

fertilizer but is also used for waste water treatment. In the decision, CBP informed the party filing the petition that the correct classification of the subject CN-9 Solution is under subheading 3102.60.00, HTSUS.

DATES: The final classification decision was issued on December 16, 2011. The classification set forth in the decision applies to all entries of the described CN-9 Solution for which liquidation was not finalized as of December 16, 2011.

FOR FURTHER INFORMATION CONTACT: Tamar Anolic, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 325-0036.

SUPPLEMENTARY INFORMATION:

Background

I. Petition

A petition dated June 16, 2010¹ was filed under section 177.13 of the U.S. Customs and Border Regulations (“CBP”) regulations (19 CFR 177.13), on behalf of Yara North America, Inc. (“Yara”) requesting the reconciliation of inconsistent classification decisions under the Harmonized Tariff Schedule of the United States (“HTSUS”).

Yara is a subset of Yara International ASA, a global firm specializing in agricultural products and environmental protection agents. It is a supplier of mineral fertilizers. As an importer of these products, Yara received inconsistent classification decisions on its merchandise at different ports. The petition concerned Yara’s importation of CN-9 Solution, a hydrated ammonium calcium nitrate double salt that is primarily used as a fertilizer but is also used for waste water treatment. Yara entered the subject merchandise at the Port of Long Beach between January 24, 2009 and September 8, 2009, and at the Port of Baltimore on April 20, 2010, under subheading 3102.60.00, HTSUS, as “Mineral or chemical fertilizers, nitrogenous: Double salts and mixtures of calcium nitrate and ammonium nitrate.” Citing Legal Note 2(a)(v) to Chapter 31, HTSUS,² the Port of Long Beach liquidated the subject merchandise as entered. Citing Legal

Note 5 to Chapter 28, HTSUS,³ the Port of Baltimore liquidated the subject merchandise under subheading 2842.90.90, HTSUS, as “Other salts of inorganic acids or peroxyacids (including aluminosilicates whether or not chemically defined), other than azides: Other: Other.”

Yara met the requirements as an interested party set forth in 19 CFR 177.13(a)(2) and 19 U.S.C. 1514(c) and met the requirements regarding the types of decisions subject to petition set forth in 19 CFR 177.13(a)(1) and 19 U.S.C. 1514(a). Furthermore, having filed the petition within 180 days of the latest decision it received from a port, Yara met the timeliness requirements of 19 CFR 177.13(a)(3). Lastly, Yara also met the requirements of 19 CFR 177.13(b)(2), and specifically 19 CFR 177.13(b)(2)(i) in that the petition contained a complete description of the inconsistent decisions of which they complained. The company submitted a sample that had been tested by the CBP laboratories. Yara requested that CBP classify the imported merchandise under subheading 3102.60.00, HTSUS.

Notice of the petition, along with a request for comments, was published in the **Federal Register** (76 FR 48875) on August 9, 2011. No comments were received in response to the notice. This document informs all interested parties of CBP’s decision regarding the issue raised in the petition.

II. Decision

The subject merchandise is a hydrated ammonium calcium nitrate double salt that is used as a fertilizer. While it can also be used for water treatment, its primary use is as a fertilizer and its chemical structure is identical for both uses. As a result, it is described by the terms of heading 3102, HTSUS, as a nitrogenous mineral fertilizer.

Furthermore, Legal Note 2 to Chapter 31, HTSUS, specifically lists this merchandise: double salts, whether or not pure, or mixtures of calcium nitrate and ammonium nitrate. In addition, Explanatory Note (EN) 31.02 confirms this interpretation. The subject merchandise is a fertilizer with a secondary use in waste water treatment. This alternate function is explicitly allowed by EN 31.02.

The Port of Baltimore liquidated the subject merchandise under heading 2842, HTSUS. Legal Note 5 to Chapter 28, HTSUS, directs classification of double or complex salts into heading

2842, HTSUS, “except where the context otherwise requires.” There is no dispute that the subject merchandise is a double salt, but the context here requires that it be classified outside heading 2842, HTSUS. In this case, the subject merchandise is specifically described by Legal Note 2 to heading 3102, HTSUS, as being classified in that heading. The subject merchandise is also described, *eo nomine*, by the terms of heading 3102, HTSUS, as a nitrogenous mineral fertilizer. As a result, the context requires that it be classified there instead of heading 2842, HTSUS.

