

864, 726 F. Supp. 1342 (1989), affirmed in 9 CAFC 16, 916 F. 2d 1568 (1990), the Court considered whether certain carbon blocks were "ceramic articles" for tariff classification purposes. The Court held that a low level of crystallinity (determined to be approximately 5%) was insufficient to meet the "substantially crystalline" requirement found in the tariff schedules. In responding to plaintiff's argument, the CIT stated, "[w]hile fifty percent may not be the appropriate dividing line on the issue of what constitutes substantial crystallinity * * * the quantitative test has shown that a very low level of crystallinity is involved * * *." Hence, the Court did not reach the question of the appropriate dividing line for determining substantial crystallinity. In any event, for technical reasons, Customs considers this case to be largely inapplicable here. Graphite (a crystalline form of carbon) was a constituent material used to fabricate the blocks at issue in *Eastalco*. These blocks are normally used to line ovens and furnaces that must handle extremely high temperatures. Floor and wall tiles have a vastly different construction and application; they will, therefore, have quite different physical characteristics. In sum, it is logical that the percent of crystallinity needed to satisfy the subjective term "substantially crystalline" may be different for products that are vastly different.

Issue 5: Professional opinion of percent of crystallinity.

Response: All but one of the respondents who are scientists/engineers state that, in their professional opinion, only a minimal level of crystallinity should be required for a floor or wall tile to be considered "substantially crystalline." One scientist did not offer an opinion on a minimum level of crystallinity. One of the ceramic engineers introduces a concept that the crystalline content of nearly all, if not all glass, "never exceeds a few percent (less than 5%)." Customs finds these opinions to be significant.

Conclusion

After careful consideration of all of the comments received concerning the issues noted above, as of the effective date of this notice in the Federal Register, in making decisions on tariff classification Customs will consider the term "crystalline or substantially crystalline" as used in U.S. Note 1 to Chapter 69, as it pertains to floor and wall tile, to be satisfied for articles having a level of crystallinity that is clearly discernable by x-ray diffraction or other analytical methodology that is

generally accepted by the scientific community. Normally, a qualitative analysis, using the XRD technique, that indicates some degree of crystallinity exists in the article would be sufficient to verify that the floor or wall tile article has a sufficient crystalline nature to satisfy the criteria "crystalline or substantially crystalline structure" for Customs purposes.

Dated: November 26, 1996.

George D. Heavey,
Director, Laboratories and Scientific Services.
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BILLING CODE 4820-02-P

UNITED STATES INFORMATION AGENCY

Proposed Collection; Comment Request

AGENCY: United States Information Agency.

ACTION: Proposed collection; Comment request.

SUMMARY: The United States Information Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on an information collection requirement concerning the public use form entitled "Surveys, Interviews, and Other Audience Research for Radio and TV Marti". This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3506(c)(2)(A)).

The information collection activity involved with this program is conducted pursuant to the mandate given to the United States Information Agency in accordance with P.L. 98-11, the Radio Broadcasting to Cuba Act, to provide for the broadcasting of accurate information to the people of Cuba and for other purposes. In addition, Public Law 98-11 was amended by Public Law 101-246, which established the authority for TV Marti.

DATE: Comments are due on or before February 3, 1997.

COPIES: Copies of the Request for Clearance (OMB 83-I), supporting statement, and other documents that will be submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments should be submitted to the office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, United States Information

Agency, M/ADD, 301 Fourth Street, S.W., Washington, D.C. 20547, telephone (202) 619-4408; and OMB review: Ms. Victoria Wassmer, Office of Information And Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, D.C. 20503, Telephone (202) 395-3176.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information (Paper Work Reduction Project: OMB No. 3116-0197) is estimated to average 1.15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Responses are voluntary and respondents will be required to respond only one time.

Comments are requested on the proposed information collection concerning (a) whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information has practical utility; (b) the accuracy of the Agency's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Send comments regarding this burden estimate or any other aspect of this collection of information to the United States Information Agency, M/ADD, 301 Fourth Street, S.W., Washington, D.C. 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, D.C. 20503.

CURRENT ACTIONS: USIA is requesting reinstatement of this collection for a three-year period and approval for a revision to the burden hours.

TITLE: Surveys, Interviews, and Other Audience Research for Radio and TV Marti.

ABSTRACT: Data from this information collection are used by USIA's Office of Cuba Broadcasting (OCB) in fulfillment of its mandate to evaluate effectiveness of Radio and TV Marti operations by estimating the audience size and composition for broadcasts; and assess signal reception, credibility and relevance of programming through this research.

Proposed Frequency of Responses:

No. of Respondents.....	1,788
Recordkeeping Hours	1.15
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Total Annual Burden	2,052
Dated: November 26, 1996.	

Rose Royal,
Federal Register Liaison.
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