

authentication modes to be used at specific MARSEC levels has been removed and available authentication modes have been clarified.

2. Section 4, TWIC Modes of Operation. Ability to configure specific authentication modes depending on a given perimeter security requirement and to be used at differing MARSEC levels has been added.

3. Section 4, TWIC Modes of Operation. Verification of CHUID signature changed to mandatory. CHUID signature is either verified once, either when the card holder's CHUID is registered in a local PACS, or read by the TWIC reader each time the card is presented for access.

4. Section 5.1.1, Device Dimensions. Note added to stress contactless reader sensitivity to location and electromagnetic conditions of their environment.

5. Section 6, Portable Reader Requirements. Requirements for confidentiality and authentication added for wireless devices used in physical access systems.

6. Section 7, Operational Requirements. Contactless transmission speed requirement changed to support 106kbit/s, 212kbit/s or 424kbit/s, based on the card's capabilities.

7. Section 7, Operational Requirements. Requirement added to reject transaction if multiple cards are simultaneously detected in the reader's contactless field.

8. Section 8, Performance Requirements. Support for biometric liveness detection strengthened from "may" to "should" indicating a strong preference for liveness detection.

9. Appendix A.1, CHUID Authentication. CHUID authentication clarified.

10. Appendix A.2, TWIC Biometric Authentication. Biometric authentication clarified.

11. Appendix A.3, Card Authentication Key Authentication. Card Authentication data object reference corrected.

12. Appendix A.3, Card Authentication Key Authentication. Card Authentication Key usage clarified to indicate that it is only available via the PIV application, and is not shared with the TWIC application.

13. Appendix D, TWIC Reader Compatibility with Other Card Types. Reader compatibility and default card support clarified and modified to allow configuration of default AID.

14. Appendix E.4, Alternate Implementations. Minor clarifications to PACS enrollment.

15. Appendix F, Proposed TWIC AID Structure. TSA RID added, AID structure clarified.

#### *D. Future Changes to Specification*

TSA and Coast Guard will continue to evaluate and test the working specification as we implement the TWIC Pilot Program. We anticipate that, as with any testing program, we will encounter technical issues that can be corrected by making minor changes to the working specification. We will make such changes available to the public as they occur, through use of the following link/Web site: [www.tsa.gov/twic](http://www.tsa.gov/twic). In addition, we will address any necessary changes to the working specification prior to finalizing the regulations requiring TWIC readers.

Issued in Arlington, Virginia, on September 14, 2007.

**Stephanie Rowe,**

*Assistant Administrator, Transportation Threat Assessment and Credentialing, Transportation Security Administration.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Bureau of Customs and Border Protection**

#### **Automated Commercial Environment (ACE): National Customs Automation Program Test of Automated Truck Manifest for Truck Carrier Accounts; Deployment Schedule**

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

**ACTION:** General notice.

**SUMMARY:** Customs and Border Protection (CBP), in conjunction with the Department of Transportation, Federal Motor Carrier Safety Administration, is currently conducting a National Customs Automation Program (NCAP) test concerning the transmission of automated truck manifest data. This document announces the final group, or cluster, of ports to be deployed for this test.

**DATES:** The ports identified in this notice, in the state of Alaska, are expected to be fully deployed for testing no earlier than August 30, 2007. Comments concerning this notice and all aspects of the announced test may be submitted at any time during the test period to the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Swanson via e-mail at [james.d.swanson@dhs.gov](mailto:james.d.swanson@dhs.gov).

**SUPPLEMENTARY INFORMATION:**

## **Background**

The National Customs Automation Program (NCAP) test concerning the transmission of automated truck manifest data for truck carrier accounts was announced in a notice published in the **Federal Register** (69 FR 55167) on September 13, 2004. That notice stated that the test of the Automated Truck Manifest would be conducted in a phased approach, with primary deployment scheduled for no earlier than November 29, 2004.

A series of **Federal Register** notices have announced the implementation of the test, beginning with a notice published on May 31, 2005 (70 FR 30964). As described in that document, the deployment sites for the test have been phased in as clusters. The ports identified belonging to the first cluster were announced in the May 31, 2005 notice. Additional clusters were announced in subsequent notices published in the **Federal Register** including: 70 FR 43892, published on July 29, 2005; 70 FR 60096, published on October 14, 2005; 71 FR 3875, published on January 24, 2006; 71 FR 23941, published on April 25, 2006; 71 FR 42103, published on July 25, 2006; 71 FR 77404, published on December 26, 2006; 72 FR 5070, published on February 2, 2007; 72 FR 7058, published on February 14, 2007; 72 FR 14127, published on March 26, 2007; and 72 FR 32135, published on June 11, 2007.

## **New Cluster**

Through this notice, CBP announces that the final cluster of ports to be brought up for purposes of deployment of the test, to be fully deployed no earlier than August 30, 2007, will be the following land border ports in the state of Alaska: Alcan, Dalton Cache, and Skagway. This group of ports is the last remaining group, nationwide, to be tested; the ACE truck manifest test will be complete once it is effectuated in Alaska.

This deployment is for purposes of the test of the transmission of automated truck manifest data only; the Automated Commercial Environment (ACE) Truck Manifest System is not yet the mandated transmission system for these ports. The ACE Truck Manifest System will become the mandatory transmission system in these ports only after publication in the **Federal Register** of 90 days notice, as explained by CBP in the **Federal Register** notice published on October 27, 2006 (71 FR 62922).

