

# U.S. Customs and Border Protection



## APPROVAL OF SAYBOLT, LP, AS A COMMERCIAL GAUGER

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

**ACTION:** Notice of approval of Saybolt, LP, as a commercial gauger.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Saybolt, LP, has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of June 11, 2014.

**DATES:** The approval of Saybolt, LP, as commercial gauger became effective on June 11, 2014. The next triennial inspection date will be scheduled for June 2017.

**FOR FURTHER INFORMATION CONTACT:** Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

### SUPPLEMENTARY INFORMATION:

Notice is hereby given pursuant to 19 CFR 151.13, that Saybolt, LP, 190 James Dr. East, Suite 110, St. Rose, LA 70087, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Saybolt, LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3 .....	Tank gauging.
7 .....	Temperature determination.
8 .....	Sampling.
11 .....	Physical properties.
12 .....	Calculations.

API Chapters	Title
17 .....	Maritime measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>*.

Dated: November 20, 2014.

IRA S. REESE,  
*Executive Director,  
Laboratories and Scientific  
Services Directorate.*

[Published in the Federal Register, November 26, 2014 (79 FR 70542)]

**19 CFR PART 4**  
**CBP DEC. 14-11**

**TECHNICAL AMENDMENT: BOARDING OF VESSELS AT  
CBP PORTS**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document amends the U.S. Customs and Border Protection (CBP) regulations to conform to U.S. Coast Guard implementing regulations regarding certain boardings of vessels under the Maritime Transportation Act of 2002, as amended (MTSA). Under MTSA, any person boarding a vessel arriving at a CBP port after that vessel is taken in charge by a CBP officer must comply with Transportation Worker Identification Credential requirements. This document also updates terminology and removes obsolete language in the relevant regulatory section.

**EFFECTIVE DATE:** November 26, 2014.

**FOR FURTHER INFORMATION CONTACT:** Craig Clark, Office of Field Operations, U.S. Customs and Border Protection, (202) 344-3052, *OFO-ManifestBranch@cbp.dhs.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

It is the policy of U.S. Customs and Border Protection (CBP) to periodically review title 19 of the Code of Federal Regulations (19 CFR) to ensure that it is accurate and up-to-date so that the general public is aware of CBP requirements and procedures. As part of this review policy, CBP has determined that certain corrections affecting part 4 of the CBP regulations (19 CFR part 4) are necessary.

*A. Maritime Transportation Act of 2002*

The Maritime Transportation Act of 2002 (MTSA), Pub. L. 107-295, 116 Stat. 2064, as amended by the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109-347, 120 Stat. 1884, requires DHS to promulgate regulations addressing maritime security. Specifically, section 102 of the MTSA (46 U.S.C. 70105) requires DHS to issue regulations to prevent individuals from entering secure areas of vessels or MTSA-regulated port facilities unless such individuals are authorized to be in the secure areas and either hold biometric transportation security cards issued under section 102 or are accompanied by another individual who holds such a transportation security card.

*B. MTSA Implementing Regulations*

In 2003, DHS, through the U.S. Coast Guard (Coast Guard), issued two rules amending various regulations to implement the maritime security provisions of the MTSA.<sup>1</sup> The MTSA regulations set out specific requirements for owners and operators of vessels, facilities, and Outer Continental Shelf facilities that are identified by the Secretary of Homeland Security as posing a high risk of being involved in a transportation security incident. The regulations require such owners and operators to implement security measures to ensure that a system is established for checking the identification of vessel and facility personnel or other persons seeking access to the vessel or facility. Also in 2003, the Coast Guard and Transportation Security Administration (TSA) were in the process of developing the Transportation Worker Identification Credential (TWIC), a biometrically

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<sup>1</sup> See “Implementation of National Maritime Security Initiatives” temporary interim rule, 68 FR 39240, July 1, 2003 and “Implementation of National Maritime Security Initiatives” final rule, 68 FR 60448, October 22, 2003, amending 33 CFR parts 101 and 102.

enabled common credential to be used by U.S. transportation workers requiring unescorted access to secure areas throughout the maritime sector.<sup>2</sup>

On January 25, 2007, DHS, through the Coast Guard and the TSA, published a final rule and request for comments in the **Federal Register** (72 FR 3492) establishing the regulatory requirements implementing TWIC as mandated by the MTSA and the SAFE Port Act. On May 7, 2008, DHS, through the Coast Guard and TSA, published another final rule in the **Federal Register** (73 FR 25562) realigning the compliance date established in the aforementioned rule and requiring mariners to obtain a TWIC no later than April 15, 2009. This rule also established April 15, 2009, as the final date by which owners and operators of vessels, facilities, and outer continental shelf facilities must implement access control procedures utilizing TWIC. These rules amended the Coast Guard regulations regarding vessel and facility security to incorporate the TWIC requirements as an access control measure. *See* 33 CFR 101.105 and 101.514. These sections include a definition of TWIC and other relevant terms, the requirements for unescorted access to a vessel or facility, and the requirements for persons requiring escorted access to a vessel or facility.

Coast Guard regulations also provide that an individual not in possession of a TWIC must present personal identification in order to gain entry to a Coast Guard-regulated vessel or facility.<sup>3</sup> The personal identification must, at a minimum, meet the following requirements: (1) Be laminated or otherwise secure against tampering; (2) contain the individual's full name; (3) contain a photo that accurately depicts the individual's current facial appearance; and (4) bear the name of the issuing authority.<sup>4</sup> Additionally, the individual must be under escort while inside a secure area.

### *C. Explanation of Amendments*

CBP has determined that the MTSA and the implementing regulations, as discussed above, require conforming technical corrections to 19 CFR 4.1. Current § 4.1 prescribes the procedures regarding the boarding of vessels arriving at a CBP port and permits the CBP port director to grant unescorted access to these vessels to certain un-screened parties. Section 4.1(c) allows a port director to use his or her discretion to issue passes (referred to as cutter passes) on "Customs Form 3093" to allow certain persons to board incoming vessels. Section 4.1(f) allows a port director to use his or her discretion to issue

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<sup>2</sup> *See Id.*

<sup>3</sup> *See* 33 CFR 101.515.

