

# U.S. Customs and Border Protection



## ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF CUSTOMS AND BORDER PROTECTION (COAC)

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security (DHS).

**ACTION:** Committee Management; Notice of Federal Advisory Committee Meeting.

**SUMMARY:** The Advisory Committee on Commercial Operations of Customs and Border Protection (COAC) will meet on February 21, 2012, in Washington, DC. The meeting will be open to the public. As an alternative to on-site attendance, U.S. Customs and Border Protection (CBP) will also offer a live webcast of the COAC meeting via the Internet.

**DATES:** COAC will meet on Tuesday, February 21, 2012, from 10 a.m. to 4 p.m. Please note that the meeting may close early if the committee has completed its business.

**REGISTRATION:** If you plan on attending via webcast, please register online at [https://apps.cbp.gov/te\\_registration/?w=73](https://apps.cbp.gov/te_registration/?w=73) by close-of-business on February 17, 2012. Please feel free to share this information with interested members of your organizations or associations. If you plan on attending on-site, please register either online at [https://apps.cbp.gov/te\\_registration/?w=72](https://apps.cbp.gov/te_registration/?w=72), or by email to [tradeevents@dhs.gov](mailto:tradeevents@dhs.gov), or by fax to (202) 325-4290 by close-of-business on February 17, 2012.

If you have completed an online webcast registration and wish to cancel your registration, you may do so at [https://apps.cbp.gov/te\\_registration/cancel.asp?w=73](https://apps.cbp.gov/te_registration/cancel.asp?w=73). If you have completed an online on-site registration and wish to cancel your registration, you may do so at [https://apps.cbp.gov/te\\_registration/cancel.asp?w=72](https://apps.cbp.gov/te_registration/cancel.asp?w=72).

**ADDRESSES:** The meeting will be held at U.S. Access Board Conference, 1331 F Street NW., Suite 800 in Washington, DC 20004. All visitors report to the lobby in the building.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms.

Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344-1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee as listed in the “Agenda” section below.

Comments must be submitted in writing no later than February 15, 2012, and must be identified by USCBP-2012-0001 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [Tradeevents@dhs.gov](mailto:Tradeevents@dhs.gov). Include the docket number in the subject line of the message.
- *Fax:* (202) 325-4290.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 5.2A, Washington, DC 20229.

*Instructions:* All submissions received must include the words “Department of Homeland Security” and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received by the COAC, go to <http://www.regulations.gov>.

There will be three public comment periods held during the meeting on February 21, 2012. On-site speakers are requested to limit their comments to three (3) minutes. Contact the individual listed below to register as a speaker. Please note that the public comment period for on-site speakers may end before the time indicated on the schedule that is posted on the CBP web page at the time of the meeting. Comments can also be made electronically anytime during the COAC meeting webcast, but please note that webcast participants will not be able to provide oral comments. Comments submitted electronically will be read into the record during the three (3) public comment periods.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 5.2A, Washington, DC 20229; telephone (202) 344-1440; facsimile (202) 325-4290.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the *Federal Advisory Committee Act*, 5 U.S.C. App. (Pub. L. 92–463). The COAC provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within DHS or the Department of the Treasury.

### Agenda

The COAC will hear from the following subcommittees on the topics listed below and then will review, deliberate, and formulate recommendations on how to proceed on those topics:

- The work of the Global Supply Chain Security Air Cargo Subcommittee: Air Cargo Advance Screening (ACAS) strategic plan for public release.
- The work of the One U.S. Government at the Border Subcommittee: Discussions on the 2012 subcommittee work plan.
- The work of the Intellectual Property Rights (IPR) Enforcement Subcommittee: IPR Distribution Chain Management concept. Prior to the COAC taking action on any of these topics of the three above-mentioned subcommittees, members of the public will have an opportunity to provide comments orally or, for comments submitted electronically during the meeting, by reading the comments into the record.

The COAC will also receive an update and discuss the following Initiatives and Subcommittee topics that were discussed at its December 7, 2011 meeting:

- The National Supply Chain Security Strategy.
- The CBP Initiatives of the Customs and Trade Partnership Against Terrorism (C-TPAT) program and Beyond the Border (BTB)—Report by the Global Supply Chain Security Land Border Subcommittee.
- The automation of Ocean and Rail manifest, Cargo Release, and other CBP automation pilots in the Automated Commercial Environment (ACE).
- Centralization of single transaction bonds and Coordination of bond issues that apply to other subcommittees—Report by the Bond Subcommittee.

- The evaluation plan regarding Centers of Expertise and Simplified Entry pilot—Report by the Trade Facilitation Subcommittee.
- Feedback received by the agency on previously submitted recommendations—Report by the AD/ CVD Subcommittee.
- Feedback received by the agency on previously submitted recommendations—Report by the Role of the Broker Subcommittee.

Dated: January 31, 2012.

MARIA LUISA O'CONNELL,  
*Senior Advisor for Trade,*  
*Office of Trade Relations.*

[Published in the Federal Register, February 3, 2012 (77 FR 5521)]



## 19 CFR PART 162

### Internet Publication of Administrative Seizure and Forfeiture Notices

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This rule proposes to amend the U.S. Customs and Border Protection (CBP) regulations to allow for publication of notices of seizure and intent to forfeit on an official Government forfeiture Web site. CBP anticipates that the changes proposed in this rule would reduce administrative costs and improve the effectiveness of CBP's notice procedures as Internet publication would reach a broader range of the public and provide access to more parties who may have an interest in the seized property.

**DATES:** Written comments must be received on or before April 9, 2012.

**ADDRESSES:** You may submit comments, identified by Docket Number USCBP– 2011–0022, by *one* of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP–2011–0022.

- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street NW. (Mint Annex), Washington, DC 20229–1179.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

**FOR FURTHER INFORMATION CONTACT:** Dennis McKenzie, Director, Fines, Penalties and Forfeitures Division, Office of Field Operations, U.S. Customs and Border Protection, (202) 344–1808.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

#### *General*

U.S. Customs and Border Protection (CBP) has authority to seize property violating certain laws enforced or administered by CBP or U.S. Immigration and Customs Enforcement (ICE). Such seized property may be forfeited and disposed of in a manner specified by applicable provisions of law. Generally, these forfeiture statutes authorize the government to take possession of and legally acquire title to the seized property. Under the CBP forfeiture procedure, a party may assert a claim to the seized property through judicial or administrative proceedings.

