

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 110<sup>th</sup> Congress <sup>1</sup>**

[Date approved: March 10, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4278 (Mr. Vernon J. Ehlers of Michigan).

**Proponent name,<sup>3</sup> location:** Grand Northern Products, Grand Rapids, MI.

**Other bills on product (110<sup>th</sup> Congress only):** None.

**Nature of bill:** Renew temporary duty suspension through December 31, 2010.

**Retroactive effect:** From January 1, 2007.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Yttrium oxides having a purity of at least 99.9 percent (CAS No. 1314-36-9)(provided for in subheading 2846.90.80).

**Check one:**     Same as that in bill as introduced.  
                   Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

Yttrium oxide is used in special metallurgical applications and as phosphors, lasers, high temperature semiconductors, microwave filters, and in the synthesis of inorganic chemicals. The product is manufactured using a combination of proprietary wet chemical and powder processing applications. The subject product is imported from Austria, China, and France.

<sup>1</sup> Industry analyst preparing report: Jack Greenblatt (202-205-3353); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/).

<sup>3</sup> The sponsor/proponent identified one additional beneficiary of this bill. USITC staff sent an inquiry to the named beneficiary and received a response from the beneficiary. It submitted a written representation that they would benefit from this bill. In addition, USITC staff identified one additional beneficiary of this bill that was not identified by the sponsor/proponent, and that beneficiary submitted a written representation that it would benefit from this bill.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2846.90.80</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$3,378,378	\$3,378,378	\$3,378,378	\$3,378,378	\$3,378,378
Customs revenue loss	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000

Source of estimated dutiable import data: Industry estimates.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Grand Northern Products (Proponent) JoAnn Kidd, 231-834-7816	1/22/2008	No	No	No
Chevron Mining Inc. (Molycorp Inc.) John Benfield, 760-856-7616	1/26/2008	No	No	No
Rhodia Corp. Rick Valentine, 202-661-3802	1/30/2008	No	Yes	No
Tribacher Industrie AG John Dodge, 416-535-2600	1/30/2008	No	No	No
W.R. Grace Christy Stokrp, 410-531-8786	1/28/2008	No	No	No

**Technical comments:<sup>4</sup>**

None.

<sup>4</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

110TH CONGRESS  
1ST SESSION

# H. R. 4278

To extend the temporary suspension of duty on yttrium oxides having a purity of at least 99.9 percent.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2007

Mr. EHLERS introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To extend the temporary suspension of duty on yttrium oxides having a purity of at least 99.9 percent.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. YTTRIUM OXIDES HAVING A PURITY OF AT**  
4 **LEAST 99.9 PERCENT.**

5 (a) IN GENERAL.—Heading 9902.02.21 of the Har-  
6 monized Tariff Schedule of the United States is amended  
7 by striking “12/31/2006” and inserting “12/31/2010”.

8 (b) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendment made by  
10 subsection (a) applies with respect to goods entered,

1 or withdrawn from warehouse for consumption, on  
2 or after the 15th day after the date of the enact-  
3 ment of this Act.

4 (2) RETROACTIVE APPLICATION.—Notwith-  
5 standing section 514 of the Tariff Act of 1930 (19  
6 U.S.C. 1514) or any other provision of law, upon  
7 proper request filed with U.S. Customs and Border  
8 Protection before the date that is 90 days after the  
9 date of the enactment of this section, any entry, or  
10 withdrawal from warehouse for consumption of an  
11 article described in heading 9902.02.21 of the Har-  
12 monized Tariff Schedule of the United States (as  
13 amended by subsection (a)) that was made—

14 (A) after December 31, 2006, and

15 (B) before the date of the enactment of  
16 this section,

17 shall be liquidated or reliquidated as though the  
18 amendment made by subsection (a) applied to such  
19 entry or withdrawal.

20 (3) PROPER REQUESTS.—For purposes of para-  
21 graph (2), a proper request means a request for liq-  
22 uidation or reliquidation that contains sufficient in-  
23 formation to enable the U.S. Customs and Border  
24 Protection—

25 (A) to locate the entry; or

1 (B) to reconstruct the entry if it cannot be  
2 located.

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