<sup>4</sup> *See* 33 CFR 101.515.

term cutter and dock passes to persons on official business and certain news reporters and newspaper photographers for a period not to exceed one year. These provisions, which allow unescorted access to these vessels contradict the maritime security measures for access control required by the MTSA, the SAFE Port Act, and the implementing Coast Guard regulations mentioned above. In fact, CBP has not used Customs Form 3093 or issued cutter and dock passes for many years. Rather, CBP determines vessel access according to the applicable Coast Guard regulations. This technical correction updates the CBP regulations to conform to the current requirements and updates outdated terminology.

Specifically, CBP is amending 19 CFR 4.1 by:

(1) Removing the obsolete reference to cutter and dock passes from the section heading;

(2) Revising the entire section to reflect that “Customs” is now known as “CBP”;

(3) Amending paragraph (c) by removing the obsolete language regarding cutter passes and Customs Form 3093 and by revising the paragraph to cross-reference the relevant Coast Guard regulations;

(4) Deleting the previously reserved paragraph (e); and

(5) Deleting the obsolete paragraph (f).

CBP is also abolishing the Customs Form 3093.

## II. Statutory and Regulatory Requirements

### A. *Inapplicability of Notice and Delayed Effective Date Requirements*

Because the technical corrections set forth in this document merely conform the regulatory text to existing law and update terminology, this document neither imposes additional burdens on nor takes away any existing rights or privileges from the public. Therefore, CBP finds that good cause exists for dispensing with notice and public procedure as unnecessary under 5 U.S.C. 553(b)(B). For this same reason, pursuant to 5 U.S.C. 553(d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date.

### B. *Regulatory Flexibility Act*

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### C. *Executive Orders 12866 and 13563*

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563. The change is intended to remove obsolete discretionary provisions from the regulations to conform to existing law and update terminology. There are no new costs to the public associated with this rule. Accordingly, this rule has not been reviewed by the Office of Management and Budget.

### D. *Signing Authority*

The signing authority for this document falls under 19 CFR 0.2(a) because the Secretary of Homeland Security has authority to regulate the boarding of vessels. The Secretary of Homeland Security has designated the Commissioner of U.S. Customs and Border Protection as the signatory on this technical amendment.

## **List of Subjects in 19 CFR Part 4**

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

### **Amendments to Regulations**

For the reasons stated in the preamble, part 4 of title 19 of the Code of Federal Regulations is amended as set forth below:

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

■ 1. The general authority citation for part 4 continues and the specific authority citation for § 4.1 is revised 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. 70105.

Section 4.1 also issued under 19 U.S.C. 1581(a); 46 U.S.C. 60101; 46 U.S.C. 70105.

\* \* \* \* \*

■ 2. Section 4.1 is amended as follows:

■ a. Revise the section heading;

■ b. Amend paragraphs (a) and (b) by removing the word “Customs” and adding in its place “CBP”, except where the word “Customs” is followed by the word “territory” or “formality”, and where the word “Customs” is followed by the word “territory” or “formality”, removing the word “Customs” and adding in its place “customs”;

- c. Revise paragraph (c); and
- d. Remove paragraphs (e) and (f).

The revision reads as follows:

**§ 4.1 Boarding of vessels.**

\* \* \* \* \*

(c) Persons seeking to board an incoming vessel after it has been inspected by the quarantine authorities and taken in charge by a CBP officer must comply with any applicable Coast Guard regulations regarding the Transportation Worker Identification Credential (TWIC)/personal identification requirements as prescribed in 33 CFR 101.105 and 101.514–515.

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Dated: November 20, 2014.

R. GIL KERLIKOWSKA,  
*Commissioner.*

[Published in the Federal Register, November 26, 2014 (79 FR 70462)]

**ACCREDITATION AND APPROVAL OF THIONVILLE  
SURVEYING COMPANY, INC., AS A COMMERCIAL  
GAUGER AND LABORATORY**

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

**ACTION:** Notice of accreditation and approval of Thionville Surveying Company, Inc., as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Thionville Surveying Company, Inc. has been approved to gauge animal and vegetable oils and accredited to test certain animal and vegetable oils for customs purposes for the next three years as of May 14, 2014.

**EFFECTIVE DATE:** The accreditation and approval of Thionville Surveying Company, Inc., as commercial gauger and laboratory became effective on May 14, 2014. The next triennial inspection date will be scheduled for May 2017.

**FOR FURTHER INFORMATION CONTACT:** Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific

Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

**SUPPLEMENTARY INFORMATION:**

Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Thionville Surveying Company, Inc., 5440 Pepsi Street, Harahan, LA 70123, has been approved to gauge animal and vegetable oils and accredited to test certain animal and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Thionville Surveying Company, Inc. is approved for the following gauging procedures for animal and vegetable oils per the National Institute of Oilseed Products (NIOP) standards:

CBPL No.	Method	Title
n/a .....	NIOP 5.10.5 .....	Weight Determination/Gauging.

Thionville Surveying Company, Inc. is accredited for the following laboratory analysis procedures and methods for Certain animal and vegetable oils set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL), the International Standards Organization (ISO), and the American Oil Chemists' Society (AOCS):

CBPL No.	ASTM	Title
15-02 .....	AOCS Ca 5a-40 .....	Free Fatty Acids.
n/a .....	AOCS Ce 2-66 .....	Preparation of Methyl Esters of Fatty Acids.
n/a .....	AOCS Ce 1a-13 .....	Determination of Fatty Acids in Edible Oils and Fats by Capillary GLC.
n/a .....	AOCS Ce 1h-05 .....	Determination of <i>cis</i> -, <i>trans</i> -, Saturated, Monounsaturated and Polyunsaturated Fatty Acids in Vegetable or Non-Ruminant Animal Oils and Fats by Capillary GLC.
n/a .....	ISO 18301 .....	Animal and Vegetable fats and oils- Determination of conventional mass per volume (litre weight in air)- Oscillating U-tube method.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test



or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to [cbp.labhq@dhs.gov](mailto:cbp.labhq@dhs.gov). Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. [http://www.cbp.gov/sites/default/files/documents/gaulist\\_3.pdf](http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf).

Dated: November 18, 2014.

IRA S. REESE,  
*Executive Director,  
Laboratories and Scientific  
Services Directorate.*

[Published in the Federal Register, December, 1, 2014 (79 FR 71119)]



### **ACCREDITATION AND APPROVAL OF NMK RESOURCES, INC., AS A COMMERCIAL LABORATORY AND GAUGER**

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

**ACTION:** Notice of accreditation and approval of NMK Resources, Inc., as a commercial laboratory and gauger.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that NMK Resources, Inc. has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 6, 2014.