#### *Applicable Law and Regulations*

Section 607 of the Tariff Act of 1930, as amended, authorizes CBP to implement administrative forfeiture procedures under prescribed circumstances. 19 U.S.C. 1607. The statute requires CBP to publish notice of seizure and intent to forfeit for at least three successive

weeks, in such manner as the Secretary of the Treasury directs.<sup>1</sup> CBP is also required to issue written notice of the seizure and forfeiture to each party who appears to have an interest in the seized property. The written notice must contain information on the applicable procedures.

CBP regulations set forth the current procedure that CBP must follow when it seizes and gives notice of intent to forfeit property under administrative forfeiture proceedings, as required under 19 U.S.C. 1607. 19 CFR 162.45. These procedures apply when CBP seizes: (1) A prohibited importation; (2) a transporting conveyance if used to import, export, transport or store a controlled substance or listed chemical; (3) any monetary instrument within the meaning of 31 U.S.C. 5312(a)(3); or (4) any conveyance, merchandise, or baggage, the value of which does not exceed \$500,000 (19 CFR 162.45(a)).

CBP regulations provide two different methods to notify the public of seized property based on the appraised value of the property. First, for seized property appraised at more than \$5,000, CBP must publish administrative seizure and forfeiture notices for at least three successive weeks in a newspaper circulated at the customs port and in the judicial district where CBP seized the property. 19 CFR 162.45(b)(1). CBP also notifies all known parties-in-interest in advance of the pending newspaper publication and the expected dates of publication of the notice. For seized property appraised at \$5,000 or less, CBP accomplishes publication by posting a notice in a conspicuous place accessible to the public at the customhouse nearest the place of seizure. 19 CFR 162.45(b)(2). The notice shows the date of posting and remains posted for at least three successive weeks.

### **Proposed Amendments**

This notice of proposed rulemaking (NPRM) proposes to revise the manner by which CBP provides notice of intent to forfeit seized property appraised at more than \$5,000 and seized property appraised at \$5,000 or less. First, this rule proposes that CBP (including the U.S. Border Patrol where appropriate) would utilize the Department of Justice (DOJ) forfeiture Web site, located at <http://www.forfeiture.gov>, to post seizure and forfeiture notices for property appraised in excess of \$5,000 in value for 30 consecutive days. This DOJ Web site currently contains a comprehensive list of pending notices of civil and criminal forfeiture actions in various district courts and Federal Government agencies. Under this NPRM, CBP would no longer need to publish administrative seizure and

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<sup>1</sup> The Secretary of the Treasury has delegated this authority to the Secretary of Homeland Security pursuant to Treasury Department Order 100-16.

forfeiture notices for three successive weeks in a newspaper circulated at the customs port and in the judicial district where CBP seized the property. CBP would notify all known parties-in-interest of the Web site posting and the expected date of publication.

This NPRM also proposes that CBP will publish seizure and forfeiture notices for seized property appraised at \$5,000 or less on the DOJ forfeiture Web site for 30 consecutive days. This additional notice would not replace the current procedure of CBP posting notice at the customhouse nearest the place of seizure. However, this rule proposes to specify that in situations where U.S. Border Patrol agents make the seizure, the posting will be at the appropriate U.S. Border Patrol sector office.

CBP believes that the use of Internet publication for CBP seizure and forfeiture notices would provide notice to a broader range of the public without the geographical limitations that exist under the current procedure's reliance solely on local print publications or customhouse postings. In addition, the Internet posting would be available for a longer period of time (30 days), compared to the minimum statutory requirement of three weeks.

This NPRM proposes that CBP may publish, at its sole discretion and as circumstances warrant, additional notice in a print medium for at least three successive weeks. For example, CBP may publish a notice of seizure and forfeiture in a newspaper in general circulation at the port and the judicial district nearest the seizure, or with wider or national circulation, when recommended by the pertinent U.S. Attorney's office or court of jurisdiction. Additionally, CBP may decide to publish notice of seizure and forfeiture in a non-English language or other community newspaper to ensure reaching a particular community that may have a particular interest in or connection to the seizure. Similarly, CBP may elect to publish notice of seizure and forfeiture in a trade or industry publication that serves a particular commercial community to ensure reaching a party when it is difficult to identify a vessel or other conveyance owner.

### **Economic Analysis**

#### *Executive Orders 12866 and 13563*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and ben-

efits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget. However, CBP has prepared the following analysis to help inform stakeholders of the potential impacts of this proposed rule.

This proposed rule would provide a less costly alternative for publishing notices of seizure and forfeiture for seized property appraised at more than \$5,000 in value. The current regulation requires CBP to publish such notices in a local newspaper for at least three successive weeks. Historically, there have been some instances where the cost of advertising exceeds the value of the seized property, and these occurrences have increased as the cost of newspaper advertising has increased.

Under this proposed rule, CBP would publish the great majority of seizure and forfeiture notices for property valued at more than \$5,000 (estimated at 90 percent) for 30 consecutive days solely by posting on an existing government Web site. In some cases, either at CBP’s sole discretion based on the particular circumstances involved or where a court or a U.S. Attorney instructs or recommends, CBP would publish notice via both print (newspaper or other publication) and Internet methods. CBP will use an existing DOJ Web site that lists government forfeiture actions by various agencies. In 2010, CBP spent over \$1 million advertising more than 6,000 lines of property. Under this rule, CBP would advertise the vast majority of items using the DOJ Web site, which would be virtually cost-free. CBP would advertise only a small number of items both on the Internet and in a traditional newspaper or other publication. Because these items will be the highest profile items, CBP will likely advertise these items in large circulations or national newspapers. Such advertising will make up a disproportionate amount of the costs. We estimate that it will cost \$300,000 to continue to advertise these items in print. Therefore, we estimate that advertising on the Internet instead of in print for most items will save the government approximately \$700,000 per year.

