

procedures are followed, FTA requires grant recipients to submit written EEO plans to FTA for approval. FTA's assessment of this requirement shows that the formulating, submitting, and implementing of EEO programs should minimally increase costs for FTA applicants and recipients.

To determine a grantee's compliance with applicable laws and requirements, grantee submissions are evaluated and analyzed based on the following criteria. First, an EEO program must include an EEO policy statement issued by the chief executive officer covering all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment. Second, the policy must be placed conspicuously so that employees, applicants, and the general public are aware of the agency's EEO commitment.

The data derived from written EEO and affirmative action plans will be used by the Office of Civil Rights in monitoring grantees' compliance with applicable EEO laws and regulations. This monitoring and enforcement activity will ensure that minorities and women have equitable access to employment opportunities and that recipients of Federal funds do not discriminate against any employee or applicant because of race, color, creed, sex, national origin, or age, or disability.

*Respondents:* FTA grant recipients.

*Estimated Annual Burden on*

*Respondents:* 40 hours for each of the 150 EEO submissions.

*Estimated Total Annual Burden:* 6,000 hours.

*Frequency:* On occasion, every 3 years, annually.

Title: Title VI As It Applies to FTA Grant Programs (OMB Number: 2132-0542)

*Background:* Section 601 of Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This information collection is required by the Department of Justice (DOJ) Title VI Regulation, 28 CFR Part 42, Subpart F (Section 42.406), and DOT Order 1000.12. FTA policies and requirements are designed to clarify and strengthen these regulations. This requirement is applicable to all applicants, recipients, and subrecipients receiving Federal financial assistance. Experience has demonstrated that a

program requirement at the application stage is necessary to assure that benefits and services are equitably distributed by grant recipients. The requirements prescribed by the Office of Civil Rights accomplish that objective while diminishing possible vestiges of discrimination among FTA grant recipients. FTA's assessment of this requirement indicated that the formulation and implementation of the Title VI program should occur with a decrease in costs to such applicants and recipients.

All FTA grant applicants, recipients, and subrecipients are required to submit applicable Title VI information to the FTA Office of Civil Rights for review and approval. If FTA did not conduct pre-award reviews, solutions would not be generated in advance and program improvements could not be integrated into projects. FTA's experience with pre-award reviews for all projects and grants suggests this method contributes to maximum efficiency and cost effectiveness of FTA dollars and has kept post-award complaints to a minimum. Moreover, the objective of the Title VI statute can be more easily attained and beneficiaries of FTA funded programs have a greater likelihood of receiving transit services and related benefits on a nondiscriminatory basis.

*Respondents:* FTA grant recipients.

*Estimated Annual Burden on*

*Respondents:* 8.1 hours for each of the 371 Title VI submissions.

*Estimated Total Annual Burden:* 2,998 hours.

*Frequency:* Annual.

Title: Reporting of Technical Activities by FTA Grant Recipients (OMB Number: 2132-0549)

*Background:* 49 U.S.C. Sections 5303 and 5313 (a) and (b) authorize the use of Federal funds to assist metropolitan planning organizations (MPOs), states, and local public bodies in developing transportation plans and programs to serve future transportation needs of urbanized areas over 50,000 in population and States throughout the nation. As part of this effort, MPOs are required to consider a wide range of goals and objectives and to analyze alternative transportation system management and investment strategies. These objectives are measured by definable activities such as suburban mobility planning and other related activities.

The information collected by these forms is used to report annually to Congress, the Secretary, and to the FTA Administrator on how grantees are responding to national emphasis areas

and congressional direction, and allows FTA to track grantees' use of Federal planning and research funds.

*Respondents:* FTA grant recipients.

*Estimated Annual Burden on*

*Respondents:* 3 hours for each of the 50 respondents.

*Estimated Total Annual Burden:* 150 hours.

*Frequency:* Annual.

Title: Bus Testing Program (OMB Number: 2132-0550)

*Background:* 49 U.S.C. Section 5323(c) provides that no Federal funds appropriated or made available after September 30, 1989, may be obligated or expended for the acquisition of a new bus model (including any model using alternative fuels) unless the bus has been tested at the Bus Testing Center (Center) in Altoona, Pennsylvania. 49 U.S.C. Section 5318(a) further specifies that each new bus model is to be tested for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

The operator of the Bus Testing Center, the Pennsylvania Transportation Institute (PTI), is under contract to the FTA. PTI operates and maintains the Center, and establishes and collects fees for the testing of the vehicles at the facility. Upon completion of the testing of the vehicle at the Center, a test report is provided to the manufacturer of the new bus model. The bus manufacturer certifies to an FTA grantee that the bus the grantee is purchasing has been tested at the Center. Also, grantees about to purchase a bus use this report to assist them in making their purchasing decisions. PTI maintains a reference file for all the test reports which are made available to the public.

*Respondents:* Bus manufacturers.

*Estimated Annual Burden on*

*Respondents:* 3 hours for each of the 20 bus manufacturers.

