

National Association of Foreign-Trade Zones
1001 Connecticut Avenue N.W., Suite 350
Washington, DC 20036



April 12, 2013

U.S. Customs and Border Protection
Regulations and Rulings
Office of International Trade
90 K Street, N.E.
10th Floor
Washington, D.C. 20229-1177

ATTN: Ms. Tracey Denning

RE: Agency Information Collection Activities:
Entry and Immediate Delivery Application and Simplified Entry
OMB No. 1651-0024
78 *Federal Register* 9719 – 20 (February 11, 2013)

Dear Ms. Denning:

The National Association of Foreign-Trade Zones (NAFTZ) is the sole trade association for the U.S. Foreign-Trade Zone (FTZ) Grantee organizations, Operator companies, and user firms. The purpose of this letter is to provide Public Comments on the above-captioned notice issued pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) relating to Entry and Immediate Delivery Application (Forms 3461 and 3461 ALT) and Simplified Entry. The NAFTZ submission directly relates to the U.S. Foreign-Trade Zone Program and, in particular, 19 C.F.R. 146.63(c) concerning the use of the form in the foreign-trade zone weekly estimated entry procedure. The NAFTZ was directly involved in the structuring of the specialized weekly entry procedure with U.S. Customs and Border Protection (CBP). Unfortunately, with the implementation of these regulations, CBP systems were not simultaneously programmed to create a special Entry Code Type to support the CBP regulations on the estimated weekly entry procedure. Correct programming of the weekly entry CBP Form 3461 for FTZ use is long overdue and is a natural extension of the current programming changes being accomplished in the Automated Commercial Environment (ACE). This is particularly important given the increased volume of FTZ activity and the number of large importers that use FTZs and are forced to file more complex and multiple weekly entries due to the current AMS 999 line restriction.

I. BACKGROUND

CBP Form 3461 and Form 3461 ALT are used to authorize the shipment from U.S. foreign-trade zones of merchandise under normal Customs entry provisions and

under the specialized weekly entry provisions as per Section 146.63(c), CR. In the current processes, the “estimated” CBP Form 3461, which represents estimated shipping volumes by dollar value and quantity, must be processed in the system with various “work arounds” in order to be effectively utilized for foreign-trade zone use. Many data elements of the form cannot be completed because the data, such as manifest number, carrier code, country of origin and manufacturer number, etc., is not known at the time the estimate is being prepared and filed or are included specifically to satisfy the systemic requirement of transmitting a data element. It is to be noted that since the estimated CBP Form 3461 is just an estimate, the dollar value and quantity on said form never matches the actual dollar value and quantity on the CBP Form 7501.

Since foreign-trade zone operations represent twelve percent (12%) of all Customs entry value in 2012, it is time to introduce a properly formatted CBP Form 3461 that accurately depicts the information needed by CBP at the time the estimate is filed. CBP Form 3461 should be specifically automated with its own Entry Type Code for weekly FTZ entries. The current “work arounds” to complete the form, which have been a requirement since the Customs Foreign-Trade Zone Regulations were implemented in 1986, should cease.

II. NECESSITY FOR AUTOMATING THE ESTIMATED WEEKLY ENTRY FORM 3461

The NAFTAZ recommends that, while the requirement for an estimated 3461 release continues, a new Entry Type Code (i.e., “10 FTZ estimate”) should be implemented under the Automated Commercial Environment. The new CBP Form 3461 Entry Type Code 10 should include only those fields of information necessary for an “estimate” for CBP to authorize weekly release from a zone and certain fields need to be renamed so as to reflect the actual data that CBP requires. Attached is a marked-up copy of the existing CBP Form 3461 that reflects our suggested form changes. This entry type would also ensure that CBP and all Participating Government Agencies (PGA) and Other Government Agencies (OGA) recognize this filing is an “estimate.” The FTZ estimated Entry Type Code 10 should specify the 7-day shipping week period covered by the weekly estimated entry. Automation of the Entry Type Code 10 in the system should not require Country of Origin, Manufacturer’s Number (MID), or zone status by HS number. This is data that may not be known to the FTZ user at the time of filing the estimate and is not required by the current CBP regulations. It is currently provided only because the CBP computer system requires this data in the transmission to process through Selectivity and Targeting. All detailed data is found on the CBP Form 7501 (Entry Summary). Selectivity should be set up differently for Entry Type Code 10 CBP Form 3461s since the criteria to be considered for product initially admitted to a U.S. FTZ from a foreign country is different than the criteria to be considered for product being entered, as it is shipped out of an FTZ, both for CBP and PGA/OGA purposes.

III. **NECESSITY FOR ESTIMATED WEEKLY 3461 INSTRUCTIONS**

Upon creation of the new Entry Type Code 10, it is also paramount that instructions on completing and filing with the new Entry Type Code 10 be prepared and disseminated for CBP, Customs Brokers, Zone Operators, and Zone Users so that there is nationwide informed compliance and uniformity.

IV. **CONCLUSION**

The NAFTAZ is pleased to provide comments to the Entry and Immediate Delivery Application and Simplified Entry OMB No. 1651-0024 and strongly recommends that a new Entry Type Code 10 be created for Customs Form 3461 weekly foreign-trade zone entries under the Automated Commercial Environment.

Very truly yours,

A handwritten signature in cursive script that reads "Daniel Griswold".

Daniel Griswold
President

MVM/mkc

enclosure