This NPRM also proposes that CBP will publish seizure and forfeiture notices for seized property appraised at \$5,000 or less on the DOJ forfeiture Web site for 30 consecutive days. This proposed change would simply add low-cost Internet publication to the current requirement that CBP post notice at the customhouse (or U.S. Border Patrol sector office, as proposed in this rule) for seized property appraised at \$5,000 or less. This change would be virtually costless to



the government and would expand the reach of the seizure and forfeiture notice to the benefit of unknown parties-in-interest and the public.

### *Regulatory Flexibility Act*

This section examines the impact of the rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 603), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule would move most notices of seizure and forfeiture valued at more than \$5,000 from local print media to a national Web site. It would also allow CBP to post notices of seizures and forfeitures valued at \$5,000 or less on the Web in addition to posting at the customhouse nearest the place of seizure or the appropriate sector office of the U.S. Border Patrol. This rule would not impose any requirements on the general public or small businesses. As provided under the current procedure, CBP would continue to contact any small business that is a known party-in-interest. Because this rule imposes no direct costs on small entities, we believe that this rule will not have a significant economic impact on a substantial number of small entities. Consequently, DHS certifies this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

### **Unfunded Mandates Reform Act of 1995**

This notice of proposed rulemaking will not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American Tribal governments, or the private sector.

### **Executive Order 13132**

In accordance with the principles and criteria contained in Executive Order 13132 (Federalism), this notice of proposed rulemaking will have no substantial effect on the States, the current Federal-State relationship, or on the current distribution of power and responsibilities among local officials.

## Signing Authority

This document is being issued in accordance with 19 CFR 0.1(b)(1).

### List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Law enforcement, Seizures and forfeitures.

### Proposed Amendment to CBP Regulations

For the reasons set forth above, Part 162 of title 19 of the Code of Federal Regulations (19 CFR part 162), is proposed to be amended as set forth below:

#### PART 162—INSPECTION, SEARCH, AND SEIZURE

1. The general authority citation for part 162 and the specific authority citation for § 162.45 continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624; 6 U.S.C. 101; 8 U.S.C. 1324(b).

\* \* \* \* \*

Section 162.45 also issued under 19 U.S.C. 1607, 1608;

\* \* \* \* \*

2. In § 162.45, paragraphs (b)(1) and (2) are revised to read as follows:

**§ 162.45 Summary forfeiture; Property other than Schedule I and Schedule II controlled substances; Notice of seizure and sale.**

\* \* \* \* \*

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person, other than Schedule I and Schedule II controlled substances (as defined in 21 U.S.C. 802(6) and 812), exceeds \$5,000, the notice will be published by its posting on an official Government forfeiture Web site for at least 30 consecutive days. In CBP's sole discretion, and as circumstances warrant, additional publication for at least three successive weeks in a print medium may be provided. All known parties-in-interest will be notified of the pending location and date of publication.

(2) In all other cases, except for Schedule I and Schedule II controlled substances (see § 162.45a), the notice will be published by its posting on an official Government forfeiture Web site for at least 30 consecutive days and by its posting for at least three successive weeks in a conspicuous place that is accessible to the public at the custom-

house located nearest the place of seizure or the appropriate sector office of the U.S. Border Patrol. All known parties-in-interest will be notified of the pending location and date of publication. The posting at the customhouse or sector office will contain the date of posting. Articles of small value of the same class or kind included in two or more seizures will be advertised as one unit.

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Dated: February 2, 2012.

JANET NAPOLITANO,  
*Secretary.*

[Published in the Federal Register, February 8, 2012 (77 FR 6527)]



## 19 CFR PARTS 4 AND 122

### **Exemptions From Entry Requirements and Report of Arrival Requirements for Certain Department of Defense Vessels and Aircraft**

**AGENCY:** U.S. Customs and Border Protection, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Certain vessels and aircraft owned or chartered by the Department of Defense (DoD) are exempt from entry requirements and, in some cases, reporting requirements upon their arrival in the United States from a foreign place. This rule proposes to expand those exemptions to include additional DoD-owned or chartered vessels and aircraft when transporting certain cargo or passengers.

**DATES:** Comments must be received on or before April 9, 2012.

**ADDRESSES:** You may submit comments, identified by *docket number*, by *one* of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2012-0003.
- *Mail:* U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Attention: Border Security Regulations Branch, 799 9th St. NW., 5th floor, Washington, DC 20229-1179.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received

will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Attention: Border Security Regulations Branch, 799 9th St. NW., 5th floor, Washington, DC 20229–1179. To inspect submitted comments, make arrangements in advance by calling Mr. Joseph Clark at (202) 325–0118.

**FOR FURTHER INFORMATION CONTACT:** Michel Chausse, CBP Office of Field Operations, telephone (202) 344–3656.

## **SUPPLEMENTARY INFORMATION:**

### **Public Participation**

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects on the proposed rule. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

### **Background**

Vessels and aircraft arriving in the United States from a foreign place are generally required to report their arrival to CBP and make entry. Under current regulations, certain vessels and aircraft owned or chartered by the Department of Defense (DoD) are exempt from entry requirements and, in some cases, reporting requirements upon their arrival in the United States from a foreign place. The exemptions generally apply when the vessel or aircraft is transporting cargo that is solely the property of DoD or when it is transporting passengers traveling on official business of the United States. This rule proposes to expand the exemptions to entry requirements and, to a lesser extent, arrival reporting requirements to improve the flow of cargo and passengers that support DoD missions.

## Reporting Requirements

Section 433 of the Tariff Act of 1930, as amended, requires vessels and aircraft arriving in the United States from a foreign place to report their arrival. 19 U.S.C. 1433. The statute authorizes the Secretary of Homeland Security (Secretary) to promulgate regulations concerning the manner and timing of reporting arrival for vessels and aircraft. Two regulatory provisions govern the method of reporting arrival to CBP for vessels and aircraft. First, concerning vessels, CBP regulations require that the master of a vessel arriving in the United States from a foreign port or place immediately report the arrival to the nearest CBP facility or other location designated by the port director. *See* 19 CFR 4.2. Second, regarding aircraft, CBP regulations require all aircraft entering the United States to provide advance notice of arrival, subject to certain exceptions. *See* 19 CFR 122.31.

## Entry Requirements

In contrast to reporting arrival, making entry is a more formal process and typically involves filing certain necessary information with CBP. Separate statutes provide for vessel and aircraft entry requirements and separate regulatory provisions implement them.