*Estimated Total Annual Burden:* 60 hours.

*Frequency:* Annual.

Issued: July 10, 1996.

Gordon J. Linton,

Administrator.

[FR Doc. 96-17950 Filed 7-12-96; 8:45 am]

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**DEPARTMENT OF THE TREASURY****Customs Service****Interim List of Records Required To Be Maintained and Produced Pursuant to 19 U.S.C. 1509(a)(1)(A)**

**AGENCY:** U.S. Customs Service, Treasury.

**ACTION:** General notice.

**SUMMARY:** This document sets forth for the information of the general public the text of a document that was previously published in the *Customs Bulletin* on January 3, 1996 concerning a list of records or entry information required to be maintained and produced under section 509(a)(1)(A) of the Tariff Act of 1930, as amended by title VI of the North American Free Trade Agreement Implementation Act.

**FOR FURTHER INFORMATION CONTACT:** Stuart P. Seidel, Assistant Commissioner, Office of Regulations and Rulings at (202) 482-6920 or William Inch, Director, Office of Regulatory Audit at (202) 927-1100.

**SUPPLEMENTARY INFORMATION:****Background**

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (Pub. L. 103-182). Title VI of the act is entitled "Customs Modernization" and is popularly known as the Customs Modernization Act. Section 615 of the Customs Modernization Act amends § 509(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(1)(A)) to require the maintenance and production of a record if "such record is required by law or regulation for the entry of merchandise (whether or not the Customs Service required its presentation at the time of entry)." Section 509 was further amended by adding a new subsection (e) which requires the Customs Service to identify and publish a list of records or entry information that is required to be maintained and produced under § 509(a)(1)(A)—commonly referred to as "the (a)(1)(A) list." In their respective discussions of section 615, both the House Report and Senate Report on the North American Free Trade Agreement Implementation Act indicate that the requirement to publish the (a)(1)(A) list refers to publication in the *Customs Bulletin*. On January 3, 1996, Customs published the (a)(1)(A) list in the *Customs Bulletin*.

This publication of the (a)(1)(A) list in the Federal Register is for the information of the general public.

Dated: July 9, 1996.

Stuart P. Seidel,

*Assistant Commissioner, Office of Regulations and Rulings.*

Accordingly, the document setting forth the (a)(1)(A) list, as discussed above, is reproduced below:

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

(T.D. 96-1)

**INTERIM LIST OF RECORDS REQUIRED TO BE MAINTAINED AND PRODUCED PURSUANT TO 19 U.S.C. § 1509(a)(1)(A)**

**AGENCY:** U.S. Customs Service, Treasury.

**ACTION:** Interim "(a)(1)(A) list".

**SUMMARY:** This document lists records (which includes, but is not limited to, any statement, declaration, document, or electronically generated or machine readable data) required by law or regulation for the entry of the merchandise (whether or not the Customs Service requires its presentation at the time of entry). Publication is required by section 509(a)(1)(A) of the Tariff Act of 1930, as amended by section 615 of Public Law 103-182 (19 U.S.C. § 1509(a)(1)(A)). This interim list addresses public comments solicited by the Proposed List which was posted on Customs Electronic Bulletin Board on September 12, 1994 and published in the *Customs Bulletin* on September 21, 1994. The list is being published as an interim listing because the Customs Service is re-engineering its entry and related processes and the list is expected to change as entry requirements are revised.

**EFFECTIVE DATE:** Since this document merely lists records already required by law or regulation, it is effective on January 3, 1996, the date of publication in the Customs Bulletin.

**ADDRESSES:** Comments should be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW. (Franklin Court), Washington, D.C. 20229. Comments may be inspected at the Regulations Branch, Office of Regulations and Rulings, Suite 4000W, 1099 14th Street NW., Washington, DC 20005. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Stuart Seidel, Assistant Commissioner, Office of Regulations and Rulings at (202) 482-6920 or William Inch, Director, Office of Regulatory Audit at (202) 927-1100.

**SUPPLEMENTARY INFORMATION:****Background**

Section 509(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. § 1509(a)(1)(A)) as amended by 615 of title VI of the North American Free Trade Agreement Implementation Act

(generally referred to as the "Customs Modernization Act") requires the maintenance and production of a record if "such record is required by law or regulation for the entry of merchandise (whether or not the Customs Service required its presentation at the time of entry)." Section 509 was further amended by adding a new subsection (e) which requires the Customs Service to identify and publish a list of records or entry information that is required to be maintained and produced under section 509(a)(1)(A)—commonly referred to as "the (a)(1)(A) list." On September 12, 1994, the proposed (a)(1)(A) list was placed on the Customs Electronic Bulletin Board for public comment, followed by publication in the September 21, 1994 Customs Bulletin. Comments were received from the following organizations or their counsel: the Air Courier Conference of America, National Customs Brokers & Forwarders Association of America, Inc., The United States Association of Importers of Textiles and Apparel, The Joint Industry Group, American Association of Exporters and Importers, U.S. Transportation Coalition, and a group of petroleum and petrochemical companies. In addition comments were received from a Customs broker, a law firm, an express consignment company and its brokerage, and a Customs office. A total of eleven comments were received. However, many of the submissions were from trade groups, or their counsel, representing hundreds of interested parties. A summary of the comments received and Customs response follows:

**Comment:** One commenter opined that NAFTA records should be excluded from the (a)(1)(A) list because it would subject record keepers to the additional penalties available under 19 U.S.C. 1509, and NAFTA exporter's records are already subject to penalties.

