conditions experienced by waterway users during daytime, nighttime and reduced visibility, in addition to any navigational hazards experienced by vessel operators.

The following specific waterways will be analyzed, as follows:

(1) Brewerton Channel, Fort McHenry Channel, Canton Elevator and Coal Channel, Hawkins Point Channel, Coal Pier Channel, Locust Point East and West Channels, Craighill Channel, Marine Pier Channel, Curtis Bay Channel, Northwest Harbor, Curtis Creek, Pennwood Channel, Dundalk East and West Channels, Port Covington Basin, Elevator Channel, Seagirt East and West Channels, Ferry Bar Channel, and Sparrows Point Steel Works Channel.

(2) Chesapeake Channel (middle Chesapeake Bay).

(3) Potomac River, Upper Potomac River, Anacostia River, Hains Point (Washington) Channel and Alexandria Channel.

(4) Choptank River to Cambridge, Cambridge Channel, Nanticoke River, Wicomico River, Pocomoke River, Pocomoke Sound and Tangier Sound.

(5) Brewerton Channel East Extension, Upper Chesapeake Channel, Upper Chesapeake Bay, Elk River, Back Creek and the Chesapeake & Delaware Canal.

As part of these studies, we will consider previous WAMS studies. It is possible that the studies may validate continued applicability of existing aids to navigation and conclude that no changes are necessary. It is also possible that the studies may recommend changes to enhance marine navigational safety, effectiveness and efficiency.

Dated: March 22, 2005.

Curtis A. Springer,

Captain, U.S. Coast Guard, Commander, U.S. Coast Guard Sector Baltimore, Baltimore, Maryland.

[FR Doc. 05–6391 Filed 3–30–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Announcement of Change to Merchandise Eligibility Requirements for Participation in Remote Location Filing Prototype Two

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: General notice.

SUMMARY: This notice announces a change to the merchandise eligibility requirements for participation in Remote Location Filing (RLF) Prototype Two. RLF will now be permitted for cargo that will be moved using immediate transportation (IT) and transportation and export (T & E) in-bond procedures. CBP has determined that the security risks previously associated with in-bond transactions have been greatly reduced due to the significant security and cargo-processing gains accomplished by the advance cargo information regulations set forth in CBP Dec. 03–32, published in the **Federal Register** (68 FR 68140) on December 5, 2003. CBP also realizes that as in-bond transactions are a mainstay of international transactions, permitting RLF in an in-bond context will enhance the Prototype's usefulness to the trade while simultaneously furthering CBP's modernization objectives.

DATES: The change to Remote Location Filing (RLF) Prototype Two will go into effect March 31, 2005.

ADDRESSES: Written comments and applications to participate in the Prototype should be addressed to the Remote Filing Team, Office of Field Operations, Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Room 5.2–B, Washington, DC 20229. Comments may also be submitted to Sherri Braxton via e-mail at *remote.filing@dhs.gov*.

FOR FURTHER INFORMATION CONTACT: For systems or automation issues: Steve Linnemann (202) 344–1975 or Jennifer Engelbach (562) 366–5593. For operational or policy issues: Sherri Braxton via e-mail at *remote.filing@dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

RLF Authorized by the National Customs Automation Program (NCAP)

Title VI of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057 (December 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subpart B of Title VI of the Act concerns the National Customs Automation Program (NCAP), an electronic system for the processing of commercial imports. Within subpart B, section 631 of the Act added section 414 (19 U.S.C. 1414), which provides for Remote Location Filing (RLF), to the Tariff Act of 1930, as amended. RLF permits an eligible NCAP participant to elect to file electronically a formal or informal consumption entry with Customs and Border Protection (CBP) from a remote location within the customs territory of the United States other than the port of arrival, or from within the port of arrival with a requested designated examination site outside the port of arrival.

RLF Prototype Two

In accordance with § 101.9(b) of the CBP Regulations (19 CFR 101.9(b)), CBP has developed and tested two RLF prototypes. A chronological listing of **Federal Register** publications detailing developments in the RLF prototypes follows:

- On April 6, 1995, CBP announced in the **Federal Register** (60 FR 17605) its plan to conduct the first of at least two RLF test prototypes. The first RLF test, designated Prototype One, began on June 19, 1995.
- On February 27, 1996, CBP announced in the **Federal Register** (61 FR 7300) the expansion of Prototype One and its extension until the implementation of RLF Prototype Two.
- RLF Prototype Two commenced on January 1, 1997. See document published in the **Federal Register** (61 FR 60749) on November 29, 1996.
- CBP announced in the **Federal Register** (62 FR 64043), on December 3, 1997, the extension of RLF Prototype Two until December 31, 1998.
- On December 7, 1998, CBP announced in the **Federal Register** (63 FR 67511) that Prototype Two would remain in effect until concluded by notice in the **Federal Register**.
- On July 6, 2001, CBP announced in the **Federal Register** (66 FR 35693) changes to the RLF Prototype Two eligibility requirements.
- On November 16, 2001, CBP announced in the **Federal Register** (66 FR 57774) a deadline extension for customs brokers participating in RLF to submit their national broker permit numbers to CBP.
- On February 25, 2003, CBP announced in the **Federal Register** (68 FR 8812) that line release entries would no longer be permitted for purposes of RLF Prototype Two, and set forth a comprehensive and updated list of current RLF eligibility requirements and a description of a new simplified application process.

Change to RLF Prototype Two Merchandise Eligibility Criteria

This notice announces a change to the merchandise eligibility requirements for participation in RLF Prototype Two, whereby RLF will now be permitted for cargo that will be moved using immediate transportation (IT) or transportation and export (T & E) in-bond procedures. This was not allowed under the original terms of RLF Prototype Two because CBP was

concerned with the general lack of security associated with in-bond transactions.