First, sections 434 and 441 of the Tariff Act of 1930, as amended, govern vessel entry requirements. 19 U.S.C. 1434 and 1441. Section 434 describes the vessels that are subject to formal entry requirements and authorizes the Secretary to promulgate regulations relating to the manner, format, and timeframe regarding the filing of the entry. Section 441 describes the types of vessels that are not required to make entry under section 434. CBP regulations require certain vessels, including vessels arriving in the United States from a foreign place, to make formal entry within 48 hours after the arrival at any port or place in the United States, unless specifically excepted by law. *See* 19 CFR 4.3.

Second, concerning aircraft, 19 U.S.C. 1644a grants the Secretary discretion to apply the laws and regulations of vessel entry and clearance to civil air navigation. Accordingly, CBP regulations provide that all aircraft coming into the United States from a foreign place are required to make entry, subject to specified exemptions. *See* 19 CFR 122.41.

## Current DoD Exemptions From Entry Requirements and Arrival Reporting

Under existing regulations, certain vessels and aircraft owned or chartered by the DoD are exempt from entry requirements and, in some cases, reporting requirements upon their arrival in the United

States from a foreign place. These exemptions generally apply when the vessel or aircraft is transporting cargo that is solely the property of DoD or when it is transporting passengers traveling on official business of the United States.

### *Vessels*

Pursuant to 19 U.S.C. 1441, certain public vessels and vessels of war are not subject to formal entry requirements. CBP regulations provide that neither a report of arrival nor entry is required of any vessel that is:

- Owned by, or under the complete control and management of the United States or any of its agencies;
- Manned by members of the uniformed armed services of the United States, by personnel in the civil service of the United States, or by both; and
- Transporting only property of the United States, or passengers traveling on official business of the United States, or is in ballast.

19 CFR 4.5(a). DoD vessels that satisfy these criteria are exempt from report of arrival and entry requirements. CBP regulations further provide that a DoD-chartered vessel will be exempt from entry, when it is manned entirely by the civilian crew of the vessel carrier under contract to DoD and transporting only cargo that is DoD property.

### *Aircraft*

CBP regulations provide exemptions for certain public and private aircraft and DoD-chartered aircraft from making entry. These regulations, however, do not provide exemptions from arrival reporting requirements. “Public aircraft” is defined as a government-owned aircraft that is carrying only property of the government or passengers traveling on official business of the government. *See* 19 CFR 122.1. CBP regulations provide an exemption from entry for DoD-chartered aircraft, but only if it is carrying cargo that is solely DoD property. 19 CFR 122.41(b). Thus, under both the public aircraft exemption and the DoD-chartered aircraft exemption, the cargo being transported must be the exclusive property of the government. In the case of passengers traveling on official business of the government, the entry exemption applies only if the aircraft is owned by the government.

### **Advance Cargo Information**

CBP regulations require vessels (19 CFR 4.7) and aircraft (19 CFR 122.48a) arriving in the United States, to provide advance cargo information when the vessel or aircraft is required to make entry. Therefore, vessels and aircraft that are exempt from entry requirements are also exempt from the requirement to present advance cargo information.

Currently, DoD-owned or DoD-chartered vessels and aircraft that are exempt from entry requirements are also exempt from advance cargo information requirements. Under this proposed rule, those additional vessels and aircraft that would be exempt from entry requirements would also be exempt from the advance cargo information requirements in 19 CFR 4.7 and 122.48a.

### **Effect of Current Entry and Reporting Exemptions on DoD Missions**

Many vessels and aircraft that are under DoD's control and used to support DoD's missions do not fit within the current exemptions, either because the cargo is not the property of DoD or because the vessel or aircraft is a chartered vessel or aircraft. Therefore, formal entry, advance reporting, and, in some cases, reports of arrival are required. These requirements can impede the flow of cargo and passengers moved in support of the U.S. government's and DoD's missions.

DoD transports all goods and passengers supporting its missions under DoD's control through its own transportation system, the Defense Transportation System (DTS). The DTS, administered pursuant to the DoD directive on Transportation and Traffic Management (DoD Directive 4500.09E), is the system by which DoD manages the secure shipment of cargo and personnel in peace and in war. Although the cargo that is transported in the DTS is under the strict control of DoD, much of this cargo is not owned by DoD. The controlling DoD directive requires that any non-DoD traffic transported in the DTS be in support of the mission of DoD or the United States or be of an emergency, lifesaving nature (DoD Directive 4500.09E E4.3.1). Vessels and aircraft often carry, for example, defense contractor owned cargo used to support DoD missions, personal property (household goods) of military members, humanitarian cargo, or security assistance cargo. These conveyances are not covered by the current entry exemptions, even though this cargo is normally transported under DoD's control through the DTS. In fact, much of the cargo that moves in the DTS renders the conveyance on which it is transported ineligible for an entry exemption. These conveyances are currently subject

to entry requirements and thus also subject to advanced electronic presentation of cargo information requirements.

Under current regulations, although DoD-owned vessels and aircraft that transport passengers traveling on official U.S. business are exempt from entry, DoD-chartered vessels and aircraft are not exempt and must make entry if transporting any passengers. DoD often utilizes chartered vessels and aircraft to transport, for example, DoD personnel, personnel of the Red Cross or the United Service Organizations (USO), or DoD contractor employees, in addition to cargo. Even though all passengers transported on DoD conveyances must be approved to travel in the DTS, regardless of whether the conveyance is owned or chartered by DoD, the chartered vessel or aircraft would be subject to entry and advance cargo information requirements if transporting passengers, while DoD-owned vessels would not.

### **Proposed Changes to Entry and Reporting Requirements**

Based on the above considerations, CBP is proposing to revise the exemptions to better address the manner in which cargo and passengers are moved in support of DoD missions. CBP is proposing to relate the DoD exemptions from entry and reporting to the DTS. Specifically, CBP is proposing to add a general definition of the DTS in the relevant parts of the CBP regulations (part 4 for vessels and part 122 for aircraft). CBP also proposes to revise the current DoD exemptions to cover vessels and aircraft owned by, or under the complete control and management of DoD, or chartered by DoD, which transport only cargo and/or passengers that have been approved for carriage in the DTS. The proposed exemptions would only apply to those chartered vessels or aircraft that are chartered in their entirety by DoD. Those vessels and aircraft that would be exempt under this proposal would also be exempt from the advance cargo information requirements in 19 CFR 4.7 and 122.48a. The proposed changes would help ensure the unimpeded flow of cargo and passengers moved in support of the U.S. government's missions and ensure that cargo and passengers supporting the defense of our nation are not unnecessarily delayed.