**Customs Response:** Customs agrees that records required to be kept by U.S. exporters should be excluded from the (a)(1)(A) list (unless the same party is also an importer and is relying upon those records to claim a NAFTA preference on reimportation) since (a)(1)(A) only applies to entry records. However, Customs believes that certain other NAFTA records are entry records. The law requires a person claiming NAFTA preferences to be in possession of a NAFTA Certificate of Origin at the time the preference is claimed. Thus, when NAFTA preferences are claimed at the time of entry, the NAFTA records are entry records and properly fall within the purview of (a)(1)(A). To make this clear, the NAFTA certificate of origin and supporting records required by 19 CFR 181.22 have been specifically added to the list.

**Comment:** One commenter suggested that for petroleum and petrochemical products, only the following should be required to be kept for five years: CF 7501 and related documents, purchase orders or contracts (except when made orally), invoice and payment records (including canceled checks, wire transfer evidence, inter company accounts and similar records, bills of lading or charter agreements, freight invoices, import inspection reports, etc, evidence of use (for classification where use controls), TSCA and EPA certifications.

**Customs Response:** The record retention period is beyond the scope of the (a)(1)(A) list and will be addressed in a separate regulatory package. As indicated in the Background portion, Customs will consider changes in entry record requirements as Customs processes are revised. However, until those requirements are changed, the law requires that all records required for the entry of merchandise be included in the (a)(1)(A) list.

**Comment:** One commenter expressed concern that the size of the (a)(1)(A) list will result in the list being a tool to penalize persons during routine audits. The commenter points out that under current practice, the failure to present certain required records results in a denial of a preference. In other cases, the record (19 CFR 10.174, for example) may be required within 60 days of entry, after which it does not appear to be required. In other cases, importation is prohibited without the required record (19 CFR 12.161 fur seal certificate). The commenter suggested that the (a)(1)(A) list be limited to those presently required to be produced, and not routinely the subject of waivers. The commenter suggested that the entry not be accepted without a statement that the required document is in the importer's possession, because without the statement, potential third party record keepers might not be willing to undertake this responsibility since there would be no guarantee that records would be available. The commenter further suggested reducing the maintenance period from five years to not longer than liquidation of the entry.

**Customs Response:** In an automated environment, Customs must be able to use a post-entry record demand to ensure that an importer's claims on entry were valid. In order to expedite the release of merchandise, Customs may initially waive production of certain required records and then verify them at a later date. This is especially true in the case of records not affecting admissibility. This fact is recognized in the law, which refers to a record which is required by law or regulation for the entry of the merchandise *whether or not the Customs Service required its presentation at the time of entry*, emphasis added. A record retention period beyond liquidation was clearly contemplated by Congress, because the statute specifically permits reliquidation and denial of claimed preferences if the record is demanded within two years of the original liquidation and is not produced. As pointed out in other comments, Customs is reviewing its entire entry process and the (a)(1)(A) list will be adjusted in the future. With regard to the penalty process, Customs intends to follow the legislative history which states, "[o]nce this listing has been made available and importers have had an opportunity to familiarize themselves with the contents, the Committee expects the person on whom a demand has been made for any of the records under section 509(a)(1)(A) of the Act will furnish them under the 'reasonable time' standard embodied in the law. The Committee also believes that Customs headquarters should exercise tight control over the imposition of record keeping

penalties, and until the Customs Service gains some experience in administering this penalty, no such penalty should be issued without prior headquarters review and approval."

**Comment:** One commenter was of the opinion that the (a)(1)(A) list should only contain those records required for "entry," which the commenter equates with "admission" or "release" of the merchandise. The commenter further points out that many of the documents on the list are not required for release. The commenter suggests that as electronic textile visas are introduced, importers will not have any visa documentation to produce and the (a)(1)(A) list should reflect that. The commenter also believes it is inappropriate to list documents, such as origin declarations and quota charge statements which are presented at the time of entry and retained by Customs. The commenter also believes that purchase orders and contracts are not required for entry and refers to 19 CFR 141.83 and 141.86, and therefore should be eliminated from the list. The commenter also believes that the manifest description of the goods should be stricken from the list since the carrier, not the importer is responsible for producing this to Customs. Finally, the commenter believes that the broker power of attorney should be eliminated since the record is not, in the commenter's view, required for entry.