Upon further review, CBP has determined that permitting RLF for cargo that has already been moved using immediate transportation in-bond procedures, or any other transportation entry in-bond, is acceptable as the risks previously associated with in-bond transactions have been greatly reduced due to the significant security and cargo-processing gains accomplished by the advance cargo information regulations set forth in CBP Dec. 03–32, published in the **Federal Register** (68 FR 68140) on December 5, 2003. CBP also realizes that in-bond transactions are a mainstay of international transactions. For this reason, CBP views permitting RLF in an in-bond context as a means of broadening the scope of RLF and thereby enhancing the program's usefulness to the trade while simultaneously furthering the Bureau's modernization objectives.

It is noted that with the exception of the change to the RLF Prototype Two merchandise eligibility criteria involving in-bond transportation procedures, discussed above, all other Prototype eligibility requirements, procedures, terms and conditions, as set forth in the document published on February 25, 2003, in the **Federal Register** (68 FR 8812), remain in effect.

Dated: March 25, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–6397 Filed 3–30–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Dec. 05–11]

Interpretive Rule Concerning Classification of Baseball-Style Caps With Ornamental Braid

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: Final interpretive rule.

SUMMARY: This document concerns the proper classification under the Harmonized Tariff Schedule of the United States (HTSUS) of baseball-style caps featuring ornamental braid located between peak and crown. In an effort to achieve uniformity in the classification of this commodity, Customs and Border Protection (CBP) has adopted as final a proposed interpretive rule whereby ornamental braid on a baseball-style cap, located between peak and crown in a width of ⅛ of an inch or greater, will render the cap classifiable in the HTSUS as ''wholly or in part of braid.'' Conversely, such braid in a width of less than ⅛ of an inch will result in a cap being classifiable in the HTSUS as ''not in part of braid.''

DATES: *Effective Date:* May 2, 2005.

FOR FURTHER INFORMATION CONTACT: Theresa Frazier, Textiles Branch, Office of Regulations and Rulings, Customs and Border Protection, Tel. (202) 572–8821.

SUPPLEMENTARY INFORMATION:

Background

This document concerns the proper classification under the Harmonized Tariff Schedule of the United States (HTSUS) of baseball-style caps featuring ornamental braid located between peak and crown. The specific issue presented is how wide ornamental braid on a baseball-style cap must be in order to render the cap classifiable in the HTSUS as either ''wholly or in part of braid'' or ''not in part of braid.''

Baseball-style caps are classifiable in heading 6505 of the HTSUS which provides for, in pertinent part, ''hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; * * *.'' Within heading 6505, HTSUS, two subheadings differentiate between hats and other headgear that are ''wholly or in part of braid'' and those that are ''not in part of braid.'' *See* HTSUS subheadings 6505.90.50 and 6505.90.70 which provide for, in pertinent part, hats and other headgear ''wholly or in part of braid,'' and HTSUS subheadings 6505.90.60 and 6505.90.80 which provide for hats and other headgear which are ''not in part of braid.'' It is noted that hats and other headgear that are classifiable as ''not in part of braid'' carry a higher rate of duty than those that are classifiable as ''wholly or in part of braid.''

In cases where baseball-style caps feature ornamental braid located between the peak and crown, the determinative issue is whether the braid impacts classification at the subheading level so as to render the cap classifiable as either ''in part of braid'' or ''not in part of braid.'' The 2004 HTSUS defines the term ''in part of'' in General Note 3(h)(v)(B), HTSUS, which states that ''in part of'' or ''containing'' means that the goods contain a significant quantity of the named material and that ''with regard to the application of the quantitative concepts specified above, it is intended that the *de minimis* rule apply.''

The *de minimis* rule is applicable in customs practice principally in determining whether the presence of some ingredient in an imported commodity affects its classification. *See* Ruth F. Sturm, *A Manual of Customs Law* 182 (1974). The rule stands for the proposition that:

> Certain amounts of an ingredient, although substantial, may be ignored for classification purposes, depending upon many different circumstances, including the purpose which Congress sought to bring about by the language used and whether or not the amount used has really changed or affected the nature of the article, and of course, its salability.
>
> *Varsity Watch Company* v. *United States,* 43 Cust. Ct. 1, C.D. 2094 (1959), *appeal dismissed,* 47 CCPA 173 (1959).

On August 27, 2004, a document was published in the **Federal Register** (69 FR 52726) in which Customs and Border Protection (CBP) solicited public comment as to the appropriateness of a proposed interpretive rule whereby ornamental braid on a baseball-style cap, located between peak and crown in a width of ⅛ of an inch or greater, will render the cap classifiable as ''wholly or in part of braid.'' Conversely, CBP proposed that such braid in a width of less than ⅛ of an inch would result in a cap being classifiable as ''not in part of braid.'' The proposed standard was based on several previously issued Headquarters Rulings Letters which had adopted the ⅛ of an inch standard for purposes of applying the *de minimis* rule to this type of commodity. The proposed interpretive rule set forth in 69 FR 52726 was offered as a means of ensuring the uniform application of the *de minimis* rule and providing consistency in the classification of baseball-style caps with braid trim.

Discussion of Comment

No comments were received in response to the solicitation of public comment in 69 FR 52726.

Conclusion

Upon due consideration, CBP has decided to adopt as final the proposed interpretive rule published in the **Federal Register** (69 FR 52726) on August 27, 2004.

Drafting Information

The principal author of this document was Ms. Suzanne Kingsbury, Regulations Branch, Office of Regulations and Rulings, Customs and Border Protection. However, personnel