**EFFECTIVE DATE:** The accreditation and approval of NMK Resources, Inc., as commercial laboratory and gauger became effective on June 6, 2014. The next triennial inspection date will be scheduled for June 2017.

**FOR FURTHER INFORMATION CONTACT:** Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

#### **SUPPLEMENTARY INFORMATION:**

Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that NMK Resources, Inc., 1100 Walnut St., Roselle, NJ 07203, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of

19 CFR 151.12 and 19 CFR 151.13. NMK Resources, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API Chapters	Title
3 .....	Tank gauging.
7 .....	Temperature determination.
8 .....	Sampling.
12 .....	Calculations.
17 .....	Maritime measurement.

NMK Resources, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-04 .....	ASTM D 95 .....	Standard test method for water in petroleum products and bituminous materials by distillation.
27-06 .....	ASTM D 473 .....	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-11 .....	ASTM D 445 .....	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13 .....	ASTM D 4294 .....	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-48 .....	ASTM D 4052 .....	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling

(202) 344–1060. The inquiry may also be sent to [cbp.labhq@dhs.gov](mailto:cbp.labhq@dhs.gov). Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. [http://www.cbp.gov/sites/default/files/documents/gaulist\\_3.pdf](http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf).

Dated: November 11, 2014.

IRA S. REESE,  
*Executive Director,  
Laboratories and Scientific  
Services Directorate.*

[Published in the Federal Register, December 1, 2014 (79 FR 71118)]

**ACCREDITATION AND APPROVAL OF NMK RESOURCES,  
INC., AS A COMMERCIAL LABORATORY AND GAUGER**

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

**ACTION:** Notice of accreditation and approval of NMK Resources, Inc., as a commercial laboratory and gauger.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that NMK Resources, Inc. has been approved to gauge petroleum and certain petroleum products and accredited to test products for customs purposes for the next three years as of July 10, 2014.

**EFFECTIVE DATE:** The accreditation and approval of NMK Resources, Inc., as commercial laboratory and gauger became effective on July 10, 2014. The next triennial inspection date will be scheduled for July 2017.

**FOR FURTHER INFORMATION CONTACT:** Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

**SUPPLEMENTARY INFORMATION:**

Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that NMK Resources, Inc., 650 Grove Road, Suite #111, Thorofare, NJ 08086, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. NMK Resources, Inc. is approved for the following gauging procedures for petroleum

and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API Chapters	Title
3 .....	Tank gauging.
7 .....	Temperature determination.
8 .....	Sampling.
12 .....	Calculations.
17 .....	Maritime measurement.

NMK Resources, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-04 .....	ASTM D 95 .....	Standard test method for water in petroleum products and bituminous materials by distillation.
27-11 .....	ASTM D 445 .....	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13 .....	ASTM D 4294 .....	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-48 .....	ASTM D 4052 .....	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist\_3.pdf*.

Dated: November 20, 2014.

IRA S. REESE,  
*Executive Director,  
Laboratories and Scientific  
Services Directorate.*

[Published in the Federal Register, December 1, 2014 (79 FR 71117)]



## ANNOUNCEMENT OF eBOND TEST

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

**ACTION:** General notice.

**SUMMARY:** This notice announces U.S. Customs and Border Protection's (CBP's) plan to conduct a voluntary National Customs Automation Program test concerning automation of CBP's bond program (eBond test). The eBond test utilizes an automated system (eBond system) that provides for the transmission of electronic bond contracts (eBonds) between principals and sureties, with CBP as third-party beneficiary, in the Automated Commercial Environment (ACE) for the purpose of linking those eBonds to the transactions they are intended to secure. All eBonds transmitted pursuant to this test must be transmitted to ACE electronically, either via the CBP approved Electronic Data Interchange (EDT) or emailed to CBP for manual input into ACE. The transmission of eBonds to CBP must be made by a surety or surety agent. The eBond system works with ACE to ensure that transactions secured by an eBond have the proper bond coverage to protect the revenue and secure legal compliance. The eBond system is intended to establish a single repository for the centralization of all eBonds within the Office of Administration's Revenue Division, to harmonize and enhance CBP's bond processes, and to eliminate flaws in the execution of customs bonds, which may lead to increased legal risk for CBP. It is anticipated that the eBond test will reduce paper processing, expedite cargo release, allow for bonds to be transmitted beyond regular CBP business hours, and enhance traceability for audit purposes. The eBond test is intended to evaluate the automation of CBP's bond program, its impact on trade, and CBP's ability to enforce applicable laws and protect the revenue. This notice invites public comment concerning any aspect of the test, describes the eligibility, procedural and documentation requirements for voluntary participation in the test, and outlines the development and evaluation methodology to be used in the test.

**DATES:** The eBond test will commence on January 3, 2015, and will run for approximately two years, subject to any extension, modification, or early termination as announced by way of notice in the **Federal Register**. CBP’s evaluation of the test will be ongoing during the test period. Requests to participate and comments on any aspect of the test may be submitted to CBP for the duration of the test. CBP will notify an interested surety via email of its test participation status upon receipt and review of the surety’s eBond test participation request.

**ADDRESSES:** Comments and/or questions concerning this notice or any aspect of the test may be submitted to CBP via email to *eBondTest@cbp.dhs.gov*, with the subject line identifier reading “Comment/Questions on eBond test.” Requests for a surety filer code, and surety requests to participate in the eBond test should be sent to *Conrad.l.henry@cbp.dhs.gov*, with a subject line identifier specifying either “Surety filer code request” or “Surety request to participate in eBond test.” eBonds transmitted to CBP for manual input into ACE by the Office of Administration’s Revenue Division should be sent to *cbp.bondquestions@dhs.gov*, with the specific email header information set forth in CBP’s “eBond Policies and Procedures” Web page located at <http://www.cbp.gov/trade/trade-community/programs-administration/bonds/ebond>.

**FOR FURTHER INFORMATION CONTACT:** For policy related questions, contact Kara Welty, Chief, Debt Management Branch, Revenue Division, Office of Administration, at *kara.welty@dhs.gov*. For technical questions, contact John Everett, Entry Summary, Accounts, and Revenue Branch, ACE Business Office, Office of International Trade, at *john.everett@dhs.gov*.