**Customs Response:** The term "entry" is used in the Customs laws and regulations in two ways. The first refers to a specific document, the "entry" form (such as consumption entry, vessel repair entry, etc); the second to a procedure, "entry of merchandise," "entry and clearance." Customs believes that the (a)(1)(A) list refers to the procedure—that is, records required to complete the entry process. Section 1484 of title 19 of the United States Code (19 U.S.C. 1484) refers to an importer using reasonable care to make entry by filing such information as is necessary to obtain release of the merchandise, and completing the entry by filing such additional information as may be necessary to enable Customs to fix the final appraisement and classification of the merchandise and insure compliance with applicable law. Thus, the scope of the (a)(1)(A) list is broader than contemplated by the commenter. This is supported by the examples listed in the legislative history which include not only any record required for admissibility, but also the following which are not required for release: a commercial invoice, a packing list, certificate of origin Form A (where a claim for a preference is made), and declarations of a foreign manufacturer. With regard to purchase orders and contracts, Customs notes that while not every importation requires such records for entry, importations covered by sections 12.99, 10.84 and 10.183 of the Customs Regulations do require contracts. Customs has deleted purchase orders from the (a)(1)(A) list, although they must be retained and made available for examination pursuant to other provisions of 19 U.S.C. 1508 and 1509. With regard to the comment that electronic visas may be transmitted to the Customs Service, we note that the visa will still be a record required for entry and

thus will have to be listed, but the importer will not be subject to penalties, since the record is transmitted to and retained by Customs, and the penalty provisions do not apply when Customs retains the record.

**Comment:** Several commenters recommended that the (a)(1)(A) list be simplified, to eliminate unnecessary material, and suggest Customs review documents which are routinely waived to see if they can be eliminated. One commenter believed that the list was accurate, but far too complex. The commenter suggested a "front end" summary of which documents contain which data elements and that the list be restructured to simplify it. Finally, several commenters suggested that the list could be clarified by referencing the documents currently required rather than the data elements or information.

**Customs Response:** Customs agrees that the list should be rearranged to show which data is routinely provided to Customs on entry forms and has tried to group the records to show which ones are required by all, or most, import transactions. We agree that the list is complex, and lists some records which are not required in most import transactions, but only are required for imports of certain specific merchandise, or in certain situations. We have tried to list those situations and hope to simplify and reduce the list in the future as new procedures and regulations are implemented. The law requires that the (a)(1)(A) list contain not only documents but also data elements and other information required for entry.

**Comment:** Several commenters suggested that Customs list the parties responsible for maintaining specific documents. For example, one commenter points out that carriers are responsible for the manifest under regulations issued pursuant to 19 U.S.C. 1321, but should not be responsible for the summary manifest for letters and documents and return shipments since these intangibles are, in the commenter's view exempt from entry under General Notes 13 (d), (e) of the Harmonized Tariff Schedule of the United States (HTSUS) and § 681c of the Mod Act. The commenter questions the inclusion of the vessel entry form 226 since, in the commenter's view, it does not relate to the "entry of merchandise."

**Customs Response:** Whether or not an article is covered by the HTSUS is not determinative of whether the article is "merchandise" within the Tariff Act of 1930. Section 401 (19 U.S.C. 1401) defines "merchandise" as goods, wares, and chattels of every description and includes merchandise the importation of which is prohibited, and monetary instruments. Thus, returned articles and documents are in fact merchandise, albeit exempt from the HTSUS. In fact, 19 U.S.C. 1498 specifically permits the Secretary to promulgate regulations for the declaration and entry of returned merchandise. With regard to the vessel entry form, we note that while it is used to report vessel repairs, it is also used to report the entry of equipment and spare parts and is also referenced in 19 U.S.C. 1498.

**Comment:** One commenter suggested that express carriers (operating under part 128, Customs Regulations) be required to keep the

manifest, consolidated entry summary or its equivalent and invoices for informal entries, and the manifest, individual entry summaries or their equivalent and invoices for formal entries. The commenter did not believe that individual house airway bills and packing lists should be listed because the airway bill's data elements duplicated the manifest, and the packing lists were rarely used for express consignments. The commenter expressed the view that since express carriers have "a statutory right under 19 U.S.C. 1484 to designate their own brokers to make entry," no power of attorney was needed and it should therefore be eliminated from the (a)(1)(A) list. The commenter suggested that other federal or state agency documents should be listed. The commenter believed that the list should include (for carriers), records relating to entry for immediate transportation pursuant to 19 U.S.C. 1552, transportation and exportation pursuant to 19 U.S.C. 1553 and records relating to instruments of international traffic pursuant to 19 U.S.C. 1322. Several commenters pointed out that Customs Forms 3311, 4455 and Form A are no longer required (see 59 FR 25503) and should be removed from the (a)(1)(A) list. One commenter pointed out that since only "an owner or purchaser of the merchandise or, when appropriately designated by the owner, purchaser, or consignee of the merchandise, a person holding a valid license under section 1641" may make formal entry, carriers should not be liable for maintaining records on the (a)(1)(A) list except in limited circumstances.