The proposed rule would not pose any new security risks for several reasons. First, DoD has strict security protocols for the conveyances it owns, controls, or charters and for the cargo and passengers those conveyances carry. Second, DoD has indicated that non-DoD owned cargo approved for carriage in the DTS undergoes the same stringent security protocols for transportation as DoD-owned cargo and that DoD has absolute control over non-DoD cargo carried in the DTS. Therefore, non-DoD-owned cargo approved for carriage in the DTS poses no greater security threat than DoD-owned cargo that currently



qualifies for the entry exemption. Likewise, DTS-approved passengers traveling on DoD-chartered vessels and aircraft must undergo the same security protocols as those passengers traveling on conveyances owned by DoD. When CBP provided the initial exemption for DoD vessels and aircraft carrying only DoD property, neither DoD nor CBP fully appreciated the negative impact this restriction would have for DoD conveyances. The proposed expanded exemptions for cargo and passengers are intended to make CBP's exemptions more suitable to actual DoD transportation needs without posing security risks.

The proposed exemptions concern only the formal entry, clearance, and, in some cases, reporting requirements of the conveyance under the CBP regulations in title 19 of the CFR. All other requirements would still be applicable unless exempt under the relevant authorities. For example, persons on board the conveyance would still be subject to all applicable inspection and immigration controls pursuant to title 8 of the CFR, even if the conveyance is exempt from the title 19 entry requirements. Similarly, the title 7 agricultural regulations and relevant reporting requirements would still apply. This proposed rulemaking would not affect the scope or definition of the term "public vessel" in 19 U.S.C. 1441.

### **Additional, Non-Substantive Amendments**

In addition to the substantive amendments described above, CBP also proposes several non-substantive amendments to 19 CFR parts 4 and 122.

To provide clearer organization, in sections 4.5 ("Government vessels"), CBP proposes to give headings to paragraphs (a), (b), and (c). CBP proposes to divide paragraph (a) of section 4.5 ("*Exemptions from reports of arrival and entry*") into lower paragraphs that are headed "*Vessels owned by the United States*," "*Additional DoD-owned vessels*," and "*DoD-chartered vessels*." These paragraphs would be further subdivided for additional clarity and ease of reading.

In 4.5(a), CBP proposes to change the current phrase "it is ballast" to "in ballast" to reflect proper use of the term. Additionally, "Department of Defense" is to be abbreviated "DoD" in all but its first occurrence in 4.5(a). The phrase "be entered" in paragraph (b) would be changed to the proper phrase "make formal entry," and paragraph (c) would include a reference to newly designated paragraph (a)(1) to eliminate ambiguity. With regard to the cargo declaration requirement in section 4.5 for DoD-chartered vessels (which can be found in proposed new paragraph (a)(3)(iii)), CBP proposes to include language to clarify that the duplicate cargo declaration form must be

made available to the officer at the pier upon arrival. Finally, CBP proposes to replace the word “shall” where it appears in section 4.5 with “will” or “must,” as applicable.

CBP also proposes to divide paragraph (b) of section 122.41 to include lower paragraphs (b)(1) and (b)(2).

### **Executive Order 12866**

Executive Order 12866, as supplemented by Executive Order 13563, requires Federal agencies to assess the benefits and costs of regulatory action, recognizing that some costs and benefits are difficult to quantify. Significant regulatory actions include those that may “(1) [h]ave an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) [c]reate a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) [m]aterially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) [r]aise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.” The proposed rule is not a “significant regulatory action” under Executive Order 12866. As such, the Office of Management and Budget has not reviewed this rule under that Order.

The proposed rule, if finalized, would extend the existing exemption for cargo and passengers transported by DoD to include all vessels and aircraft chartered by, owned by, or under the complete control and management of DoD that transport cargo and/or passengers that have been approved for carriage in the DTS. Extending the existing exemption facilitates the operations of another government agency, thus conveying a benefit to that agency. Because it merely extends the exemption to cargo and passengers approved for carriage in the DTS, the proposed regulation will not impose any costs or confer any benefits to private citizens or businesses. CBP welcomes comments on this conclusion.

### **Regulatory Flexibility Act**

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires federal agencies to examine the impact a rule would have on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule proposes to extend the current DoD exemption to entry to include vessels and aircraft chartered by, owned by, or under the complete control and management of DoD when they are transporting cargo and/or that are approved for carriage in the DTS. Because this proposed exemption does not impose any new costs on small entities, it will not have a significant economic impact on a substantial number of small entities. We welcome comments on this conclusion. If we do not receive any comments contradicting our findings, we will certify that this rule will not have a significant economic impact on a substantial number of small entities at the final rule stage.

### **Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1955 (44 U.S.C. 3507 *et seq.*), this document contains no new information and collection requirements that require Office of Management and Budget approval.

### **Signing Authority**

This notice of proposed rulemaking is being issued in accordance with 19 CFR 0.2(a). Accordingly, this notice of proposed rulemaking is signed by the Secretary of Homeland Security.

### **List of Subjects**

#### *19 CFR Part 4*

Customs duties and inspection, Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

#### *19 CFR Part 122*

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Customs duties and inspection, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

### **Proposed Amendments to the Regulations**

For the reasons set forth in the preamble, CBP proposes to amend 19 CFR parts 4 and 122 as set forth below.

#### **PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

1. The general authority citation for part 4 and specific citations for § 4.5 continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

\* \* \* \* \*

Section 4.5 is also issued under 19 U.S.C. 1441;

\* \* \* \* \*

2. Amend § 4.0 by adding paragraph (h) to read as follows:

**§ 4.0 General definitions.**

\* \* \* \* \*

(h) *Defense Transportation System (DTS)*. The Defense Transportation System (DTS) is the transportation system controlled by the Department of Defense (DoD) under which DoD manages the secure shipment of cargo and personnel in peace and war. It is administered pursuant to DoD Directive 4500.09E.

