR 1510.11. Notwithstanding the suspension of the audit requirements, air carriers must establish and maintain an accounting system to account for the security service fees imposed, collected, refunded and remitted. 49 CFR 1510.15(a).

TSA is seeking renewal of this collection to require air carriers to continue submitting the quarterly reports to TSA, and to require air carriers to retain the information for a six-year rolling period. This requirement includes retaining the source information for the quarterly reports remitted to TSA, and the calculations and allocations performed to remit reports to TSA. Should the auditing requirement be reinstated, the requirement would include information and documents reviewed and prepared for the independent audit; the accountant's working papers, notes, worksheets, and other relevant documentation used in the audit; and, if applicable, the specific information leading to the accountant's opinion, including any determination that the accountant could not provide an audit

opinion. Although TSA suspended the independent audits, TSA conducts audits of the air carriers, and therefore, requires air carriers to retain and provide the same information as required for the quarterly reports and independent audits.

TSA estimates that 196 total respondent air carriers will spend approximately 1 hour per quarterly report, for a total of 784 hours per year. Should TSA reinstate the audit requirement, TSA estimates that 105 air carriers would be required to submit annual audits, on which they would spend approximately 20 hours for preparation, for a total of 2,100 hours annually. TSA estimates the total for quarterly reports and annual audits is 2,884 hours.

For the quarterly reports and TSA's audits, TSA estimates that the 196 air carriers will each incur an average cost of \$462.88 annually. This estimate includes \$100 in staff time for preparation of the reports (at \$25 per hour, each quarterly report is estimated to take 1 hour to prepare), \$361.20 in annual records storage related costs, and \$1.68 for postage for the report (4 stamps at 42 cents each). TSA estimates an aggregate annual cost of \$90,724.48 for the airlines to prepare, submit, and store quarterly reports, and an aggregate cost of \$272,173.44 for the three years of the renewal period.

Should TSA reinstate the annual audit requirement, TSA estimates total annual cost for this collection at \$315,000 (105 air carriers, at an estimated rate of \$150 per hour, at 20 hours per report). For the three-year period of the renewal, TSA estimates the total aggregate cost of the annual audit requirement to be \$945,000, and \$1,217,173.44 for the three-year extension of both quarterly reports and annual audits.

Issued in Arlington, Virginia, May 5, 2011.

**Joanna Johnson,**

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

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**BILLING CODE 9110-05-P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Intent To Request Renewal From OMB of One Current Public Collection of Information: Flight Crew Self-Defense Training—Registration and Evaluation

**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), Office of Management and Budget (OMB) control number 1652-0028, abstracted below that TSA will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves requesting, name, contact information, airline employee number, and Social Security number (last four digits) from flight and cabin crew members of air carriers to verify employment status to confirm eligibility to participate in voluntary advanced self-defense training provided by TSA. Eligible training participants are flight and cabin crew members of an airline conducting scheduled passenger operations. See 49 U.S.C. 44918. Additionally, each participant is asked to complete a voluntary course evaluation form after the training concludes.

**DATES:** Send your comments by July 11, 2011.

**ADDRESSES:** Comments may be e-mailed to [TSAPRA@dhs.gov](mailto:TSAPRA@dhs.gov) or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA-11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6011.

**FOR FURTHER INFORMATION CONTACT:** Joanna Johnson at the above address, or by telephone (571) 227-3651.

#### **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 1652-0028, Flight Crew Self-Defense Training—Registration and Evaluation.* TSA is seeking to renew the ICR, currently approved under OMB number 1652-0028, to continue compliance with a statutory mandate. Under Title VI, Sec. 603 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, 117 Stat. 2490, 2563, Dec. 12, 2003), TSA is required to develop and provide a voluntary advanced self-defense training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation. See 49 U.S.C. 44918(b).