**Customs Response:** Customs agrees that a power of attorney is not required by a broker who is the importer of record, since in that capacity, the broker is the principal and is liable for duties, fees and taxes. However, powers of attorney, when required by the regulations, are entry records. Customs agrees that the CF 3311 and CF 4455 are no longer required for certain entries pursuant to 19 CFR 10.1(a) and 10.8 and 10.9. However, the CF 3311 and/or CF 4455 remain entry records for certain importations (see revised 19 CFR 7.8(b), 10.1 (h), (i), (j) and 10.66, 10.67, for example. The Origin Form A has been deleted from the (a)(1)(A) list for GSP and CBI importations. Customs also agrees that records required by 19 U.S.C. 1552, 1553 and 1322 are entry records and has added them to the (a)(1)(A) list.

#### CONCLUSION

Customs has revised the (a)(1)(A) list in accordance with the foregoing and is publishing it at this time as an interim document to allow future modifications as procedures change. The "Background" section has been renamed "General Information" and expanded and clarified. The list will also be published as an Appendix to the revised record keeping regulations when that document is published. Customs intends the importing community to familiarize themselves with the (a)(1)(A) list and expects that a person on whom a demand has been made for any of the entry records will furnish them under the "reasonable time" standard embodied in the law. Although the record keeping penalties are effective upon publication of the list, Customs headquarters will, as recommended

in the legislative history, exercise tight control over the imposition of record keeping penalties, and until the Customs Service gains some experience in administering this penalty, Customs officers will not issue such a penalty without prior headquarters review and approval.

Dated: December 21, 1995

Stuart P. Seidel, Assistant Commissioner,  
Office of Regulations and Rulings

#### INTERIM (a)(1)(A) LIST

##### LIST OF RECORDS REQUIRED FOR THE ENTRY OF MERCHANDISE

**GENERAL INFORMATION:** Section 508 of the Tariff Act of 1930, as amended (19 U.S.C. 1508), sets forth the general record keeping requirements for Customs-related activities. Section 509 of the Tariff Act of 1930, as amended (19 U.S.C. 1509) sets forth the procedures for the production and examination of those records (which includes, but is not limited to, any statement, declaration, document, or electronically generated or machine readable data).

Section 509(a)(1)(A) of the Tariff Act of 1930, as amended by title VI of Public Law 103-182, commonly referred to as the Customs Modernization Act (19 U.S.C. 1509(a)(1)(A)), requires the production, within a reasonable time after demand by the Customs Service is made (taking into consideration the number, type and age of the item demanded) if "such record is required by law or regulation for the entry of the merchandise (whether or not the Customs Service required its presentation at the time of entry)". Section 509(e) of the Tariff Act of 1930, as amended by Public Law 103-182 (19 U.S.C. 1509(e)) requires the Customs Service to identify and publish a list of the records and entry information that is required to be maintained and produced under subsection (a)(1)(A) of section 509 (19 U.S.C. 1509(a)(1)(A)). This list is commonly referred to as "the (a)(1)(A) list."

The Customs Service has tried to identify all the presently required entry information or records on the following list. However, as automated programs and new procedures are introduced, these may change. In addition, errors and omissions to the list may be discovered upon further review by Customs officials or the trade. Pursuant to section 509(g), the failure to produce listed records or information upon reasonable demand may result in penalty action or liquidation or reliquidation at a higher rate than entered. A record keeping penalty may not be assessed if the listed information or records are transmitted to and retained by Customs.

**OTHER RECORDKEEPING REQUIREMENTS:** The importing community and Customs officials are reminded that the (a)(1)(A) list only pertains to records or information required for the entry of merchandise. An owner, importer, consignee, importer of record, entry filer, or other party who imports merchandise, files a drawback claim or transports or stores bonded merchandise, any agent of the foregoing, or any person whose activities require them to file a declaration or entry, is also required to make, keep and render for examination and inspection records (including, but not limited to, statements, declarations, documents and

electronically generated or machine readable data) which pertain to any such activity or the information contained in the records required by the Tariff Act in connection with any such activity; and are normally kept in the ordinary course of business. While these records are not subject to administrative penalties, they are subject to examination and/or summons by Customs officers. Failure to comply could result in the imposition of significant judicially imposed penalties and denial of import privileges.

The following list does not replace entry requirements, but is merely provided for information and reference. In the case of the list conflicting with regulatory or statutory requirements, the latter will govern.

#### LIST OF RECORDS AND INFORMATION REQUIRED FOR THE ENTRY OF MERCHANDISE

The following records (which includes, but is not limited to, any statement, declaration, document, or electronically generated or machine readable data) are required by law or regulation for the entry of merchandise and are required to be maintained and produced to Customs upon reasonable demand (whether or not Customs required its presentation at the time of entry). Information may be submitted to Customs at time of entry in a Customs authorized electronic or paper format. Not every entry of merchandise requires all of the following information. Only those records or information applicable to the entry requirements for the merchandise in question will be required/mandatory. The list may be amended as Customs reviews its requirements and continues to implement the Customs Modernization Act. When a record or information is filed with and retained by Customs, the record is not subject to record keeping penalties, although the underlying backup or supporting information from which it is obtained may also be subject to the general record retention regulations and examination or summons pursuant to 19 U.S.C. 1508 and 1509.

