

Clearance Officer: George Freeland, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503, (202) 395-7860.

Lois K. Holland,

Departmental Reports Management Officer.

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 22, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 1, 2002, to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512-0130.

Form Number: ATF F 4473 (5300.9) Part II.

Type of Review: Extension.

Title: Firearms Transaction Record, Part II Non-Over-The-Counter.

Description: The form is used to determine the eligibility of a person to receive a firearm from a Federal firearms licensee. It is also used to establish the identity of the buyer. The form is also used in law enforcement investigations to trace firearms or to confirm criminal activity.

Respondents: Individuals or households, business or other for-profit.

Estimated Number of Recordkeepers: 20,900.

Estimated Burden Hours Per Recordkeeper: 6 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 9,057 hours.

OMB Number: 1512-0490.

Form Number: ATF F 4473 (5300.24) Part (LV) and ATF F 4473 (5300.25) Part II (LV).

Recordkeeping Requirement ID Number: ATF REC 7570/2.

Type of Review: Extension.

Title: Firearms Transaction Record Part I—Low Volume—Over-the-Counter; and Firearms Transaction Record Part II—Low Volume—Intra-State Non-Over-the-Counter.

Description: ATF Form 4473 LV Parts I and II are for use only by Federal firearms licensees disposing of 50 or fewer firearms per 12-month period. It is kept, at the licensee's option, in lieu of ATF F 4473 and records of acquisition and disposition.

Respondents: Individuals or households, business or other for-profit.

Estimated Number of Recordkeepers: 5,000.

Estimated Burden Hours Per

Recordkeeper: 6 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping

Burden: 1,042 hours.

OMB Number: 1512-0534.

Form Number: ATF F 2103 (5220.5), ATF F 2104 (5200.15), ATF F 2105 (5000.7), ATF F 2490 (5620.10), and ATF F 3070 (5210.13).

Type of Review: Extension.

Title: Bond—Export Warehouse Proprietor (F 2103); Export Bond—Customs Bonded Cigar Manufacturing Warehouse (F2104); Extension of Coverage of Bond (F 2105); Bond Under 26 U.S.C. 6423 (F 2490); and Bond—Manufacturer of Tobacco Products.

Description: ATF F 2103 (5220.5), Bond—Export Warehouse Proprietor is used to establish the qualifications of an applicant for an export warehouse proprietorship, or by current proprietor whose status has changed and must change the information already on file. The applicant certifies the intention of produce and/or store a specified amount of tobacco products and takes certain precautions to protect it from unauthorized use. The completed application and supporting data is a permanent record of the business and its qualifications to operate.

ATF F 2104 (5200.15), Export Bond—Customs Bonded Cigar Manufacturing Warehouse is used to establish the qualifications of an applicant who seeks authorization to manufacture cigars within customs bonded warehouse for subsequent exportation, or by a current manufacturer of such cigars whose status has changed and must change the information already on file. The applicant certifies the intention to produce, store and export a specified quantity of cigar products and takes certain precautions to protect them from unauthorized use. The completed application and supporting data is a

permanent record of the business and its qualifications to operate.

ATF F 2105 (5000.7), Extension of Bond Coverage is used to determine compliance by payment on untax paid commodities.

ATF F 2490 (5620.10), Bond Under 26 U.S.C. 6423, and ATF F 3070 (5210.13), Bond-Manufacturer of Tobacco Products are tobacco products and cigarette papers and tubes bond firms used by the manufacturers or proprietor and a surety company as a contract to ensure tax payment.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 15.

Estimated Burden Hours Per Recordkeeper: 1 hour, 40 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 25 hours.

OMB Number: 1512-0529.

Form Number: ATF F 1676 (5110.2).

Type of Review: Extension.

Title: Bond Covering Removal To and Use of Wine At Vinegar Plant.

Description: ATF F 1676 (5510.2) is a bond form which serves as a contact between the proprietor of a vinegar plant and a surety. The bond coverage stated on the form is in an amount sufficient to cover the federal excise tax on wine in transit to and stored on the vinegar plant premises until the wine becomes vinegar.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 25.

Estimated Burden Hours Per Respondent: 1 hour.

Estimated Total Reporting Burden: 25 hours.

OMB Number: 1512-0567.

Form Number: ATF F 7500.1.

Type of Review: Extension.

Title: Computer Security Incident Report.

Description: Recent computer penetration events, involving computer systems belonging to both government and commercial entities, enforce the need for the development and deployment of a computer security incident response capability in ATF.

Respondents: Federal Government, individuals or households.

Estimated Number of Respondents: 5,500.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: Other (per hit).

Estimated Total Reporting Burden: 2,750 hours.

OMB Number: 1512-0568.

Form Number: None.

Type of Review: Extension.

Title: Search For Artifacts and Memorabilia.

Description: The Commemorative Artifacts and Memorabilia Program (CAMP) hopes to discover and obtain artifacts and memorabilia pertaining to the history, mission, and spirit of ATF to develop exhibits for the new National Laboratory and Headquarters.

Respondents: Individuals or households.

Estimated Number of Respondents: 1,900.