**SUPPLEMENTARY INFORMATION:**

**Background**

*National Customs Automation Program: Electronic Bonds as Planned Component*

Title VI of the North American Free Trade Agreement Implementation Act (the Act), Public Law 103–182, 107 Stat. 2057 (Dec. 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subtitle B of title VI establishes the National Customs Automation Program (NCAP), an automated and electronic system for the processing of commercial importations. Section 631 in Subtitle B of the Act creates section 411 through 414 of the Tariff Act of 1930 (19 U.S.C. 1411–1414). These sections define and list the existing and

planned components of the NCAP (section 411), promulgate program goals (section 412), provide for the implementation and evaluation of the program (section 413), and provide for Remote Location Filing (section 414). Section 411(a)(2)(D) lists the electronic filing of bonds as a planned NCAP component.

A primary objective of the NCAP is customs modernization through trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing, which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and stakeholders. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions.

#### *Development of the Electronic Bond Concept*

CBP's bond program has been the subject of several evaluations, including a CBP-commissioned 2003 independent report that examined the efficacy of the agency's continuous bond-program. See "Grant Thornton Review of Customs Continuous Transaction (Entry) Bonds" dated April 3, 2003. That report recommended that CBP centralize its continuous bond program to increase efficiency and uniformity. In 2011, the Department-of Homeland Security's Office of the Inspector General conducted an audit of CBP's single transaction bond (STB) program, and found deficiencies in bond retention, accuracy and completion, valuation, as well as problems with cargo being released prior to execution of bonds. See "Efficacy of Customs and Border Protection's Bonding Process," OIG 1192, dated June 27, 2011, available for viewing at [http://www.oig.dhs.gov/assets/Mgmt/OIG\\_11-92\\_Jun11.pdf](http://www.oig.dhs.gov/assets/Mgmt/OIG_11-92_Jun11.pdf). The OIG recommended centralization and automation of the STB program and this objective was adopted as a CBP mission priority.

A Notice of Proposed Rulemaking (NPRM) entitled "Customs and Border Protection's Bond Program" was published in the **Federal Register** (75 FR 266) on January 5, 2010. The document proposed amendments to the CBP regulations in title 19 of the Code of Federal Regulations (CFR) to modernize CBP's bond program by centralizing the filing, review and approval of continuous bonds at CBP's Revenue Division (RD) within the Office of Administration in Indianapolis, and by removing or amending certain bond requirements. It is anticipated that a final rule adopting the proposed amendments that pertain to centralization of the continuous bond program at the RD

and permitting the electronic transmission of both continuous bonds and STBs to CBP via the Electronic Data Interchange (EDI) will be published in the **Federal Register** in the near future.

In preparation for the development and deployment of an automated bond program, CBP engaged in regular outreach with stakeholders, including sureties, surety agents, customs brokers, trade groups and other government agencies with a view to obtaining meaningful feedback on existing systems and operations in order to build a mutually beneficial automated bond system. In early 2014, CBP began building the eBond system. CBP developed the eBond system with ongoing feedback from the trade and subject matter experts. The eBond system serves to harmonize and enhance CBP bond processes pertaining to transmission, validation, maintenance, retention, and periodic review of all customs bonds, and establishes a single electronic repository for the centralization of those bonds within the RD. The eBond system benefits both CBP and the trade by reducing paper processing, expediting cargo release, expanding bond transmission capabilities beyond regular CBP business hours, and enhancing traceability for audit purposes.

In June 2014, CBP released a Customs and Trade Automated Interface Requirements (CATAIR) document providing updated conventional trade interface information for the future deployment of electronic bond data functionality in ACE. The CATAIR update provides input and output EDI record formation for the electronic transmission of bonds to CBP. The document presents both the bond input transaction proprietary records used by sureties and surety agents to file and maintain an eBond as well as the output transaction proprietary records returned in response. The input record layouts describe the data elements required by the automated EDI interface. The output record layouts describe a response to filing as generated and returned by the automated EDI interface. CBP has posted these technical specifications on the CBP Web site at the following link: <http://www.cbp.gov/document/guidance/customs-ebond-createupdate-catair-chapter>.

As additional functionality is released in ACE, CBP will continue to integrate these new capabilities with eBonds and their associated transactions. Any updates to the technical formats will be posted at the above link. The trade community is encouraged to subscribe to the Cargo Systems Messaging Service (CSMS) at [http://apps.cbp.gov/csms/csms.asp?display\\_page=1](http://apps.cbp.gov/csms/csms.asp?display_page=1) to receive timely notifications on ACE as well as to receive any future changes or updates to these technical specifications.



*Description of the eBond Test*

Pursuant to 19 U.S.C.1623(b), bonds may be transmitted electronically to CBP pursuant to an authorized EDI system. As stated in 19 U.S.C. 1623(d), any bond transmitted to CBP through an authorized EDI system shall have the same force and effect and be binding upon the parties (e.g., the principal(s) and surety(ies)) as if the bond were manually executed, signed, and filed. CBP's eBond system is an automated environment that provides for the transmission of electronic bond contracts (eBonds) between principals and sureties, with CBP as third-party beneficiary, in ACE through an authorized EDI system for the purpose of linking those eBonds to the transactions they are intended to secure. CBP's eBond system is available for all bond requirements set out in Chapter 1 of title 19 of the CFR, including but not limited to bonds under 19 CFR 141.20 and 19 CFR 142.4, with the exceptions noted below.

This notice announces CBP's plan to conduct a voluntary NCAP test of the eBond system. The test is intended to evaluate CBP's eBond system, its impact on trade, and CBP's ability to enforce applicable laws and protect the revenue. The eBond test will commence on January 3, 2015, and will run for approximately two years, subject to any extension or early termination as announced by way of notice in the **Federal Register**.

For purposes of the eBond test, the following definitions, conditions and criteria apply:

## Definitions

- *eBond*. The term "eBond" means an electronic bond contract between principal(s) and surety(ies), with CBP as third-party beneficiary, that is comprised of data elements required by the eBond system and that is transmitted by a surety or surety agent to CBP under the eBond test. Pursuant to 19 U.S.C. 1623(d), an eBond has the same force and effect and is binding upon the principal(s) and surety(ies) thereto as if such eBond had been manually executed, signed, and filed in full compliance with 19 CFR part 113.