TSA requests this renewal so that TSA may continue confirming participants' eligibility and attendance for the training program, as well as to continue assessing training quality. TSA collects limited biographical information from flight and cabin crew members to confirm their eligibility to participate in this training; the information requested is the participant's name, contact information, airline employee number, and the last four digits of his or her Social Security number. TSA confirms the eligibility of the participant by contacting the participant's employer. Attendance is confirmed by comparing registration information against a sign-in sheet provided in the classroom. TSA also asks participants to complete an anonymous and voluntary evaluation form after participation in the training to assess the quality of the training. The estimated number of annual respondents is 3,000 and estimated annual burden is 750 hours. There is no estimated annual cost burden to respondents.

Issued in Arlington, Virginia, on May 5, 2011.

**Joanna Johnson,**

*Paperwork Reduction Officer, Office of Information Technology.*

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**BILLING CODE 9110-05-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[USCBP-2009-0036]

#### Notice of Domestic Interested Party Petitioner's Desire To Contest the Tariff Classification Determination of Wickless Wax Objects

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

**ACTION:** Notice of petitioner's desire to contest classification determination.

**SUMMARY:** On February 18, 2009, the National Candle Association ("petitioner") filed a domestic interested party petition pursuant to section 516, Tariff Act of 1930, as amended, and 19 CFR part 175 regarding the tariff classification of imported wickless wax objects identified in entry documents as "wax cylinders", "wax pillars", "wax blocks", "wax forms", "candle jars", "candle holders", "religious candle holders", or "religious candle jars." The petition challenged Customs and Border Protection's ("CBP's") classification of wickless wax objects under heading 9602, of the Harmonized Tariff Schedule of the United States ("HTSUS"), as molded or carved articles of wax, and requested that all wickless wax objects be classified under subheading 3406.00.00, HTSUS, as candles, tapers, and the like.

On December 7, 2010, CBP denied the petition and affirmed its decision that wickless wax objects are classified under subheading 9602.00.40, HTSUS, as molded or carved articles of wax. Pursuant to 19 CFR 175.24, CBP is now providing notice of this decision and also providing notice of the receipt of petitioner's desire to contest this decision in court.

**DATES:** May 12, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Jean-Rene Broussard, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 325-0284.

**SUPPLEMENTARY INFORMATION:**

#### Background

This document concerns the tariff classification of imported wickless wax objects by CBP and the desire of a domestic interested party to contest CBP's classification decision.

#### *Classification of Wickless Wax Objects*

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1

provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRIs taken in order. The Explanatory Notes ("ENs") to the Harmonized Commodity Description and Coding System, which represent the official interpretation of the tariff at the international level, facilitate classification under the HTSUS by offering guidance in understanding the scope of the headings and GRIs.

The wickless wax objects that are the subject of the petition are petroleum based wax products that are in small molded shapes such as blocks, cylinders, columns, triangles, or bowls. The majority of these wickless wax objects are imported with a hole drilled into the center of them. These objects can be used as decorative items or for further production as candles.

CBP has issued numerous rulings on the classification of wickless wax objects. See New York Ruling Letters ("NY") L85725, dated June 30, 2005; NY L85383, dated June 15, 2005; NY L84761, dated June 2, 2005; NY G88343, dated March 26, 2001; NY G87878, dated March 7, 2001; NY G85945, dated January 16, 2001; NY F82375, dated February 11, 2000; NY F81245, dated January 11, 2000; NY E89220, dated November 8, 1999; NY E87727, dated September 27, 1999; NY E82227, dated May 18, 1999; NY E81505, dated May 12, 1999; and NY D88246, dated March 12, 1999. In all of these rulings CBP consistently held that wickless wax objects were classified under heading 9602, HTSUS, as molded or carved articles of wax.

#### *Filing of Domestic Interested Party Petition*

On February 18, 2009, the National Candle Association, in accordance with section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), filed a domestic interested party petition requesting that CBP reclassify imported wickless wax objects under subheading 3406.00.00, HTSUS, which provides for candles, tapers, and the like. The 2011 column one, general rate of duty, under this provision is duty free. Subheading 9602.00.40 provides for molded or carved articles of wax. The 2011 column one, general rate of duty, for this provision is 1.8 percent *ad valorem*.

On January 5, 2010, in accordance with 19 CFR 175.21, CBP published a Notice of Receipt of a Domestic Interested Party Petition filed by petitioner in the **Federal Register** (75 FR 420). The notice invited written