Estimated Burden Hours Per Respondent: 10 minutes.

Estimated Total Reporting Burden: 317 hours.

Clearance Officer: Frank Bowers, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503, (202) 395-7860.

Lois K. Holland,

Departmental Reports Management Officer.
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DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 02-09]

Notice of Decision of the United States Court of International Trade Sustaining Domestic Interested Party Petition Concerning Tariff Classification of Textile Costumes

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of a decision of the United States Court of International Trade sustaining domestic interested party petition concerning tariff classification of textile costumes.

SUMMARY: On February 19, 2002, the United States Court of International Trade (CIT) issued the decision in *Rubie's Costume Company v. United States* which held that imported costumes are fancy dress of textile and, therefore, classifiable as wearing apparel. This decision sustained the petition of a domestic interested party under the provisions of section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516). This document provides notice of the court decision and informs the public that imported textile costumes of the character covered by the

Customs decision published in the **Federal Register** on December 4, 1998, will be subject to classification and assessment of duty in accordance with the CIT decision.

EFFECTIVE DATES: Imported textile costumes of the character covered by the Customs decision published in the **Federal Register** on December 4, 1998, which are entered for consumption or withdrawn from warehouse for consumption after March 1, 2002, are to be classified when entered as wearing apparel in accordance with the CIT decision in *Rubie's Costume Company v. United States*. The Committee for the Implementation of Textile Agreements (CITA) intends to apply quota and visa requirements to these goods exported on and after April 1, 2002.

FOR FURTHER INFORMATION CONTACT: For questions regarding operations, Dick Crichton, Office of Field Operations, (202) 927-0162; for legal questions, Rebecca Hollaway, Office of Regulations and Rulings, (202) 927-2394.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 1997, in response to a domestic manufacturer's request, Customs issued a decision, Headquarters Ruling (HQ) 959545, determining that four costumes and their accessories would be classified under subheading 9505.90.6090, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Festive carnival or other entertainment articles, including magic tricks and practical joke articles; parts and accessories thereof; Other: Other." This provision provided for duty-free entry under the general column one rate of duty. (Effective August 1, 1997, the provision was amended and now reads as follows: 9505.90.6000, HTSUS, "Festive, carnival or other entertainment articles, including magic tricks and practical joke articles; parts and accessories thereof: Other: Other," which provides for duty-free entry under the general column one rate of duty.)

In July 1997, and in accordance with the procedures of 19 U.S.C. 1516 and 19 CFR part 175, a domestic interested party petition was filed on behalf of an American manufacturer of textile costumes. The petitioner contended that virtually identical costumes to those manufactured by petitioner were being imported into the United States and some of these textile costumes were being erroneously classified by Customs, duty-free, under subheading 9505.90.6090, HTSUS. The petitioner claimed that all imported textile

costumes should be classified as wearing apparel in Chapters 61 or 62, HTSUS, are therefore dutiable, and may be subject to quota and visa restraints. Petitioner asserted that all textile costumes are excluded from classification under subheading 9505.90.6090, HTSUS, pursuant to Note 1(e), Chapter 95.

Notice of the domestic interested party petition was published in the **Federal Register** on December 27, 1997 (62 FR 66891). After reviewing comments submitted in response to the notice that were supportive of and opposed to Customs classification position, Customs, in HQ 961447, dated July 22, 1998, denied the petition and affirmed the classification determination set forth in HQ 959545. The decision rejected the domestic interested party petition's argument that all imported costumes made of textiles should be classified under Chapters 61 and 62, HTSUS, as items of apparel.

On July 23, 1998, the domestic manufacturer filed written notice of its desire to contest Customs decision in HQ 961447 (19 U.S.C. 1516(c); 19 CFR 175.23). Subsequently, Customs published in the **Federal Register** (63 FR 67170; December 4, 1998) a notice of its classification decision and of the domestic manufacturer's desire to contest the decision. On June 25, 1999, Customs notified the domestic manufacturer that an entry of a costume had been liquidated in accordance with HQ 961447 on that date (19 U.S.C. 1516(c); 19 CFR 175.25(h)). On June 29, 1999, the domestic manufacturer commenced an action in the United States Court of International Trade (CIT) to challenge Customs classification decision.

The CIT, in *Rubie's Costume Company v. United States*, No. 99-06-00388, Slip Op. 02-14, (CIT Feb. 19, 2002), ruled, on a motion for summary judgment decided in favor of plaintiff domestic manufacturer, that the costumes constitute "fancy dress" and are thus excluded from classification in Chapter 95, HTSUS, by virtue of Note 1(e) to Chapter 95, HTSUS. Thus, the court held that the costumes are wearing apparel classifiable in Chapter 61, HTSUS. (To view the court's decision, go to <http://www.uscit.gov>. Note also that the *Rubie's* decision will be published in the *Customs Bulletin* issued on March 6, 2002.)

By publication of this notice in the **Federal Register**, Customs notifies the public, in accordance with 19 U.S.C. 1516(f) and 19 CFR 175.31, of the court's decision in *Rubie's*. Customs also informs the public that, effective on the day after publication of this notice