- *eBond system*. The term "eBond system" means CBP's automated system for the transmission of eBonds in ACE for the purpose of linking those eBonds to the transactions they are intended to secure.

- *eSTB*. The term "eSTB" means a single transaction eBond.

- *eBond rider*. The term "eBond rider" means an electronic bond rider between principal(s) and surety(ies), with CBP as third-party beneficiary, that is comprised of data elements required by the eBond system and that is transmitted by a surety or surety agent to CBP under the eBond test. An eBond rider modifies an eBond in the same

way that a bond rider modifies a customs bond. Pursuant to 19 U.S.C. 1623(d), an eBond rider has the same force and effect and is binding upon the principal(s) and surety(ies) thereto as if such eBond rider had been manually executed, signed, and filed in full compliance with 19 CFR part 113.

**Method and Content of eBond and eBond Rider Transmission**

The transmission of all eBonds and eBond riders in ACE for purposes of this eBond test must be made by a surety or surety agent pursuant to one of the two methods described below.

(1) *EDI*: eBonds and eBond riders may be transmitted in ACE electronically via EDI, and must contain the required data elements set forth in the CATAIR which comprise a reduced subset of the OMB-approved information collected on the CBP Form 301. The complete list of data elements for purposes of the eBond test can be found in the ACE ABI CATAIR—Customs eBond Create/Update Chapter at <http://www.cbp.gov/trade/ace/catair>.

EDI is only available for the transmission of single transaction eBonds with the following Activity Codes:

**SINGLE TRANSACTION BONDS**

Activity code	Activity name
1 .....	Importer or Broker.
1A .....	Drawback Payments Refunds.
3 .....	International Carrier.
6 .....	Wool & Fur Products.
7 .....	Bill of Lading.
8 .....	Detention of Copyrighted Material.
10 .....	Court Costs for Condemned Goods.
16 .....	Importer Security Filing (ISF).

EDI is only available for the transmission of continuous eBonds and continuous eBond riders with the following Activity Codes:

**CONTINUOUS BONDS**

Activity code	Activity name
1 .....	Importer or Broker.
1A .....	Drawback Payments Refunds.
2 .....	Custodian of Bonded Merchandise.
3 .....	International Carrier.

Activity code	Activity name
3A .....	Instruments of International Traffic.
3A3 .....	Carrier of International Traffic.
4 .....	Foreign Trade Zone Operator.
5 .....	Public Gauger.
11 .....	Airport Security Bond.
16 .....	Importer Security Filing (ISF).

(2) *Email:* eBonds and eBond riders may be emailed to CBP at [cbp.bondquestions@dhs.gov](mailto:cbp.bondquestions@dhs.gov) for manual input into ACE by the RD. eBonds transmitted via email must be on a CBP Form 301 signed by the principal(s) and surety(ies). eSTBs must include direction to CBP as to how the eSTB is to be used and the entry type the eSTB will secure. Email transmission is available for eBonds and eBond riders with any Activity Code. eBonds and eBond riders transmitted by this method are subject to policies and procedures issued by the Office of Administration for the manual input of eBonds and eBond riders.

#### Terms and Conditions for eBonds

As stated in 19 U.S.C. 1623(d), any bond transmitted to CBP through an authorized EDI system shall have the same force and effect and be binding upon the parties (*e.g.*, the principal(s) and surety(ies)) as if the bond were manually executed, signed, and filed.

In order to secure payment of any duty, tax or charge and compliance with law or regulation as a result of activity covered by any condition identified in an eBond, the principal(s) and surety(ies) identified on the eBond bind themselves (jointly and severally) to the United States in the amount or amounts set forth in the eBond.

A continuous eBond remains in force for one year beginning with the effective date and for each succeeding annual period, or until terminated. This continuous eBond constitutes a separate bond for each annual period in the amount(s) listed on the eBond for liabilities that accrue in each annual period. The intention to terminate this continuous eBond must be conveyed within the annual period and in the manner prescribed in this test notice.

The principal(s) and surety(ies) agree that any charge against the eBond under any of the listed names is as though it was made by the principal(s). The principal(s) and surety(ies) agree that they are bound to the same extent as if they executed a separate eBond covering each set of conditions incorporated by reference to the CBP regulations into this eBond. If the surety(ies) fails to appoint an agent under Title 31, United States Code, Section 9306, the surety(ies)

consents to service on the Clerk of any United States District Court or the U.S. Court of International Trade, where suit is brought on this bond.

Additional terms and conditions for each eBond are identified by the Activity Code for the eBond selected by the transmitting surety/surety agent. The additional terms and conditions for each Activity Code mirror the correlating terms and conditions found on the CBP Form 301. Selection of an Activity Code constitutes the agreement of the surety(ies) and principal(s) to be bound by the terms and conditions in the Corresponding regulation:

Activity code	Activity name	CBP Regulations in which conditions are codified
1 .....	Importer or broker .....	19 CFR 113.62.
1A .....	Drawback Payments Refunds .....	19 CFR 113.65.
2 .....	Custodian of Bonded Merchandise (continuous bond only) .....	19 CFR 113.63.
3 .....	International Carrier .....	19 CFR 113.64.
3A .....	Instruments of International Traffic; (continuous bond only) .....	19 CFR 113.66.
3A3 .....	Carrier of International Traffic .....	19 CFR 113.64, 113.66.
4	Foreign Trade Zone; (continuous bond only) .	19 CFR 113.73.
5 .....	Public Gauger .....	19 CFR 113.67.
6 .....	Wool & Fur Products Labeling Acts Importation (single transaction only) .....	19 CFR 113.68.
7 .....	Bill of Lading (single transaction only) .....	19 CFR 113.69.
8 .....	Detention of Copyrighted Material (single transaction only) .....	19 CFR 113.70.
9 .....	Neutrality (single transaction only) .....	19 CFR 113.71.
10 .....	Court Costs for Condemned Goods (single transaction only) .....	19 CFR 113.72.
11 .....	Airport Security Bond .....	19 CFR Part 113 App A.
16 .....	Importer Security Filing (ISF) .....	19 CFR Part 113 App D.

eBonds associated with the Activity Codes listed below contain additional unique terms and conditions; as such, they can only be emailed to the RD. CBP cannot accept eBonds associated with these Activity Codes via EDI at this time.