(All references, unless otherwise indicated, are to title 19, Code of Federal Regulations, April 1, 1995 Edition, as amended by subsequent Federal Register notices.)

I. General list or records required for most entries. Information shown with an asterisk (\*) is usually on the appropriate form and filed with and retained by Customs:

- 141.11-.15 Evidence of right to make entry (airway bill/bill of lading or \*carrier certificate, etc.) when goods are imported on a common carrier.
- 141.19 \*Declaration of entry (usually contained on the entry summary or warehouse entry)
- 141.32 Power of attorney (when required by regulations)
- 141.54 Consolidated shipments authority to make entry (if this procedure is utilized)
- 142.3 Packing list (where appropriate)
- 142.4 Bond information (except if 10.101 or 142.4(c) applies) Parts 4,18,122,123  
\*Vessel, Vehicle or Air Manifest (filed by the carrier)

II. The following records or information are required by 141.61 on Customs Form (CF) 3461 or CF 7533 or the regulations cited.

Information shown with an asterisk (\*) is contained on the appropriate form and/or otherwise filed with and retained by Customs:

142.3, .3a \*Entry Number  
 \*Entry Type Code  
 \*Elected Entry Date  
 \*Port Code  
 142.4 \*Bond information  
 141.61, 142.3a \*Broker/Importer Filer Number  
 141.61, 142.3 \*Ultimate Consignee Name and Number/street address of premises to be delivered  
 141.61 \*Importer of Record Number  
 \*Country of Origin  
 141.11 \*IT/BL/AWB Number and Code  
 \*Arrival Date  
 141.61 \*Carrier Code  
 \*Voyage/Flight/Trip  
 \*Vessel Code/Name  
 \*Manufacturer ID Number (for AD/CVD must be actual mfr.)  
 \*Location of Goods—Code(s)/Name(s)  
 \*U.S. Port of Unlading  
 \*General Order Number (only when required by the regulations)  
 142.6 \*Description of Merchandise  
 142.6 \*HTSUSA Number  
 142.6 \*Manifest Quantity  
 \*Total Value  
 \*Signature of Applicant  
 III. In addition to the information listed above, the following records or items of information are required by law and regulation for the entry of merchandise and are presently required to be produced by the importer of record at the time the Customs Form 7501 is filed.  
 141.61 \*Entry Summary Date  
 141.61 \*Entry Date  
 142.3 \*Bond Number, Bond Type Code and Surety code  
 142.3 \*Ultimate Consignee Address  
 141.61 \*Importer of Record Name and Address  
 141.61 \*Exporting Country and Date Exported  
 \*I.T. (In-bond) Entry Date (for IT Entries only)  
 \*Mode of Transportation (MOT Code)  
 141.61 \*Importing Carrier Name  
 141.82 Conveyance Name/Number  
 \*Foreign Port of Lading  
 \*Import Date and Line Numbers  
 \*Reference Number  
 \*HTSUS Number  
 141.61 \*Identification number for merchandise subject to Anti-dumping or Countervailing duty order (ADA/CVD Case Number)  
 141.61 \*Gross Weight  
 \*Manifest Quantity  
 141.61 \*Net Quantity in HTSUSA Units  
 141.61 \*Entered Value, Charges, and Relationship  
 141.61 \*Applicable HTSUSA Rate, ADA/CVD Rate, I.R.C. Rate, and/or Visa Number, Duty, I.R. Tax, and Fees (e.g. HMF, MPF, Cotton)  
 141.61 Non-Dutiable Charges  
 141.61 \*Signature of Declarant, Title, and Date  
 \*Textile Category Number

141.83,.86 Invoice information which includes—e.g., date, number, merchandise (commercial product) description, quantities, values, unit price, trade terms, part, model, style, marks and numbers, name and address of foreign party responsible for invoicing, kind of currency  
 Terms of Sale  
 Shipping Quantities  
 Shipping Units of Measurements  
 Manifest Description of Goods  
 Foreign Trade Zone Designation and Status Designation (if applicable)  
 Indication of Eligibility for Special Access Program (9802/GSP/CBI)  
 141.89 CF 5523  
 141.89, et al Corrected Commercial Invoice  
 141.86 (e) Packing List  
 177.8 \*Binding Ruling Identification Number (or a copy of the ruling)  
 10.102 Duty Free Entry Certificate (9808.00.30009 HTS)  
 10.108 Lease Statement  
 IV. Documents/records or information required for entry of special categories of merchandise (The listed documents or information is only required for merchandise entered (or required to be entered) in accordance with the provisions of the sections of 19 CFR (the Customs Regulations) listed). These are in addition to any documents/records or information required by other agencies in their regulations for the entry of merchandise:  
 4.14 CF 226 Information for vessel repairs, parts and equipment  
 7.8(a) CF 3229 Origin certificate for insular possessions  
 7.8(b) CF 3311 and Shipper's declaration for insular possessions  
 Part 10 Documents required for entry of articles exported and returned:  
 10.1–10.6  
 foreign shipper's declaration or master's certificate, declaration for free entry by owner, importer or consignee  
 10.7 certificate from foreign shipper for reusable containers  
 10.8 declaration of person performing alterations or repairs  
 declaration for non-conforming merchandise  
 10.9 declaration of processing  
 10.24 declaration by assembler endorsement by importer  
 10.31,.35 Documents required for Temporary Importations Under Bond: Information required, Bond or Carnet  
 10.36 Lists for samples, professional equipment, theatrical effects  
 Documents required for Instruments of International Traffic:  
 10.41 Application, Bond or TIR carnet  
 Note: additional 19 U.S.C. 1508 records: see 10.41b(e)  
 10.43 Documents required for exempt organizations  
 10.46 Request from head of agency for 9808.00.10 or 9808.00.20 HTSUS treatment  
 Documents required for works of art  
 10.48 declaration of artist, seller or shipper, curator, etc