## **Previous NCAP Notices Not Concerning Deployment Schedules**

On Monday, March 21, 2005, a notice was published in the **Federal Register**

(70 FR 13514) announcing a modification to the NCAP test to clarify that all relevant data elements are required to be submitted in the automated truck manifest submission. That notice did not announce any change to the deployment schedule and is not affected by publication of this notice. All requirements and aspects of the test, as set forth in the September 13, 2004 notice, as modified by the March 21, 2005 notice, continue to be applicable.

Dated: September 13, 2007.

**Thomas S. Winkowski,**

*Assistant Commissioner, Office of Field Operations.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[USCBP-2006-0021; CBP Dec. 07-78]

#### Interpretive Rule Concerning Classification of Unisex Footwear

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

**ACTION:** Final interpretation.

**SUMMARY:** This document adopts as final, with minor changes, a proposed interpretive rule regarding the criteria to be used by U.S. Customs and Border Protection ("CBP") to determine whether footwear is considered to be "commonly worn by both sexes" (unisex) for tariff classification purposes under Heading 6403 of the Harmonized Tariff Schedule of the United States ("HTSUS") that was published in the **Federal Register** on July 24, 2006. The rates of duty applicable to footwear "For other persons" (i.e., "unisex") are about 1.5 percent higher than the rates of duty applicable to footwear "For men, youths and boys." The criteria set forth in this document will promote uniformity in the classification of subject footwear, thereby ensuring that proper duties are collected.

**DATES:** *Effective Date:* October 22, 2007.

**FOR FURTHER INFORMATION CONTACT:** Alexandra (Sasha) Kalb, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 572-8791.

#### SUPPLEMENTARY INFORMATION:

##### Background

This document sets forth the criteria to be used by CBP to determine whether footwear should be considered "unisex"

for tariff classification purposes. Chapter 64, HTSUS, covers footwear, gaiters and the like, and parts of such articles. Disparities in the duty rates applicable to some provisions under Heading 6403 in Chapter 64 are based on the gender of the user. Additional U.S. Note 1(b) and Statistical Note 1(b) to Chapter 64, HTSUS, provide that footwear "for men, youths and boys" covers footwear of certain men's and youths' sizes, not including unisex footwear (i.e., "footwear commonly worn by both sexes"). Statistical Note 1(c) to Chapter 64, HTSUS, provides that footwear "for women" covers footwear of certain women's sizes, whether for females or of types commonly worn by both sexes (i.e., unisex). Elsewhere in the HTSUS (in subheadings 6403.99.75 and 6403.99.90, for example), footwear is classified as "for other persons," a definition that also includes unisex footwear. The determination of whether footwear is classifiable as "for men, youths and boys" rather than "for women" or "for other persons," therefore, often rests on whether the footwear is truly for men, youths and boys or is, in fact, unisex. The rates of duty applicable to footwear "For other persons" (i.e. unisex) are about 1.5 percent higher than the rates applicable to footwear "For men, youths and boys."

It is noted that many types of footwear may be, and in fact are, worn by both sexes. In addition, many types of shoes in male sizes do not feature physical characteristics to designate that the footwear is intended exclusively for males. The standards employed for purposes of determining whether footwear is considered unisex had been developed and applied by CBP on an ad hoc, case-by-case basis. This approach, while effective in individual cases, had provided only limited guidance to the importing community and to CBP officers with respect to other import transactions involving different factual circumstances.

#### Request From Public To Provide Enhanced Guidance

In a letter dated September 17, 1999, the footwear importing public, represented by the Footwear Distributors and Retailers of America ("FDRA"), requested that CBP take steps to provide enhanced guidance in determinations concerning unisex issues. The FDRA specifically requested that CBP set forth the criteria for determining whether footwear claimed to be "for men, youths and boys" is considered "commonly worn by both sexes" and therefore classifiable as footwear "for other persons." The FDRA

additionally requested that CBP ensure the uniform interpretation and application of those criteria by CBP field offices.

#### Preliminary Notice

After receiving the above-referenced letter, CBP published a general notice in the **Federal Register** (67 FR 18303) on April 15, 2002. In that document, CBP set forth its criteria for determining what constitutes unisex footwear for tariff classification purposes as well as the criteria proposed by the FDRA. In addition, CBP solicited comments on the appropriateness of the standards proposed by the FDRA and on the extent to which any standards followed by CBP in the past should be retained. Suggestions for alternative standards were also invited. Four comments were received in response to the preliminary notice.

#### Proposed Interpretive Rule

CBP published a proposed interpretive rule in the **Federal Register** (71 FR 41822) on July 24, 2006. In the proposed interpretive rule, CBP reiterated its traditional criteria for determining what constitutes unisex footwear, addressed the four comments received in response to the preliminary notice, and proposed new criteria for purposes of determining whether footwear should be considered unisex for tariff classification purposes. The criteria set forth by CBP in the proposed interpretive rule, to be applied in sequential order, are:

(1) Footwear in sizes for men, youths and boys will not be considered to be "commonly worn by both sexes" (i.e., "unisex") if marked "MEN'S SIZE \_\_\_\_\_", "YOUTHS' SIZE \_\_\_\_\_", or "BOYS' SIZE \_\_\_\_\_".

(2) Even if not marked as described in criterion 1, footwear in sizes for men, youths or boys will not be considered to be "commonly worn by both sexes" (i.e., "unisex") if:

a. The importer imports the same shoe for women and girls, or;

b. Evidence is provided in the form of marketing material, retail advertisements, or other convincing documentation demonstrating that the same shoe for women and girls is available in the U.S. marketplace.

(3) A style of footwear in sizes for males will not be presumed to be "commonly worn by both sexes" (i.e., "unisex") unless evidence of marketing establishes that at least one pair in four (25 percent) of that style is sold to and/or worn by females.

(4) A determination that footwear is "commonly worn by both sexes" will