3. Revise § 4.5 to read as follows:

**§ 4.5 Government vessels.**

(a) *Exemptions from reports of arrival and entry*. —(1) *Vessels owned by the United States*. No report of arrival or entry will be required of any vessel:

(i) Owned by or under the complete control and management of the United States or any of its agencies;

(ii) Manned wholly by members of the uniformed services of the United States, or by personnel in the civil service of the United States, or by both; and

(iii) Either in ballast or transporting only property of the United States and/ or passengers traveling on official business of the United States.

(2) *Additional DoD-owned vessels*. For DoD-owned vessels not meeting the requirements of paragraph (a)(1) of this section, no report of arrival or entry will be required if the vessel is:

(i) Owned by or under the complete control and management of the U.S. Department of Defense (DoD);

(ii) Manned wholly by members of the uniformed services of the United States, or by personnel in the civil service of the United States, or by both; and

(iii) Either in ballast or transporting only passengers and/or cargo approved for carriage in the Defense Transportation System (DTS), as defined in § 4.0(h) of this part.

(3) *DoD-chartered vessels*. (i) *Entry exemption*. Entry will not be required of any vessel chartered by DoD, manned entirely by the civilian crew of the vessel carrier under contract to DoD, and carrying only passengers and/or cargo approved for carriage in the DTS.

(ii) *Clearance requirement.* Notwithstanding § 4.60(b)(3) of this part, no DoD-chartered vessel operated as provided in this paragraph (a)(3) is exempt from vessel clearance requirements.

(iii) *Cargo declaration requirement upon arrival.* If any cargo is on board a DoD-chartered vessel, the master or commander of the DoD-chartered vessel arriving from abroad must file a Cargo Declaration, CBP Form 1302, or an equivalent form issued by DoD, in duplicate. The original of each Cargo Declaration or equivalent form required under this paragraph must be filed with the port director within 48 hours after the arrival of the vessel. The other copy must be made available for use by the discharging officer at the pier and must be presented upon arrival of the vessel. *See* § 148.73 of this chapter with respect to baggage on carriers operated by DoD.

(b) *Non-exempt vessels.* The arrival of every vessel owned or controlled and manned as described in paragraph (a) of this section but transporting property or passengers other than property of the United States, passengers traveling on official business of the United States, or passengers and/or cargo approved for carriage in the DTS, and every vessel so owned or controlled, but not so manned, whether in ballast or transporting cargo or passengers, must be reported in accordance with § 4.2 and the vessel must make formal entry in accordance with § 4.9.

(c) *Foreign government vessels.* Every vessel owned by, or under the complete control and management of, any foreign nation will be exempt from or subject to the laws relating to report of arrival and entry under the same conditions as a vessel owned by or controlled by the United States, as described in paragraph (a)(1) of this section.

## PART 122—AIR COMMERCE REGULATIONS

4. The general authority citation for part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

5. Amend § 122.1 by adding paragraph (n) to read as follows:

### § 122.1 General definitions.

\* \* \* \* \*

(n) *Defense Transportation System (DTS).* The Defense Transportation System (DTS) is the transportation system controlled by the Department of Defense (DoD) under which DoD manages the secure shipment of cargo and personnel in peace and war. It is administered pursuant to DoD Directive 4500.09E.

6. Amend § 122.41 as follows:

- a. Revise paragraph (b);
- b. Redesignate paragraph (c) as paragraph (d); and
- c. Add new paragraph (c).

The revision and addition read as follows:

**§ 122.41 Aircraft required to enter.**

\* \* \* \* \*

(b) Aircraft owned by or under the complete control and management of the U.S. Department of Defense (DoD), if the aircraft is:

(1) Manned entirely by members of the armed forces or civil service of the United States; and

(2) Transporting only passengers and/or cargo approved for carriage in the Defense Transportation System (DTS), as defined in § 122.1(n) of this part.

(c) Aircraft chartered by DoD, if the aircraft is:

(1) Manned entirely by the civilian crew of the air carrier under contract to DoD; and

(2) Transporting only passengers and/or cargo approved for carriage in the DTS.

\* \* \* \* \*

Dated: February 3, 2012.

JANET NAPOLITANO,  
*Secretary.*

[Published in the Federal Register, February 9, 2012 (77 FR 6704)]



**NOTICE OF CANCELLATION OF CUSTOMS BROKER LICENSES**

**AGENCY:** U.S. Customs and Border Protection, U.S. Department of Homeland Security

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the U.S. Customs and Border Protection regulations (19 CFR 111.51), the following Customs broker licenses and all associated permits are cancelled without prejudice.

Name	License No.	Issuing port
Neutral Customs Brokers, Inc .....	13905	Los Angeles.
R.J. McCracken & Son, Inc .....	07020	Detroit.

Name	License No.	Issuing port
HLM Cargo Clearance Brokers, Inc.....	12744	Miami.
Cortez Customhouse Brokerage Co.....	08070	Detroit.
Inter-Cargo CHB, Inc.....	20650	Miami.
AM Worldwide, Inc.....	21543	Houston.
Seajet Express, Inc.....	14827	Boston.
John C. Herrera, Inc.....	04120	Chicago.
International Trade & Commerce, Inc.....	12736	Laredo.

Dated: January 26, 2012.

RICHARD F. DiNUCCI,  
*Acting Assistant Commissioner,  
Office of International Trade.*

[Published in the Federal Register, February 6, 2012 (77 FR 5819)]

### AGENCY INFORMATION COLLECTION ACTIVITIES:

#### **Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; Extension of an existing information collection.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. There is no change to the information collected. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (76 FR 72715) on November 25, 2011, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

**DATES:** Written comments should be received on or before March 8, 2012.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-5806.

