

N339722

May 7, 2024

CLA-2-72:OT:RR:NC:N5:117

CATEGORY: Classification

TARIFF NO.: 7217.90.1000; 7229.90.5051; 7228.60.8000; 9903.80.01; 9903.81.08;
9903.81.09

Michael Hall
CSI International Inc.
70 Jansen Ave.
Essington, PA 19029

RE: The tariff classification of steel wire and rod from Luxembourg

Dear Mr. Hall:

In your letter dated April 24, 2024, you requested a tariff classification ruling on behalf of your client, Spec Hardware Inc.

The products under consideration are vineyard wire (product codes C46D and C36D+B) and pencil rods (product code C7DSI). The wire is made of either nonalloy or alloy steel and is cold-drawn, galvanized, and lacquered. It is made to ASTM 510 and is imported in coils with diameters of 2.03, 2.5, and 2.6 mm. The alloy steel pencil rods are cold-drawn, galvanized and ribbed by cold deformation. They are made to ASTM 510 and are imported in cut-to-length bundles. The diameter of the rods is 6 mm.

The applicable subheading for the nonalloy steel vineyard wire will be 7217.90.1000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Wire of iron or nonalloy steel: Other: Coated with plastics. The rate of duty will be free.

The applicable subheading for the alloy steel vineyard wire will be 7229.90.5051, HTSUS, which provides for Wire of other alloy steel: Other: Other: Round wire: Other: With a diameter of 1.5 mm or more. The rate of duty will be free.

The applicable subheading for the alloy steel pencil rods will be 7228.60.8000, HTSUS, which provides for Other bars and rods of other alloy steel; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or nonalloy steel: Other bars and rods: Other: Cold-formed. The rate of duty will be free.

You requested clarification as to whether subheading 9817.00.5000, HTSUS, which provides for "Machinery, equipment, and implements to be used for agricultural or horticultural purposes," is applicable to the vineyard wire and pencil rods. We cannot make a determination on the 9817 provision as it is currently under review by the CIT/HQ. See Northern Tool &

Equipment Co. v. United States, Ct. No. 22-00197. Section 177.7 of the Customs Regulations (19 C.F.R. 177.7) provides that rulings will not be issued in certain circumstances. Specifically, 177.7(b) reads, in pertinent part:

No ruling letter will be issued with respect to any issue which is pending before the United States Court of International Trade, the United States Court of Appeals for the Federal Circuit or any court of appeal therefrom. When the issue before the CIT/HQ is completed, you may resubmit your request. We otherwise direct you to review the Customs and Border Protection Informed Compliance Publication on Agricultural Actual Use Provisions at <https://www.cbp.gov/document/publications/agricultural-actual-use-provisions>.

On March 8, 2018, Presidential proclamations 9704 and 9705 imposed additional tariffs and quotas on a number of steel and aluminum mill products. Exemptions have been made on a temporary basis for some countries. Quantitative limitations or quotas may apply for certain exempted countries and can also be found in Chapter 99. Additional duties for steel of 25 percent and for aluminum of 10 percent are reflected in Chapter 99, subheading 9903.80.01 for steel and subheading 9903.85.01 for aluminum. Products classified under subheadings 7217.90.1000, 7229.90.5051, 7228.60.8000, HTSUS, may be subject to additional duties or quota. At the time of importation, you must report the Chapter 99 subheading applicable to your product classification in addition to the Chapter 72, 73 or 76 subheadings listed above.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at <https://hts.usitc.gov/current>.

The holding set forth above applies only to the specific factual situation and merchandise description as identified in the ruling request. This position is clearly set forth in Title 19, Code of Federal Regulations (CFR), Section 177.9(b)(1). This section states that a ruling letter is issued on the assumption that all of the information furnished in the ruling letter, whether directly, by reference, or by implication, is accurate and complete in every material respect. In the event that the facts are modified in any way, or if the goods do not conform to these facts at time of importation, you should bring this to the attention of U.S. Customs and Border Protection (CBP) and submit a request for a new ruling in accordance with 19 CFR 177.2. Additionally, we note that the material facts described in the foregoing ruling may be subject to periodic verification by CBP.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Denise Hopkins at denise.hopkins@cbp.dhs.gov.

Sincerely,

Steven A. Mack

Director
National Commodity Specialist Division