10.49,.52 declaration by institution  
 10.53 declaration by importer  
 USFWS Form 3–177, if appropriate  
 10.59,.63 Documents/CF 5125 for withdrawal of ship supplies  
 10.66,.67 Declarations for articles exported and returned  
 10.68,.69 Documents for commercial samples, tools, theatrical effects  
 10.70,.71 Purebred breeding certificate  
 10.84 Automotive Products certificate  
 10.90 Master records and metal matrices: detailed statement of cost of production.  
 10.98 Declarations for copper fluxing material  
 10.99 Declaration of non-beverage ethyl alcohol, ATF permit  
 10.101–.102 Stipulation for government shipments and/or certification for government duty-free entries, etc.  
 10.107 Report for rescue and relief equipment  
 15 CFR 301 Requirements for entry of scientific and educational apparatus  
 10.121 Certificate from USIA for visual/auditory materials  
 10.134 Declaration of actual use (When classification involves actual use)  
 10.138 End Use Certificate  
 10.171– Documents, etc. required for entries of GSP merchandise  
 10.173, 10.175 GSP Declaration (plus supporting documentation)  
 10.174 Evidence of direct shipment  
 10.179 Certificate of importer of crude petroleum  
 10.180 Certificate of fresh, chilled or frozen beef  
 10.183 Civil aircraft parts/simulator documentation and certifications  
 10.191–.198 Documents, etc. required for entries of CBI merchandise CBI declaration of origin (plus supporting information)  
 10.194 Evidence of direct shipment  
 † [10.306 Evidence of direct shipment for CFTA]  
 † [10.307 Documents, etc. required for entries under CFTA  
 Certificate of origin of CF 353]  
 [† CFTA provisions are suspended while NAFTA remains in effect. See part 181]  
 12.6 European Community cheese affidavit  
 12.7 HHS permit for milk or cream importation  
 12.11 Notice of arrival for plant and plant products  
 12.17 APHIS Permit animal viruses, serums and toxins  
 12.21 HHS license for viruses, toxins, antitoxins, etc for treatment of man  
 12.23 Notice of claimed investigational exemption for a new drug  
 12.26–.31 Necessary permits from APHIS, FWS & foreign government certificates when required by the applicable regulation  
 12.33 Chop list, proforma invoice and release permit from HHS  
 12.34 Certificate of match inspection and importer's declaration  
 12.43 Certificate of origin/declarations for goods made by forced labor, etc.  
 12.61 Shipper's declaration, official certificate for seal and otter skins  
 12.73 12.80 Motor vehicle declarations

- 12.85 Boat declarations (CG-5096) and USCG exemption
- 12.91 FDA form 2877 and required declarations for electronics products
- 12.99 Declarations for switchblade knives
- 12.104-.104i Cultural property declarations, statements and certificates of origin
- 12.105-.109 Pre-Columbian monumental and architectural sculpture and murals certificate of legal exportation evidence of exemption
- 12.110 Pesticides, etc. notice of arrival
- 12.118-.127 Toxic substances: TSCA statements
- 12.130 Textiles & textile products
  - Single country declaration
  - Multiple country declaration
  - VISA
- 12.132 NAFTA textile requirements
- 54.5 Declaration by importer of use of use of certain metal articles
- 54.6(a) Re-Melting Certificate
- 114 Carnets (serves as entry and bond document where applicable)
- 115 Container certificate of approval
- 128 Express consignments
- 128.21 \*Manifests with required information (filed by carrier)
- 132.23 Acknowledgment of delivery for mailed items subject to quota
- 133.21(b)(6) Consent from trademark or trade name holder to import otherwise restricted goods
- 134.25,.36 Certificate of marking; notice to repacker
- 141.88 Computed value information
- 141.89 Additional invoice information required for certain classes of merchandise including, but not limited to:
  - Textile Entries:* Quota charge Statement, if applicable including Style Number, Article Number and Product
  - Steel Entries:* Ordering specifications, including but not limited to, all applicable industry standards and mill certificates, including but not limited to, chemical composition.
- 143.13 Documents required for appraisement entries bills, statements of costs of production value declaration
- 143.23 Informal entry: commercial invoice plus declaration
- 144.12 Warehouse entry information
- 145.11 Customs Declaration for Mail, Invoice
- 145.12 Mail entry information (CF 3419 is completed by Customs but formal entry may be required.)
- 148 Supporting documents for personal importations
- 151 subpart B Scale Weight
- 151 subpart B Sugar imports sampling/lab information (Chemical Analysis)
- 151 subpart C Petroleum imports sampling/lab information
- Out turn Report 24. to 25.—Reserved
- 151 subpart E Wool and Hair invoice information, additional documents
- 151 subpart F Cotton invoice information, additional documents
- 181.22 NAFTA Certificate of origin and supporting records
- 19 U.S.C. 1356k Coffee Form O (currently suspended)