**SUPPLEMENTARY INFORMATION:** U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104-13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

**Title:** Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing.

**OMB Number:** 1651-0001.

**Form Number:** CBP Forms 1302, 1302A, 7509, 7533.

**Abstract:** CBP Form 1302: The master or commander of a vessel arriving in the United States from abroad with cargo on board must file CBP Form 1302, *Inward Cargo Declaration*, or submit the information on this form using a CBP-approved electronic equivalent. CBP Form 1302 is part of the manifest requirements for vessels entering the United States and was agreed upon by treaty at the United Nations Inter-government Maritime Consultative Organization (IMCO). This form is provided for by 19 CFR 4.5, 4.7, 4.8, 4.33, 4.34, 4.84, 4.85, 4.86, 4.91 and 4.99. It is accessible at: [http://forms.cbp.gov/pdf/CBP\\_Form\\_1302.pdf](http://forms.cbp.gov/pdf/CBP_Form_1302.pdf).

CBP Form 1302A: The master or commander of a vessel departing



from the United States must file CBP Form 1302A, *Cargo Declaration Outward With Commercial Forms*, with copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest. This form is provided for by 19 CFR 4.62, 4.63, 4.75, 4.82, and 4.87–4.89 and is accessible at: [http://forms.cbp.gov/pdf/CBP\\_Form\\_1302.pdf](http://forms.cbp.gov/pdf/CBP_Form_1302.pdf).

**CBP Form 7509:** The aircraft commander or agent must file two copies of CBP Form 7509, *Air Cargo Manifest*, with CBP at the departure airport, or respondents may submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7509 contains information about the cargo onboard the aircraft. This form is provided for by 19 CFR 122.35, 122.48, 122.52, 122.54, 122.73, 122.113, and 122.118 and is accessible at: [http://forms.cbp.gov/pdf/CBP\\_Form\\_7509.pdf](http://forms.cbp.gov/pdf/CBP_Form_7509.pdf).

**CBP Form 7533:** The master or person in charge of a conveyance files CBP Form 7533, *INWARD CARGO MANIFEST FOR VESSEL UNDER FIVE TONS, FERRY, TRAIN, CAR, VEHICLE, ETC*, which is required for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico, otherwise than by sea, with baggage or merchandise. Respondents may also submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7533 is provided for by 19 CFR 123.4 and is accessible at: [http://forms.cbp.gov/pdf/CBP\\_Form\\_7533.pdf](http://forms.cbp.gov/pdf/CBP_Form_7533.pdf).

**Manifest Confidentiality:** An importer or consignee may request confidential treatment of its name and address contained in manifests by following the procedure set forth in 19 CFR 103.31.

**Vessel Stow Plan:** For all vessels transporting goods to the US, except for any vessel exclusively carrying bulk cargo, the incoming carrier is required to electronically submit a vessel stow plan no later than 48 hours after the vessel departs from the last foreign port which includes information about the vessel and cargo. For voyages less than 48 hours in duration, CBP must receive the vessel stow plan prior to arrival at the first port in the U.S. The vessel stow plan is provided for by 19 CFR 4.7c.

**Container Status Messages (CSMs):** For all containers destined to arrive within the limits of a U.S. port from a foreign port by vessel, the incoming carrier must submit messages regarding the status of the events if the carrier creates or collects a container status message (CSM) in its equipment tracking system reporting that event. CSMs must be transmitted to CBP via a CBP-approved electronic data interchange system. These messages transmit information regarding events such as the status of a container (full or empty); booking a container destined to arrive in the U.S.; loading or unloading a con-

tainer from a vessel; and a container arriving or departing the U.S. CSMS are provided for by 19 CFR 4.7d.

*Importer Security Filing (ISF):* For most cargo arriving in the U.S. by vessel, the importer, or its authorized agent, must submit the data elements listed in 19 CFR 149.3 via a CBP-approved electronic interchange system within prescribed time frames. Transmission of these data elements provide CBP with advanced information about the shipment.

*Current Actions:* CBP proposes to extend the expiration date of this information collection with no changes to the information collected on the forms or regulations included in this information collection request. However, CBP has revised its estimates of the burden hours and response times based on analysis of recent data as follows:

CBP Form 7509, *Air Cargo Manifest*: the time per response was lowered from 34 minutes to 15 minutes.

CBP Form 1302, *Cargo Declaration*: the time per response was raised from 10 minutes to 30 minutes.

*Importer Security Filing*: the number of total annual responses was lowered from 11,300,000 to 8,100,000.

*Vessel Stow Plan*: the number of respondents was lowered from 440 to 163.

*Container Status Messages*: the number of respondents was lowered from 74 to 60, and the number of total responses was raised from 72,121,193 to 257,100,000.

*Manifest Confidentiality*: the number of responses was raised from 1,078 to 5,040 and the time per response was lowered from 30 minutes to 15 minutes.

*Type of Review*: Extension (with change)

*Affected Public*: Businesses

*Estimates of the burden hours and response times*:

Collection	Total burden hours	Number of respondents	Number of responses per respondent	Total responses	Time per response
Air Cargo Manifest (CBP Form 7509) .....	366,600	260	5,640	1,466,400	15 minutes
Inward Cargo Manifest for Truck, Rail, Vehicles, Vessels, etc. (CBP Form 7533) ....	962,940	33,000	291.8	9,629,400	6 minutes
Cargo Declaration (CBP Form 1302) .....	1,500,000	10,000	300	3,000,000	30 minutes
Export Cargo Declaration (CBP Form 1302A).....	10,000	500	400	200,000	3 minutes
Importer Security Filing .....	17,739,000	240,000	33.75	8,100,000	2.19 hours
Vessel Stow Plan.....	31,803	163	109	17,767	1.79 hours
Container Status Messages .....	23,996	60	4,285,000	257,100,000	.0056 minutes
Request for Manifest Confidentiality .....	1,260	5,040	1	5,040	15 minutes
<b>Total .....</b>	<b>20,635,599</b>	<b>289,023</b>	<b>.....</b>	<b>279,518,607</b>	<b>.....</b>

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 5th Floor, Washington, DC, 20229-1177, at (202) 325-0265.

Dated: February 2, 2012.

