

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 177.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 354.

Dated: January 18, 1996.

V. Carol Barr,

Leader, Printing and Records Services Group.

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Announcement of National Customs Automation Test Regarding Electronic Protest Filing

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces Customs plan to conduct a test regarding the electronic filing of protests. This notice invites public comments concerning any aspect of the test, informs interested members of the public of the eligibility requirements for voluntary participation in the test, and describes the basis on which Customs will select participants.

EFFECTIVE DATE: The test will commence no earlier than May 1, 1996, and will run for approximately six months. Comments must be received on or before February 29, 1996. Anyone interested in participating in the test should contact Customs on or before February 29, 1996.

ADDRESSES: Written comments regarding this notice and information submitted to be considered for voluntary participation in the test, should be addressed to the Chief, Commercial Compliance Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W. Room 1313, Washington D.C. 20229-0001.

FOR FURTHER INFORMATION CONTACT:

For protest systems or automation issues: Steve Linnemann (202) 927-0436.

For information on how to become ABI operational: Kris Crane (202) 927-0452.

For operational or policy issues: Jim Casler (713) 313-2876.

SUPPLEMENTARY INFORMATION:

Background

Title VI of the North American Free Trade Agreement Implementation Act (the Act), Public Law 103-182, 107 Stat.

2057 (December 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 sections 411 through 414 of the Tariff Act of 1930 (19 U.S.C. 1411-1414), which define and list the existing and planned components of the NCAP (section 411), promulgate program goals (section 412), and provide for the implementation and evaluation of the program (section 413). In addition section 645 of the Act provides for the electronic filing of protests. Section 411 (2) (A) defines the "electronic filing and status of protests" as a "Planned Component" of the NCAP. Section 101.9(b) of the Customs Regulations (19 CFR 101.9(b)), implements the testing of NCAP components. See T.D. 95-21 (60 FR 14211, March 16, 1995).

I. Description of the Test

The Concept of Electronic Protest Filing

The Customs Service has developed transaction sets for the Automated Broker Interface (ABI) system which will allow the following to be filed electronically and their status tracked electronically:

(1) Protests against decisions of the Customs Service under 19 U.S.C. 1514;

(2) Claims for refunds of Customs duties or corrections of errors requiring reliquidation pursuant to 19 U.S.C. 1520(c) and (d); and

(3) Interventions in an importer's protest by an exporter or producer of merchandise from a country that is a party to the North American Free Trade Agreement under § 181.115 of the Customs Regulations.

Customs Regulations regarding who has the right to file a protest and the port having jurisdiction over the protest remain the same. For the purposes of the test, the date of filing for a protest will be determined by the date of ABI input of the protest based on midnight eastern standard time. A customhouse broker will be able to input the protest from any computer processing location, but will still have to be licensed to transact business at the port where the protest is filed.

The test will be implemented at selected ports. Ports selected will depend in part upon the number of volunteers who transact Customs business at those ports and the anticipated volume of protests filed at those ports.

II. Eligibility Criteria

In order to qualify for the electronic protest test, volunteers must be currently ABI operational, or become ABI operational, and willing to develop or acquire the software necessary to input protests into and interact with the electronic protest programming which has been established within Customs Automated Commercial System (ACS).

Note that participation in this testing will not constitute confidential information and lists of participants will be made available to the public upon written request.

Test Participation Application

This notice requests volunteers for the test. Protest filers who wish to volunteer for the test should contact the Trade Compliance Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 1322, Washington D.C. 20229-0001 on or after the date set forth in the effective date paragraph at the beginning of this notice.

Basis for Participation Selection

Eligible filers will be considered for participation in the test. Those not selected for participation will be invited to comment on the design, conduct, and evaluation of the test. Selections will be based on anticipated volume of protests, ports identified as having jurisdiction over those protests, and the selectee's electronic abilities to interface with Customs ABI electronic protest programming. Participants selected will be notified by means of the Customs Electronic Bulletin Board and the Customs Administrative Message System and by letter of notification.

III. Test Evaluation Criteria

Once participants are selected, Customs and the participants will meet to review all public comments received concerning any aspect of the test program or procedures, finalize procedures in light of those comments, form problem solving teams, and establish baseline measures and evaluation methods and criteria. At 90 days and 180 days after commencement, evaluations of the test will be conducted with the final results published in the Federal Register as required by § 101.9(b) of the Customs Regulations.

Dated: January 22, 1996.

Samuel H. Banks,

Assistant Commissioner, Office of Field Operations.

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