12 .....	International Trade Commission (ITC) Exclusion Bond .....	19 CFR Part 113 App B.
14 .....	In-Bond Export Consolidation Bond.	
15 .....	Intellectual Property Rights (IPR).	
17 .....	Marine Terminal Operator (continuous bond only).	

**Bond Requirements for Entry/Entry Summary Filing**

Beginning on January 3, 2015, participants in the eBond test will be the only parties able to transmit required bond coverage (in the form of eBonds) for the following entry/entry summary scenarios:

	ACE entry (simplified entry) followed by ACE entry summary	ACE entry summary certified for ACE cargo release	ACS entry followed by ACE entry summary	ACE entry summary certified for ACS cargo release	ACS entry followed by ACS entry summary	ACS entry summary certified for cargo release
Single Transaction Bond.	YES .....	YES .....	NO .....	NO .....	NO .....	NO.
Continuous Bond .....	YES .....	YES .....	YES .....	YES .....	YES .....	YES.

For the scenarios in which the word “yes” appears, the entry/entry summary must be matched (validated) to an existing eBond that was previously transmitted in ACE for the purpose of securing that transaction. If an appropriate eBond is not on file in ACE for that transaction, the entry/entry summary will be rejected. For the scenarios in which the word “no” appears, CBP will not permit bond coverage to be transmitted under the eBond test and a CBP Form 301 subject to 19 CFR part 113 will be required instead. On November 1, 2015, CBP expects to retire ACS for most electronic entry/entry summary transactions, and at that time, the eBond test is expected to expand to all scenarios set forth in the chart above.

**Terms and Conditions for eBond Riders**

The surety/surety agent transmitting an eBond rider must identify the eBond being amended and the type of eBond rider selected, as well as other data elements required by the eBond system. The principal(s) and surety(ies) of the identified eBond agree to be bound (jointly and severally) by amendments to the eBond corresponding to the type of eBond rider the surety/surety agent has selected. Except for the amendments described below for the selected eBond rider, the principal(s) and surety(ies) agree that all other terms and conditions of the identified eBond remain unchanged.

(1) *Addition eBond rider.* The principal(s) and surety(ies) agree that the names transmitted with this eBond rider are unincorporated units of the identified principal or are trade or business names used by the identified principal in its business, that the identified eBond covers its business, and that the identified eBond covers any act done in those names to the same extent as though done in the name of the identified principal. The principal(s) and surety(ies) agree that any such act shall be considered to be the act of the identified principal.

(2) *Deletion eBond rider.* The principal(s) and surety(ies) agree that the names transmitted with this eBond rider of unincorporated units of the identified principal or trade or business names used by the identified principal in its business are deleted from the identified eBond effective upon the date of approval of this eBond rider by the appropriate CBP bond approval official.

(3) *Reconciliation eBond rider.* The principal(s) and surety(ies) agree that the identified eBond covers all Reconciliations pursuant to 19 U.S.C. 1484(b) that are elected on any entries secured by the identified eBond, and that all conditions set out in 19 CFR 113.62 are applicable to the identified eBond. *See also*, 63 FR 6257 (Feb. 6, 1998); 63 FR 44303 (Aug. 18, 1998); and 67 FR 61200 (Sept. 27, 2002). The principal(s) and surety(ies) also agree that, when an Aggregate Reconciliation under this eBond rider lists entries occurring in more than one bond period, any liabilities to CBP reflected in that Aggregate Reconciliation will be attributable (up to the full available bond amount) to any or all of those bond periods.

(4) *U.S. Virgin Islands eBond rider.* The principal(s) and surety(ies) agree that the words “United States,” whenever used in the terms and conditions of the identified eBond, include the U.S. Virgin Islands.

eBond and eBond Rider Transmission as Binding Representation to CBP of Authority To Bind Both Surety and Principal to eBond or eBond Rider

In accordance with 19 U.S.C. 1623(d), and consistent with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 *et seq.*, in place of signatures memorializing the parties’ intent to be bound, the principals and sureties who execute eBonds under this test certify that the surety’s/surety agent’s act of transmitting an eBond or eBond rider to CBP in ACE to secure a transaction constitutes a binding representation to CBP that:

(1) The transmitting surety/surety agent has the authority to bind both the surety(ies) and the principal(s) identified in the eBond or eBond rider; and

(2) Pursuant to the surety/surety agent's authority, both the surety(ies) and the principal(s) intend to be bound by the transmitted eBond or eBond rider, under the terms and conditions set forth in this notice. Furthermore, any transaction that identifies or uses an eBond as security constitutes the reaffirmation of the principal responsible for the transaction that it intends to be bound by the terms and conditions of the identified or used eBond.

#### Name and Address Change Bond Riders Not Supported in eBond

For purposes of the eBond test, CBP will not be collecting information regarding the name and address of the principal or surety on the eBond as this data will be available to CBP via other components of ACE. For this reason, bond riders pertaining to a principal's name or address change (*see* 19 CFR 113.24(a)(1)(2)) are not supported in ACE as this information is not transmitted on the eBond.

#### Continuous Bonds Executed Prior to eBond Test Will Be Accessible in eBond System

Continuous bonds executed on CBP Form 301 prior to the eBond test deployment date of January 3, 2015, will be accessible in the eBond system for ease of CBP's administration of all continuous bonds. However, continuous bonds executed on CBP Form 301 prior to January 3, 2015, will not be subject to the rules set forth in this notice but will remain subject to the CBP bond regulations in 19 CFR part 113. Therefore, bond riders for these pre-January 3, 2015 continuous bonds must still be submitted to the RD in the format and manner detailed in 19 CFR part 113. Effective January 3, 2015, CBP will no longer accept name/address change bond riders for these pre-January 3, 2015 continuous bonds. The importer identification number and surety number will continue to be the primary identification markers used by CBP when verifying adequate bond coverage for activities that require it. Principals or sureties who wish to change the name or address on a pre-January 3, 2015 continuous bond must terminate the bond and provide a new bond (depending on the entry/entry summary scenario, this may be an eBond or a STB on CBP Form 301).

