agreement cannot be reached, both the statements of the person submitting the request and the field office will be forwarded to the Headquarters Office for consideration.

(5) *Refusal by Headquarters Office to furnish advice.* The Headquarters Office may refuse to consider the questions presented to it in the form of a request for internal advice whenever (i) the Headquarters Office determines that the period of time necessary to give adequate consideration to the questions presented would result in a withholding of action with respect to the transaction, or in any other situation, that is inconsistent with the sound administration of the Customs and related laws, and (ii) the questions presented can subsequently be raised by the importer or other interested party in the form of a protest filed in accordance with the provisions of Part 174 of this chapter.

(6) *Effect of advice received from the Headquarters Office.* Advice furnished by the Headquarters Office in response to a request therefor represents the official position of the Customs Service as to the application of the Customs laws to the facts of a specific transaction. If the field office believes that the advice furnished by the Headquarters Office should be reconsidered, it shall promptly request such reconsideration. Otherwise, the advice furnished by the Headquarters Office will be applied by the field office in its disposition of the Customs transaction in question.

(7) *Publication.* Whenever advice issued by the Headquarters Office is likely to affect a substantial volume of imports or transactions or is otherwise of general interest or importance, such advice will be published in the form of a ruling in the Customs Bulletin, as described in section 177.10, and will be binding on all Customs Service personnel until modified or revoked.

(T.D. 75-187)

United States Customs Service decision

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 22, 1975.

The following is a decision recently promulgated by the United States Customs Service through its Office of Regulations and Rulings.

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

T.D. 75-187 *Semiconductor devices, including transistors, diodes and integrated circuits.*—The Customs Service has been asked to rule on the proposed multiple listing of countries of origin as a compliance with the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), in the case of semiconductor devices which are manufactured in up to nine or more foreign countries, and comingled either before or after importation into the United States. The Customs Service has previously ruled that if these devices are large enough to be marked to indicate certain technical and commercial characteristics, they are large enough to be marked to indicate the country of origin. If the articles are not large enough to bear both markings, the requirement for country of origin marking must prevail.

Articles may be excepted from individual marking to indicate their country of origin pursuant to 19 U.S.C. 1304(a)(3)(D) and section 134.32(d) of the Customs Regulations, if the marking of their containers will reasonably indicate the country of origin to the ultimate purchasers in the United States. Accordingly, if the semiconductor devices are imported in containers that are legibly and conspicuously marked to indicate the country of origin, and the Customs officers at the port of entry are satisfied that the devices will reach the ultimate purchasers in the marked containers, the devices may be excepted from individual marking to indicate the country of origin, notwithstanding they are marked with technical and commercial characteristics. The ultimate purchaser of the devices, within the meaning of 19 U.S.C. 1304(a), may be a manufacturer who uses the devices in the manufacture of new and different articles such as television sets, radios, or other electronic equipment, or a hobbyist, experimenter, or repairman who purchases the devices in their original imported condition for use in his hobby or profession.

The Customs Service has also ruled that semiconductor devices may be excepted from individual marking in appropriate cases under the provisions of section 134.34 of the Customs Regulations, if the devices are imported in bulk, and repackaged in containers in the United States that are marked to indicate the country of origin to an ultimate purchaser. In some cases these devices are imported in bulk for the purpose of further testing in the United States, and appropriate symbolization marking depending on the results of the test. The devices are then repackaged in marked containers for resale to ultimate purchasers.

The previous ruling of the Customs Service, permitting the country of origin marking to appear on the containers in which the devices are repackaged in the United States, was conditioned on a requirement that the correct country of origin of each of the transistors must appear on the package. Experience has demonstrated that this is a difficult requirement to enforce, since it is frequently common for manufacturers to commingle many devices of the same type from different countries during the testing and symbolization marking process. This requires the manufacturers to attempt to keep segregated during this process transistors made in different countries so that they can be packaged in properly marked containers, or to identify the particular country of origin of the devices by a color code or other means so that they can be placed in properly marked packages.

The Customs Service has previously ruled that when the name of the country of origin of an imported article is not known but the names of the countries, in one of which it was manufactured or produced, are known, the article (or its container) shall be marked to show the names of all the countries in which it may have originated but that the exact country of origin is unknown (T.D. 51100(4)). Accordingly, the Customs Service is of the view that when semiconductor devices made in a number of different foreign countries are commingled for a *bona fide* reason, and subsequently repackaged for sale to the ultimate purchaser, the marking requirements of 19 U.S.C. 1304 will be met if the containers are legibly and conspicuously marked to indicate that the devices were made in one or more of the countries listed on the container. This ruling will apply only where all of the commingled devices are made in foreign countries. The ruling will not be applicable if foreign devices are commingled with domestically-manufactured devices.

This ruling, permitting a multiple listing of countries of origin, will apply equally to devices that are repackaged in large containers for sale to ultimate purchasers who are manufacturers, or in smaller packages containing one or several items for sale at the retail level to hobbyists, experimenters and similar purchasers.

In order for the repackaging procedure to be acceptable, it will be necessary for the importing company to make satisfactory arrangements with the district director of Customs at the port of entry to insure that the importing company will repackage the devices in containers marked to indicate the country or countries of origin of the devices, or that the devices are to be sold by the importer to a company known and designated to Customs at the time of importation which

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will repackage them in marked retail containers under a procedure approved by the district director of Customs at the port of entry. It will not be acceptable for the importer to merely instruct his distributors to inform their customers of the foreign origin of the semiconductors at the time of sale, in the event the original container is broken into in order to ship fewer than the total number in that container. (701516)

(MAR 2-05)

RAYMOND E. TURNER,
Director, Entry Procedures and Penalties Division.

[Published in the Federal Register July 29, 1975 (40 FR 31816)]

(T.D. 75-188)

Cotton and manmade fiber textile products—Restriction on entry

Restriction on entry of cotton and manmade fiber textile products in certain categories manufactured or produced in Macau

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 23, 1975.

There is published below the directive of July 3, 1975, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton and manmade fiber textile products in certain categories manufactured or produced in Macau. This directive cancels and supersedes that Committee's directives of December 30, 1974 (T.D. 75-19).

This directive was published in the Federal Register on July 10, 1975 (40 FR 29120), by the Committee.

(QUO-2-1)

R. N. MARRA,
Director,
Duty Assessment Division.