

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: August 26, 2008]²

Bill No. and sponsor: H.R. 5202 (Mrs. Ellen O. Tauscher of California)

Proponent name,³ location: Applied Materials, Inc., Santa Clara, CA.

Other bills on product (110th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Optical fiber sensors, each certified by the importer as consisting of a 10 mm diameter lens built in an M14 screw feedthrough, having an optical fiber cable with a length of approximately 10 m and a diameter of approximately 2.2 mm (provided for in subheading 9013.80.90).

Check one: Same as that in bill as introduced.
 Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

According to the proponent, the subject product is a fiber optic light sensor with an attached 10-meter long, 2.2-millimeter diameter optical fiber cable. Fiber optic light sensors, like other optical sensors, are devices that transmit and detect light in the visual spectrum to measure or detect a real-world condition, such as motion, heat, or light, and converts the condition into an analog or digital representation. There are two types of fiber optic sensors, intrinsic fiber optic sensors and extrinsic fiber optic sensors. Intrinsic fiber optic sensors are made up of optical fibers engaged in the various sensing actions themselves. In extrinsic fiber optic sensors, the optical fibers are used merely to transmit data from traditional sensing devices such as electronic sensors. The fiber optic sensor generally performs its function by measuring an intensity change in one or more light beams or detecting a phase changes in the light beams by causing them to interact or interfere with one another. Among the conditions fiber optic sensors can measure are temperature, pressure, flow, liquid levels, displacement, vibration, rotation, acceleration, chemical species, force, radiation, humidity, strain, velocity, electric fields, and acoustic fields. Fiber optic light sensors have a broad range of environmental, scientific, military, and industrial applications, including environmental and atmospheric monitoring (for monitoring pollutants and contamination), industrial chemical processing and biotechnology, medical imaging, glass processing, and semiconductor and related manufacturing processes. For example, semiconductor and related manufacturing apparatus may include optical sensors to sense whether a wafer is mis-loaded by transmitting light past circumferential

¹ Industry analyst preparing report: Christopher Johnson (202-205-3488); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

edges of the wafers. Fiber optic sensors are imported from Germany, Israel⁴, Japan, Taiwan, and the United Kingdom. Dutiable U.S. imports under HTS subheading 9013.80.90 (a broader category than is covered by this bill) totaled approximately \$317 million.

Estimated effect on customs revenue:

HTS subheading: 9013.80.90					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	4.5%	4.5%	4.5%	4.5%	4.5%
Estimated value <i>dutiable</i> imports	\$317,000,000	\$317,000,000	\$317,000,000	\$317,000,000	\$317,000,000
Customs revenue loss	\$14,265,000	\$14,265,000	\$14,265,000	\$14,265,000	\$14,265,000

Source of estimated dutiable import data: Official U.S. Government statistics.⁵

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
			(Yes/No)	
Applied Materials, Inc. (Proponent) Joe Pasetti, 202-638-443, ext. 6	04/30/2008	No	No	No
Corning, Inc. Debra Waggoner, waggonerdl@corning.com	06/06/2008	No	No	No
KLA-Tencor Corp. Meggan Powers, 408-875-3000	06/05/2008	No	No	No
National Electrical Manufacturers Association John Meakem, joh_meakem@nema.org	06/06/2008	No	No	No
Nor-Cal Products, Inc. David Stone, davidstone@n-c.com	06/05/2008	No	No	No
Novellus Systems, Inc. Pushpita Prasad, pushpita.prasad@novellus.com	06/05/2008	No	Yes	No
Qioptiq Imaging Solutions John Gebhardt, john.gebhardt@ny.qioptiq.com	06/06/2008	No	No	No

⁴ Only originating goods of Israel would enter free of duty under the U.S.-Israel Free Trade Area Implementation Act of 1985.

⁵ Estimated import data based on the proposed revised product description were not provided by the proponent for its imports. It is likely that the figures shown for imports and customs revenue loss overstate the potential actual imports and revenue loss for the products concerned, but more precise information is unavailable.

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
SAES Pure Gas, Inc. Cristian Landoni, cristian_landoni@saes-group.com	06/05/2008	No	No	No
Semiconductor Equipment and Materials International Ken Schramko, kschramko@semi.org	06/05/2008	No	No	No
3M Co. Megan Ivory, mmivory@mmm.com	06/09/2008	No	No	No
T&M Service Mike Brooker, mbrooker@tandmservice.com	06/05/2008	No	No	No
W.L. Gore and Associates Mike Ratchford, mratchfo@wlgore.com	06/06/2008	No	No	No
Xandex, Inc. Nariman Manoochehri, nmanoochehri@xandex.com	06/05/2008	No	No	No

Technical comments:⁶

The proposed product description should be amended as shown on page 1, to conform with normal drafting practices in the HTS. We suggest the use of an importer certification requirement because the precise physical characteristics set forth in the article description would likely need to be verified through laboratory testing, which is burdensome for Customs and Border Protection.

⁶ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

110TH CONGRESS
2^D SESSION

H. R. 5202

To suspend temporarily the duty on optical fiber sensor, consisting of a 10 millimeter diameter lens built in an M14 screw feedthrough with 10-meter long fiber optic cable of 2.2 millimeter diameter.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mrs. TAUSCHER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on optical fiber sensor, consisting of a 10 millimeter diameter lens built in an M14 screw feedthrough with 10-meter long fiber optic cable of 2.2 millimeter diameter.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. OPTICAL FIBER SENSOR, CONSISTING OF A 10**
 2 **MILLIMETER DIAMETER LENS BUILT IN AN**
 3 **M14 SCREW FEEDTHROUGH WITH 10-METER**
 4 **LONG FIBER OPTIC CABLE OF 2.2 MILLI-**
 5 **METER DIAMETER.**

6 (a) IN GENERAL.—Subchapter II of chapter 99 of
 7 the Harmonized Tariff Schedule of the United States is
 8 amended by inserting in numerical sequence the following
 9 new heading:

“	9902.01.00	Optical fiber sensor, consisting of a 10 millimeter diameter lens built in an M14 screw feedthrough with 10-meter long fiber optic cable of 2.2 millimeter diameter (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2011	”.
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10 (b) EFFECTIVE DATE.—The amendment made by
 11 subsection (a) applies to articles entered, or withdrawn
 12 from warehouse for consumption, on or after the 15th day
 13 after the date of the enactment of this Act.

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