#### Termination-of an eBond

A surety may, with or without the consent of the principal, electronically terminate an eBond on which it is obligated. The effective date of the termination must be stated in the electronic notice of termination and must be at least 15 calendar days after the date of the electronic notice of termination. If an eBond is terminated, no new

customs transactions may be charged against the eBond. The surety, as well as the principal, remains liable on a terminated eBond for obligations incurred prior to termination.

#### eBond Status Updates

eBond status updates will be provided electronically to the surety/surety agent and any party identified on the eBond as a “Secondary Notify Party”.

#### *Authorization for the eBond Test*

CBP’s eBond test is authorized under § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)), which provides for the testing of NCAP programs or procedures.

#### *eBond Test Participant Eligibility*

Participation in the eBond test is voluntary and may include surety(ies)/surety agents as well as principals who authorize a surety/surety agent to transmit an eBond. In order for a surety/surety agent to be eligible to participate in eBond, the surety/surety agent must obtain a filer code from CBP. A request for a filer code should be submitted to *Conrad.l.hemy@cbp.dhs.gov*. Once the filer code is issued by CBP, it will be associated with the surety code which will be maintained by CBP. Principals and/or importers may participate in the eBond test by contacting a participating surety and obtaining an eBond.

#### *eBond Test Selection Criteria*

Participation in the eBond test is open to all sureties/surety agents who have a surety filer code and who have requested permission to participate in the test and received CBP approval, as well as any principal who authorizes a surety/surety agent to transmit an eBond. A surety or surety agent interested in voluntary participation in the eBond test must submit an email request to *Conrad.l.henry@cbp.dhs.gov* with the subject line identifier “Request to participate in eBond test.” CBP will notify interested sureties of their test participation status upon receipt of the email requesting participation in the test. A principal who authorizes a surety/surety agent to transmit an eBond during this test is considered an eBond test participant and is bound by the terms and conditions of this notice.



### *eBond Test Dates*

The eBond test will commence on January 3, 2015, and will run approximately two years, subject to any extension, modification or early termination as announced by way of notice in the **Federal Register**.

### *Regulatory Provisions Suspended*

The regulatory provisions set forth in Chapter 1 of title 19 of the CFR will be suspended to the extent that they conflict with the terms of the eBond test. The regulatory suspensions will remain in effect for the duration of this test and will only apply to eBond test participants; the regulatory provisions remain in effect for all non-test participants.

### *Test Evaluation*

The eBond test is intended to evaluate the automation of CBP's bond program pursuant to the processes described in this notice, its impact on trade, and CBP's ability to enforce applicable laws and protect the revenue. CBP's evaluation of the test, including the review of any comments submitted to CBP for the duration of the test, will be ongoing with a view to possible extension or expansion of the test. Notice of any extension, modification or expansion of the test will be published in the **Federal Register**.

### *Test Evaluation Criteria*

The following is a non-exhaustive list of evaluation factors that CBP may use to assess the merits of the eBond test:

1. Workload impact;
2. Policy and procedure accommodations;
3. Cost savings;
4. Trade compliance impact;
5. System efficiency;
6. Operational efficiency; or
7. Other issues raised by public comment or by the test participants.

Results of the eBond test will be formulated at the conclusion of the test and will be made available to the public upon request.

### *Misconduct Under the Test*

An eBond test participant may be subject to civil and criminal penalties, administrative sanctions, liquidated damages, and/or discontinuance from participation in this test for any of the following:

- Failure to follow the terms and conditions of this test.

- Failure to exercise reasonable care in the execution of participant obligations.
- Failure to abide by applicable laws and regulations that have not been waived.
- Failure to deposit duties or fees in a timely manner.

If the Director, Business Transformation, ACE Business Office (ABO), Office of International Trade, finds that there is a basis for discontinuance of test participation privileges, the test participant will be provided a written notice proposing the discontinuance with a description of the facts or conduct supporting the proposal. The test participant will be offered the opportunity to respond to the Director's proposal in writing within 10 calendar days of the date of the written notice. The response must be submitted to the Executive Director, ACE Business Office, Office of International Trade. The Executive Director will issue a decision in writing on the proposed action within 30 business days after receiving a timely filed response from the test participant. If no timely response is received, the proposed notice becomes the final decision of the Agency as of the date that the response period expires. A proposed discontinuance of a test participant's privileges will not take effect unless the response process under this paragraph has been concluded with a written decision adverse to the test participant.

Where the public health, interest, or safety so requires, or to protect the revenue, the Director, Business Transformation, ACE Business Office (ABO), Office of International Trade, may immediately discontinue the test participant's privileges upon written notice to the test participant. The notice will contain a description of the facts or conduct warranting the Director's decision. The test participant will be offered the opportunity to appeal the Director's decision within 10 calendar days of the date of the written notice providing for immediate discontinuance. The appeal must be submitted to the Executive Director, ACE Business Office, Office of International Trade. The immediate discontinuance will remain in effect during the appeal period. The Executive Director will issue a decision in writing on the appeal within 15 business days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the notice becomes the final decision of CBP as of the date that the appeal period expires.

Dated: November 24, 2014,

BRENDA SMITH,  
*Assistant Commissioner,  
Office of International Trade.*

**U.S. CUSTOMS AND BORDER PROTECTION  
ACCREDITATION OF SAYBOLT, LP, AS A COMMERCIAL  
LABORATORY**

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

**ACTION:** Notice of accreditation of Saybolt, LP, as a commercial laboratory.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Saybolt, LP, has been accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 12, 2014.

**DATES:** The accreditation of Saybolt, LP, as commercial laboratory became effective on June 12, 2014. The next triennial inspection date will be scheduled for June 2017.

**FOR FURTHER INFORMATION CONTACT:** Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

**SUPPLEMENTARY INFORMATION:**

Notice is hereby given pursuant to 19 CFR 151.12, that Saybolt, LP, 109 Woodland Dr., LaPlace, LA 70068, has been accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12.

Saybolt, LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-08 .....	ASTM D-86 .....	Standard test method for distillation of petroleum products at atmospheric pressure.
27-58 .....	ASTM D-5191 .....	Standard test method for Vapor pressure of Petroleum products (Mini Method).
27-01 .....	ASTM D-287 .....	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer Method).

