

**DEPARTMENT OF HOMELAND  
SECURITY**
**Coast Guard**
**[USCG-2003-15589]**
**Chemical Transportation Advisory  
Committee; Charter Renewal**
**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of charter renewal.

**SUMMARY:** The Secretary of Homeland Security has renewed the charter for the Chemical Transportation Advisory Committee (CTAC) for 2 years from July 1, 2003, until July 1, 2005. CTAC is a Federal advisory committee under 5 U.S.C. App.2 (Pub. L. 92-463, 86 Stat. 770). It advises the Coast Guard on safe and secure transportation and handling of hazardous materials in bulk on U.S.-flag vessels and barges in U.S. ports and waterways.

**ADDRESSES:** You may request a copy of the charter by writing to Commandant (G-MSO-3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001; by calling 202-267-1217; or by faxing 202-267-4570. This notice and the charter are available on the Internet at <http://dms.dot.gov> in docket [USCG-2003-15589].

**FOR FURTHER INFORMATION CONTACT:** Commander Robert Hennessy, Executive Director of CTAC, or Ms. Sara Ju, Assistant to the Executive Director, telephone 202-267-1217, fax 202-267-4570.

Dated: July 9, 2003.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety,  
Security, and Environmental Protection.*

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**DEPARTMENT OF HOMELAND  
SECURITY**
**Bureau of Customs and Border  
Protection**
**Notice of Decision on Domestic  
Interested Party Petition and Notice of  
Desire To Contest Decision**

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

**ACTION:** Notice of petitioner's desire to contest Customs decision in response to domestic interested party petition.

**SUMMARY:** On September 18, 2002, the U.S. Customs Service (now Customs and Border Protection (CBP)) published in the **Federal Register** a notice of receipt of a domestic interested party petition which had been received pursuant to

section 516, Tariff Act of 1930, as amended, regarding the classification, under the Harmonized Tariff Schedule of the United States, of certain imported dairy protein blends. The petition asked CBP to review the classification of these products and change the classification from a non-quota classification into a quota classification. On April 1, 2003, after reviewing comments received in response to the petition, CBP issued a Headquarters decision denying the petition and affirming the current classification of the milk protein blends. On April 29, 2003, pursuant to 19 CFR 175.23, the domestic interested party petitioner filed a notice with CBP that it desired to contest this decision.

Pursuant to Section 516(c), this notice attaches CBP's determination as to the classification of the merchandise and notification of petitioner's desire to contest that decision.

**DATES:** July 15, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Peter T. Lynch, General Classification Branch, Office of Regulations and Rulings, CBP, Department of Homeland Security, 202-572-8778.

**SUPPLEMENTARY INFORMATION:**
**Background**
*Classification of Merchandise*

Classification under the Harmonized Tariff Schedule of the United States (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.

*Milk Protein Concentrates/Milk Protein Blends*

Classification of dairy products is essentially based on the composition of the product. In the matter here in issue, direction is also provided by Additional U.S. Note 13 to Chapter 4, HTSUS, which states: "For the purposes of subheading 0404.90.10, the term "milk protein concentrate" means any complete milk protein (casein plus lactalbumin) concentrate that is 40 percent or more protein by weight." CBP has classified several products which are called milk protein concentrates under subheading 0404.90.10, HTSUS, which provides for: "Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other

sweetening matter, not elsewhere specified or included: Other: Milk protein concentrates" which has a general duty rate of 0.37 cents per kilogram, and is not subject to a tariff-rate quota.

The petition filed by the domestic interested party pursuant to section 516, Tariff Act of 1930, as amended, (19 U.S.C. 1516), contended that certain merchandise is not eligible for classification in subheading 0404.90.10, HTSUS, because in petitioner's view it does not conform to all the requirements set forth in Additional U.S. Note 13 to Chapter 4 (set forth above). The petition asked CBP to review two classification rulings on products identified as "milk protein concentrates." On September 18, 2002, a notice of the petition was published in the **Federal Register** (67 FR 58837) informing the public of the petition and inviting comments on the correctness of CBP classification of the merchandise.

After careful review of arguments set forth by petitioner, as well as those raised by comments received in response to the **Federal Register** Notice, CBP determined that the classification contained in the rulings under review was correct and, on April 1, 2003 issued the decision appended hereto, which denied the petitioner's requested reclassification of the goods.

On April 29, 2003, pursuant to 19 CFR 175.23, by letter to the CBP, petitioner filed a notice that it desired to contest the classification of the goods. The notice to contest designated the ports at which the goods are currently being entered and at which petitioner desires to protest the liquidation of one entry of the goods.

**Authority:** This notice is published in accordance with 19 CFR 175.24 and 19 U.S.C. 1516.

Dated: July 9, 2003.

**Robert C. Bonner,**

*Commissioner, Customs and Border  
Protection.*

**HQ 965592**

April 1, 2003.

*CLA-2 RR:CR:GC 965592ptl*

*Category:* Classification.

*Tariff No.:* 0404.90.10.

**RE:** Domestic Interested Party Petition on Dairy Protein Blends.

Mr. Robert Torresen, Sidley Austin Brown & Wood, LLP, 1501 K Street, NW., Washington, DC 20005.

Dear Mr. Torresen: This letter concerns Customs decision regarding a petition you filed on behalf of the National Milk Producers Federation (NMPF), pursuant to Section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), involving the tariff classification of certain products referred to