*Other Federal and State Agency Documents*  
 State and Local Government Records  
 Other Federal Agency Records (See 19 CFR Part 12, 19 U.S.C. 1484, 1499)  
 Licenses, Authorizations, Permits

#### *Foreign Trade Zones*

146.32 Supporting documents to CF 214  
 [FR Doc. 96-17833 Filed 7-12-96; 8:45 am]  
**BILLING CODE 4820-02-P**

### **Office of Thrift Supervision**

[96-65]

#### **Review of OTS Decisions**

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final guidelines.

**SUMMARY:** The Office of Thrift Supervision (OTS) is issuing guidelines for the review, appeal and reconsideration of various agency findings and decisions as Thrift Bulletin 68 (TB 68). The guidelines issued today establish an independent appellate process available to review supervisory decisions, examination findings and application decisions. TB 68 also provides for an agency Ombudsman to act as a liaison between the OTS and persons dealing with the OTS. The text of TB 68 appears as Appendix A to this document.

Section 309(a) of the Community Development and Regulatory Improvement Act of 1994 (CDRIA) requires the OTS and the other Federal banking agencies to develop an intra-agency supervisory review process. One purpose of TB 68 is to fulfill OTS's statutory mandate under section 309 of the CDRIA. The guidelines that the OTS previously followed for its supervisory review process were set forth in Regulatory Bulletin 4a (RB 4a), dated September 20, 1993. TB 68 incorporates, with certain modifications, the guidelines provided for in RB 4a and RB 4a is hereby rescinded.

Irrespective of the statutory mandate of Section 309(a) of the CDRIA, but related to the appellate process, TB 68 also provides a process for the reconsideration of decisions made with respect to applications filed with the OTS. Previously, as part of a restructuring of its applications regulations, in April 1992, the OTS deleted review provisions in several individual application regulations with the intent of developing uniform procedures that would cover all applications filed with the OTS. The guidelines issued today in TB 68 set forth these procedures.

The CDRIA also requires that each Federal banking agency appoint an Ombudsman to "act as a liaison between the agency and any affected person with respect to any problem such party may have in dealing with the agency resulting from the regulatory activities of the agency; and assure that safeguards exist to encourage complainants to come forward and preserve confidentiality." The responsibilities of and procedures to be used by the OTS Ombudsman are also set forth in TB 68.

**DATES:** The final guidelines are effective July 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** The Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552: Alvin W. Smuzynski, Director, Regional Operations (202) 906-5669 or Valerie J. Lithotomos, Counsel (Banking and Finance), Regulations and Legislation Division, Chief Counsel's Office (202) 906-6439, regarding supervisory appeals; David A. Sjogren, Program Manager, Applications, Corporate Activities Division (202) 906-6739 or John P. Harootunian, Senior Counsel, Business Transactions Division, Chief Counsel's Office (202) 906-6415, regarding application reconsiderations; and Lee Lassiter (202) 906-5685, regarding Ombudsman matters.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Supervisory Review and Appeals**

Section 309(a) of the CDRIA<sup>1</sup> requires the OTS and the other banking agencies to establish an "independent intra-agency appellate process" for the review of "material supervisory determinations" (as defined in Section 309(f)(1) of the CDRIA) made at insured depository institutions. Prior to the statutory mandate of section 309 of the CDRIA, the OTS provided a supervisory review process since 1992 that is described in RB 4a. On December 29, 1994, the OTS published a notice of proposed guidelines with a request for comments, describing a revised supervisory review and appeals process.<sup>2</sup> The public comment period closed on February 27, 1995. No comments were received and so the guidelines published today incorporate the supervisory review and appeals process proposed in December 1994. To ensure that OTS decisions and findings are fair, equitable and consistent, the guidelines in TB 68 being issued today go beyond the statutory mandate of section 309 by providing an appellate

<sup>1</sup> Pub. L. 103-325, 108 Stat. 2160, 2218-20 (September 23, 1994) (codified at 12 U.S.C. 4806).

<sup>2</sup> 59 FR 67383 (December 29, 1994).