TRACEY DENNING,  
*Agency Clearance Officer,*  
*U.S. Customs and Border Protection.*

[Published in the Federal Register, February 7, 2012 (77 FR 6135)]

## **AGENCY INFORMATION COLLECTION ACTIVITIES:**

### **Application for Extension of Bond for Temporary Importation**

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 60-Day Notice and request for comments; Extension of an existing collection of information: 1651-0015.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Extension of Bond for Temporary Importation (CBP Form 3173). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

**DATES:** Written comments should be received on or before April 9, 2012, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC. 20229-1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC. 20229-1177, at 202-325-0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). The comments should

address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

**Title:** Application for Extension of Bond for Temporary Importation.

**OMB Number:** 1651-0015.

**Form Number:** CBP Form 3173.

**Abstract:** Imported merchandise which is to remain in the customs territory for a period of one year or less without the payment of duties is entered under as a temporary importation, as authorized under the Harmonized Tariff Schedules of the United States (19 U.S.C. 1202). When this time period is not sufficient, it may be extended by submitting an application on CBP Form 3173, "*Application for Extension of Bond for Temporary Importation*". This form is provided for by 19 CFR 10.37 and is accessible at [http://forms.cbp.gov/pdf/CBP\\_Form\\_3173.pdf](http://forms.cbp.gov/pdf/CBP_Form_3173.pdf).

**Current Actions:** CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 3173.

**Type of Review:** Extension (without change)

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 1,200.

**Estimated Number of Annual Respondents per Respondent:** 14.

**Estimated Number of Total Annual Responses:** 16,800.

**Estimated Time per Response:** 13 minutes.

**Estimated Total Annual Burden Hours:** 3,646.

Dated: February 2, 2012.

TRACEY DENNING,  
*Agency Clearance Officer,*  
*U.S. Customs and Border Protection.*

[Published in the Federal Register, February 7, 2012 (77 FR 6136)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:**

**Guam-CNMI Visa Waiver Agreement**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0126.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, U.S. Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Guam-CNMI Visa Waiver Agreement (CBP Form I-760). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

**DATES:** Written comments should be received on or before April 9, 2012, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177, at (202) 325–0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality,

utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

**Title:** Guam-CNMI Visa Waiver Agreement.

**OMB Number:** 1651-0126.

**Form Number:** CBP Form I-760.

**Abstract:** Carriers are responsible for ensuring that every alien transported to Guam and/or the Commonwealth of the Northern Mariana Islands (CNMI) pursuant to Public Law 110-229 under the Guam-CNMI Visa Waiver Program meets all of the eligibility criteria prior to departure to Guam and/or the CNMI. *See* 8 CFR 212.1(q). Carriers are liable and subject to fine, pursuant to section 273 of the Immigration and Nationality Act (INA) (8 U.S.C. 1323), for transporting to the United States any alien who does not have a valid passport and an unexpired visa, if a visa was required. Any transportation line bringing any alien to Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program must enter into an agreement with CBP on Form I-760. This form is accessible at [http://forms.cbp.gov/pdf/CBP\\_Form\\_i760.pdf](http://forms.cbp.gov/pdf/CBP_Form_i760.pdf).

**Current Actions:** This submission is being made to extend the expiration date with a change to the burden hours as a result of the increase in the number of estimated responses from 10 to 31. There is no change to the information collected or to CBP Form I-760.

**Type of Review:** Extension (with change).

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 31.

**Estimated Time per Respondent:** 12 minutes.

**Estimated Total Annual Burden Hours:** 6.2.

Dated: February 2, 2012.

TRACEY DENNING,  
*Agency Clearance Officer,*  
*U.S. Customs and Border Protection.*

**AGENCY INFORMATION COLLECTION ACTIVITIES:****Country of Origin Marking Requirements for Containers or Holders**

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 60-Day Notice and request for comments; extension of an existing collection of information.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning Country of Origin Marking Requirements for Containers or Holders. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

**DATES:** Written comments should be received on or before April 9, 2012, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be



summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

**Title:** Country of Origin Marking Requirements for Containers or Holders.

**OMB Number:** 1651-0057.

**Form Number:** None.

**Abstract:** Section 304 of the Tariff Act of 1930, as amended, 19 U.S.C. 1304, requires each imported article of foreign origin, or its container, to be marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article or container permits, with the English name of the country of origin. The marking informs the ultimate purchaser in the United States of the name country in which the article was manufactured or produced. The marking requirements for containers are provided for by 19 CFR 134.22(b).

**Current Actions:** CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

**Type of Review:** Extension (without change).

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 250.

**Estimated Number of Responses per Respondent:** 40.

**Estimated Time per Response:** 15 seconds.

**Estimated Total Annual Burden Hours:** 41.

Dated: February 3, 2012.

TRACEY DENNING,  
*Agency Clearance Officer,*  
*U.S. Customs and Border Protection.*

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## **AGENCY INFORMATION COLLECTION ACTIVITIES:**

### **Bonded Warehouse Proprietor's Submission**

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 60-Day Notice and request for comments; Extension of an existing collection of information.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Bonded Warehouse Proprietor's Submission (CBP Form 300). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

**DATES:** Written comments should be received on or before April 9, 2012, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC. 20229-1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC. 20229-1177, at 202-325-0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

**Title:** Bonded Warehouse Proprietor's Submission.

**OMB Number:** 1651-0033.

**Form Number:** CBP Form 300.

**Abstract:** CBP Form 300, *The Bonded Warehouse Proprietor's Submission*, is filed annually by each warehouse proprietor. The

information on CBP Form 300 is used by CBP to evaluate warehouse activity for the year. This form must be filed within 45 days of the end of his business year, pursuant to the provisions of the Tariff Act of 1930, as amended, 19 U.S.C. 66, 1311, 1555, 1556, 1557, 1623 and 19 CFR 19.12(5). The information collected on this form helps CBP determine all bonded merchandise that was entered, released, and manipulated in the warehouse. CBP Form 300 is accessible at [http://forms.cbp.gov/pdf/CBP\\_Form\\_.pdf](http://forms.cbp.gov/pdf/CBP_Form_.pdf).

**Current Actions:** CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 300.

**Type of Review:** Extension (without change).

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 1,800.

**Estimated Number of Annual Respondents per Respondent:** 1.

**Estimated Number of Total Annual Responses:** 1,800.

**Estimated Time per Response:** 25 hours.

**Estimated Total Annual Burden Hours:** 45,000.

Dated: February 3, 2012.

TRACEY DENNING,  
*Agency Clearance Officer,*  
*U.S. Customs and Border Protection.*

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