CBPL No.	ASTM	Title
27-03 .....	ASTM D-4006 .....	Standard test method for water in crude oil by distillation.
27-48 .....	ASTM D-4052 .....	Standard test method for density and relative density of liquids by digital density meter.
27-13 .....	ASTM D-4294 .....	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-04 .....	ASTM D-95 .....	Standard test method for water in petroleum products and bituminous materials by distillation.
27-05 .....	ASTM D-4928 .....	Standard Test Method for Water in crude oils by Coulometric Karl Fischer Titration.
27-46 .....	ASTM D-5002 .....	Standard test method for density and relative density.
27-11 .....	ASTM D-445 .....	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27-54 .....	ASTM D-1796 .....	Standard test method for water and sediment in fuel oils by the centrifuge method (laboratory procedure).
27-06 .....	ASTM D-473 .....	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27-50 .....	ASTM D-93 .....	Standard test methods for flash point by Penske-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*.

Dated: November 20, 2014.

IRA S. REESE,  
*Executive Director,  
 Laboratories and Scientific  
 Services Directorate.*

## **AGENCY INFORMATION COLLECTION ACTIVITIES:**

### **Drawback Process Regulations**

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

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

**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: Drawback Process Regulations. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before December 24, 2014 to be assured of consideration.

**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 *oira\_submission@omb.eop.gov* or faxed to (202) 395-5806.

**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, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

### **SUPPLEMENTARY INFORMATION:**

This proposed information collection was previously published in the **Federal Register** (79 FR 56596) on September 22, 2014, 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. 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; 44 U.S.C. 3507). 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 costs 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 OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

**Title:** Drawback Process Regulations.

**OMB Number:** 1651-0075.

**Form Number:** CBP Forms 7551, 7552 and 7553.

**Abstract:** The collections of information related to the drawback process are required to implement provisions of 19 CFR, part 191, which provides for a refund of duty for certain merchandise that is imported into the United States and subsequently exported. If the requirements set forth in Part 191 are met, claimants may file for a refund of duties using CBP Form 7551, *Drawback Entry*. CBP Form 7552, *Delivery Certificate for Purposes of Drawback*, is used to record a transfer of merchandise from a company other than the importer of record and is also used each time a change to the imported merchandise occurs as a result of a manufacturing operation. CBP Form 7553, *Notice of Intent to Export, Destroy or Return Merchandise for Purposes of Drawback*, is used to notify CBP if an exportation, destruction, or return of the imported merchandise will take place. The information collected on these forms is authorized by 19 U.S.C. 1313(l). The drawback forms are accessible at <http://www.cbp.gov/newsroom/publications/forms>.

**Current Actions:** This submission is being made to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

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

**Affected Public:** Businesses.

### **CBP Form 7551, Drawback Entry**

**Estimated Number of Respondents:** 6,000.

**Estimated Number of Responses per Respondent:** 20.

**Estimated Number of Total Annual Responses:** 120,000.

**Estimated Time per Response:** 35 minutes.

**Estimated Total Annual Burden Hours:** 70,000.

**CBP Form 7552, Delivery Certificate for Drawback**

**Estimated Number of Respondents:** 2,000.

**Estimated Number of Responses per Respondent:** 20.

**Estimated Number of Total Annual Responses:** 40,000.

**Estimated Time per Response:** 33 minutes.

**Estimated Total Annual Burden Hours:** 22,000.

**CBP Form 7553, Notice of Intent To Export, Destroy or Return Merchandise for Purposes of Drawback**

**Estimated Number of Respondents:** 150.

**Estimated Number of Responses per Respondent:** 20.

**Estimated Number of Total Annual Responses:** 3,000.

**Estimated Time per Response:** 33 minutes.

**Estimated Total Annual Burden Hours:** 1,650.

Dated: November 19, 2014.

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

[Published in the Federal Register, November 24, 2014 (79 FR 69876)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:  
Crew's Effects Declaration**

**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.

**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: Crew's Effects Declaration (CBP Form 1304). CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before January 20, 2015 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, 90 K Street NE., 10th 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, 90 K Street NE., 10th 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; 44 U.S.C. 3507). 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 OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

**Title:** Crew’s Effects Declaration.

**OMB Number:** 1651–0020.

**Form Number:** Form 1304.

**Abstract:** CBP Form 1304, *Crew’s Effects Declaration*, was developed through an agreement by the United Nations’ Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. The form is used as part of the entrance and clearance of vessels pursuant to the provisions of 19 CFR 4.7 and 4.7a, 19 U.S.C. 1431, and 19 U.S.C. 1434. CBP Form 1304 is completed by the master of the arriving carrier to record and list the crew’s



effects that are onboard the vessel. This form is accessible at [http://forms.cbp.gov/pdf/CBP\\_Form\\_1304.pdf](http://forms.cbp.gov/pdf/CBP_Form_1304.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 1304.

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

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 9,000.

**Estimated Number of Total Annual Responses:** 206,100.

**Estimated Time per Response:** 60 minutes.

**Estimated Total Annual Burden Hours:** 206,100.

Dated: November 17, 2014.

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

[Published in the Federal Register, November 21, 2014 (79 FR 69516)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:**  
**Crew Member's Declaration**

**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.

**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: Crew Member's Declaration (CBP Form 5129). CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before January 20, 2015 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, 90 K Street NE., 10th 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, 90 K Street NE., 10th 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; 44 U.S.C. 3507). 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 OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

**Title:** Crew Member’s Declaration.

**OMB Number:** 1651–0021.

**Form Number:** Form 5129.

**Abstract:** CBP Form 5129, *Crew Member’s Declaration*, is a declaration made by crew members listing all goods acquired abroad which are in his/her possession at the time of arrival in the United States. The data collected on CBP Form 5129 is used for compliance with currency reporting requirements, supplemental immigration documentation, agricultural quarantine matters, and the importation of merchandise by crew members who complete the individual declaration. This form is authorized by 19 U.S.C. 1431 and provided for by 19 CFR 4.7, 4.81, 122.44, 122.46, 122.83, 122.84 and 148.61–148.67. CBP Form 5129 is accessible at <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%205129.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 5129.

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

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 6,000,000.

**Estimated Number of Total Annual Responses:** 6,000,000.

**Estimated Time per Response:** 10 minutes.

**Estimated Total Annual Burden Hours:** 996,000.

Dated: November 17, 2014.

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

[Published in the Federal Register, November 21, 2014 (79 FR 69516)]