This notice informs all interested parties that in a decision dated December 16, 2011, CBP classified the subject CN-9 Solution under subheading 3102.60.00, HTSUS, which provides for: “Mineral or chemical fertilizers, nitrogenous: Double salts and mixtures of calcium nitrate and ammonium nitrate.” In accordance with 19 CFR 177.13(e), the decision was effective immediately upon issuance and, where applicable, applies to all entries for which liquidation is not final.

III. Authority

This notice is published in accordance with section 177.13(d), CBP Regulations (19 CFR 177.13(d)).

Dated: December 27, 2011.

Sandra L. Bell,

Executive Director, Regulations and Rulings, Office of International Trade.

[FR Doc. 2011-33603 Filed 12-29-11; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5477-N-52]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or

¹ The **Federal Register** (76 FR 48875) notice of August 9, 2011 erroneously listed the petition as being dated June 6, 2010.

² Legal Note 2(a)(v) to chapter 31, HTSUS, provides that: “Heading 3102 applies only to the following goods, provided that they are not put up in the forms or packages described in heading 3105: (a) Goods which answer to one or other of the descriptions given below: ... (v) Double salts (whether or not pure) or mixtures of calcium nitrate and ammonium nitrate.”

³ Legal Note 5 to chapter 28, HTSUS, provides that: “Headings 2826 to 2842 apply only to metal or ammonium salts or peroxy salts. Except where the context otherwise requires, double or complex salts are to be classified in heading 2842.”

call the toll-free Title V information line at (800) 927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-(800) 927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force*: Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925-3047; *Army*: Ms. Veronica Rines, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, +-DAIM-ZS, Room 8536, 2511 Jefferson Davis Hwy, Arlington, VA 22202; (571) 256-8145; *Coast Guard*: Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St. SW., Stop 7901, Washington, DC 20593-0001; (202) 475-5609; *GSA*: Mr. Gordon Creed, Acting Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets NW., Washington, DC 20405; (202) 501-0084; *Navy*: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685-9426 (These are not toll-free numbers).

Dated: December 22, 2011.

Mark R. Johnston,
Deputy Assistant Secretary for Special Needs

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 12/30/2011

Suitable/Available Properties

Building

Arkansas

99 Shore Court Structure
99 Shore Court
Hot Springs AR 71901
Landholding Agency: GSA
Property Number: 54201140010
Status: Surplus
GSA Number: 7-I-AR-0415-13
Comments: Off-site removal only; 1,845 sq. ft.; current use: residential

132 Clubb Street Structure
132 Clubb Street
Hot Springs AR 71901
Landholding Agency: GSA
Property Number: 54201140014
Status: Surplus
GSA Number: 7-I-AR-0415-14
Comments: Off-site removal only; 1,090 sq. ft.; current use: residential

Washington

Small Arms Firing Range
322 Coast Guard Rd
Ilwaco WA
Landholding Agency: Coast Guard
Property Number: 88201140003
Status: Unutilized
Comments: Off-site removal only; 2,640 sq. ft.; current use: firing range; lead around bld.; need repairs

Land

Illinois

FAA Middle Marker Site
467 37th Ave
St. Charles IL 60174
Landholding Agency: GSA
Property Number: 54201140008
Status: Excess
GSA Number: 1-U-IL-798
Comments: Zoning law/bldg. code prohibits construction; 0.135 acres; current use: FAA communications tower

South Carolina

Marine Corps Air Station
3481 TRASK Parkway
Beaufort SC 29904
Landholding Agency: GSA
Property Number: 54201140009
Status: Excess
GSA Number: 4-N-SC-0608AA
Comments: 18,987.60 sq. ft. (.44 acres); physical features: swamp, periodic flooding, 5 ft. off of main road

Unsuitable Properties

Building

Arkansas

Bldg. 2383
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140064

Status: Excess
Reasons: Secured Area
13 Bldgs.
Military Family Housing
Little Rock AR 92099
Landholding Agency: Air Force
Property Number: 18201140065
Status: Excess
Directions: 2355, 2368, 2369, 2370, 2371,
2376, 2378, 2385, 2397, 2481, 2405, 2447,
2457
Reasons: Secured Area
8 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140066
Status: Excess
Directions: 2413, 2416, 2421, 2425, 2440,
2441, 2453, 2458
Reasons: Secured Area
14 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140067
Status: Excess
Directions: 2356, 2358, 2365, 2380, 2399,
2407, 2408, 2410, 2419, 2442, 2445, 2449,
2452, 2456
Reasons: Secured Area
3 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140068
Status: Excess
Directions: 2432, 2434, 2437
Reasons: Secured Area
12 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140069
Status: Excess
Directions: 2366, 2367, 2390, 2422, 2426,
2427, 2428, 2429, 2430, 2431, 2433, 2436
Reasons: Secured Area
3 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140070
Status: Excess
Directions: 2392, 2393, 2394
Reasons: Secured Area
3 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140071
Status: Excess
Directions: 2384, 2391, 2404
Reasons: Secured Area
9 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140072
Status: Excess
Directions: 2372, 2409, 2411, 2446, 2448,
2450, 2451, 2455, 2460
Reasons: Secured Area, Contamination
22 Bldgs.

Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140073
Status: Excess
Directions: 2354, 2373, 2374, 2375, 2377,
2381, 2382, 2386, 2387, 2388, 2395, 2396,
2400, 2402, 2403, 2406, 2412, 2414, 2418,
2439, 2454, 2459
Reasons: Secured Area
6 Bldgs.
Military Family Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140074
Status: Excess
Directions: 2379, 2398, 2420, 2423, 2424,
2435
Reasons: Secured Area
13 Bldgs.
Military Housing
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201140075
Status: Excess
Directions: 2357, 2359, 2360, 2361, 2362,
2363, 2364, 2411, 2417, 2438, 2443, 2444,
2461
Reasons: Secured Area
Bldg. 57230
Pine Bluff Arsenal
Pine Bluff AR 71602
Landholding Agency: Army
Property Number: 21201140080
Status: Unutilized
Comments: REDETERMINATION: Previously
w/property #21201140055; agency
submitted additional info. re: the
deteriorated state of property due to chem.
contamination; non-removable
Reasons: Contamination, Extensive
deterioration
California
China Lake-91076
1 Administration Circle
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77201140020
Status: Excess
Reasons: Extensive deterioration, Within
2000 ft. of flammable or explosive material
Pennsylvania
11 Bldgs.
NSA
Mechanicsburg PA
Landholding Agency: Navy
Property Number: 77201140019
Status: Excess
Directions: 29, 30, 914, 915, 916, 917, 918,
940, 941, 942, 943
Reasons: Secured Area
Virginia
W-55
30 Battle Group Way
Wallops Island VA 23337
Landholding Agency: GSA
Property Number: 54201140011
Status: Excess
GSA Number: 4-N-VA-0761-AA
Reasons: Secured Area
W-141
30 Battle Group Way
Wallops Island VA 23337

Landholding Agency: GSA
Property Number: 54201140012
Status: Excess
GSA Number: 4-N-VA-0761-AB
Reasons: Secured Area
U-12
30 Battle Group Way
Wallops Island VA 23337
Landholding Agency: GSA
Property Number: 54201140013
Status: Excess
GSA Number: 4-N-VA-0761-AC
Reasons: Secured Area
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DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Gulf of Mexico (GOM), Outer Continental Shelf (OCS), Western Planning Area (WPA) and Central Planning Area (CPA), Oil and Gas Lease Sales for 2012-2017

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability (NOA) of the Draft Environmental Impact Statement (EIS) and Public Meetings.

Authority: This NOA is published pursuant to the regulations (40 CFR 1503) implementing the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.* (1988)).
SUMMARY: The BOEM has prepared a Draft EIS on oil and gas lease sales tentatively scheduled in 2012-2017 in the WPA and CPA offshore the States of Texas, Louisiana, Mississippi, and Alabama. Under the proposed *Outer Continental Shelf Oil and Gas Leasing Program: 2012-2017* (5-Year Program), five annual areawide lease sales are scheduled for the WPA and five annual areawide lease sales are scheduled for the CPA. The proposed WPA lease sales are Lease Sale 229 in 2012, Lease Sale 233 in 2013, Lease Sale 238 in 2014, Lease Sale 246 in 2015, and Lease Sale 248 in 2016; the proposed CPA lease sales are Lease Sale 227 in 2013, Lease Sale 231 in 2014, Lease Sale 235 in 2015, Lease Sale 241 in 2016, and Lease Sale 247 in 2017.

SUPPLEMENTARY INFORMATION: The BOEM has prepared a draft EIS (Multisale EIS) for the five WPA and five CPA Gulf of Mexico lease sales scheduled for 2012-2017 in the proposed 5-Year Program. This draft Multisale EIS provides information on the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the WPA and CPA. The BOEM conducted an extensive