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**DEPARTMENT OF THE TREASURY
CUSTOMS SERVICE
19 CFR Part 142
[T.D. 98-25]
RIN 1515-AB27
PUBLICATION OF FILER CODES**

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide for the availability by electronic means of the code assigned by Customs to identify frequent entry filers. This action is expected to assist port authorities, sureties, carriers, customs brokers, bonded warehouse operators, and others involved with import transactions in identifying those who enter merchandise into the United States so that they can expedite their services regarding the importations. It is anticipated that the adoption of this amendment will eliminate paperwork burdens on those involved with import transactions by identifying who is responsible for the specific importation.

EFFECTIVE DATE: [30 days from March 17, 1998].

FOR FURTHER INFORMATION CONTACT:

For Operational matters: Angela Downey, Office of Trade Compliance, Office of Field Operations, (202) 927-1082;

For Legal matters: Jerry Laderberg, Entry Procedures & Carriers Branch, Office of Regulations and Rulings, (202)927-2269.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 13, 1993, in a document published in the **Federal Register** (58 FR 4113), Customs announced in an Advanced Notice of Proposed Rulemaking (ANPRM) that it was considering the amendment of the Customs Regulations to provide for the publication of a list of filer codes and the identity of the individuals, companies, licensed customs brokers, or importers assigned the specific filer codes. After analyzing comments received on the ANPRM, on April 22, 1997, Customs published a notice of proposed rulemaking in the **Federal Register** (62 FR 19534) that proposed to amend the Customs Regulations to provide for the availability by electronic means of the code assigned by Customs to identify frequent entry filers. This action was proposed to assist port authorities, sureties, carriers, customs brokers, bonded warehouse operators, and others involved with import transactions in identifying those who enter merchandise into the United States so that they can expedite their services regarding the importations. It was expected that the proposal would eliminate paperwork burdens on those involved with import transactions by identifying the party responsible for the importation of specific merchandise. As the proposal set forth Customs' intention no longer to consider filer codes confidential, it was expected that the proposal, if adopted, would also relieve Customs of the administrative burden of entertaining requests of importers for confidential treatment of their filer codes. The notice proposed to amend § 142.3a of the Customs Regulations (19 CFR 142.3a) by adding a new paragraph that would allow Customs to make available electronically a listing of the filer codes and identifying information regarding the importers, consignees, and customs brokers assigned those codes, and solicited comments concerning this action.

The comment period closed on June 23, 1997. Five comments were received, one from an importer and four from entities involved in the importation, movement, or insurance of imported merchandise. The comments received and Customs' responses are discussed below.

Analysis of Comments

Comment - The customs brokers who commented and the brokers association that commented indicated their approval of the proposal stating that identifying filers with their filer codes would facilitate and expedite the release of goods. It was also suggested that this filer code information be made available on the Customs Internet site.

Customs response - Customs agrees that the publication of the filer code information will facilitate the flow of importations and expedite the release of goods. Customs also agrees that it would be useful for the filer code information to be made available electronically. Accordingly, Customs will make the filer code information available periodically on the [Customs Electronic Bulletin Board](#) ((703)440-6155) and its Internet web site (www.customs.gov).

Comment - Two carrier/transportation companies supported the proposal stating that the publication of filer code information will improve notification procedures regarding the arrival of in-bond shipments. Further, it was stated that publication of filer code information would be useful in coordinating the release of all shipments, would facilitate the notification of parties in interest to resolve discrepancies or other problems or questions, and should enhance the efficiency and speed of import transactions.

Customs response - Customs agrees with these expectations, which are consistent with the purpose for the publication of the filer code information.

Comment - The sureties and surety associations stated that they are in favor of the proposal as the publication of the filer code information will be beneficial to the trade community.

Customs response - Again, Customs agrees with this expectation.

Comment - An importer opposed the proposal stating that publication of the filer code information will make proprietary business information known to competitors. The commenter further states that Customs should provide that importers can request confidentiality of this information.

Customs response - As stated in the Notice of Proposed Rulemaking, after a comprehensive review of the operational situation in the commercial environment, Customs has concluded that filer code information is not proprietary and, therefore, not confidential. Information that is proprietary, such as entry-specific information, will continue to enjoy confidential treatment. Because Customs no longer considers the identity of filer code holders proprietary information, Customs believes there is no reason to allow importers to request confidentiality of this information or for Customs to assume the administrative burden of processing such requests.

Conclusion

Having analyzed and discussed the five comments received and upon further consideration of the proposed action, Customs has decided to make the filer code information available electronically on its Internet web site (www.customs.ustreas.gov) and on the [Customs Electronic Bulletin Board](#) ((703)440-6155). Accordingly, that portion of T.D. 88-38 that provides for the confidential treatment of filer code information upon the request of an importer is revoked and § 142.3a of the Customs Regulations is amended to provide for the availability by electronic means of entry filer code information, which will be updated periodically.

INAPPLICABILITY OF THE REGULATORY FLEXIBILITY ACT, AND EXECUTIVE ORDER 12866

Because this final rule document will confer a benefit on the public by improving access to frequently needed information by the trade industry without any action being required on its part, pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) it is certified that the amendment to the Customs Regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Further, this document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

DRAFTING INFORMATION

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch. However, personnel from other offices participated in its development.

LIST OF SUBJECTS in 19 CFR Part 142

Administrative practice and procedure, Confidential business information, Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

AMENDMENT TO THE REGULATIONS

For the reasons set forth above, part 142 of the Customs Regulations (19 CFR part 142), is amended as set forth below:

PART 142 - ENTRY PROCESS

1. The authority citation for part 142 continues to read as follows:

AUTHORITY: 19 U.S.C. 66, 1448, 1484, 1624.

2. In § 142.3a, paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), respectively; in the first sentence of newly designated paragraph (e) the reference "paragraph (c)" is revised to read "paragraph (d)"; and a new paragraph (c) is added to read as follows:

§ 142.3a Entry numbers.

(c) Publication of Entry Filer Codes. Customs shall make available electronically a listing of filer codes and the importers, consignees, and customs brokers assigned those filer codes. The listing will be updated periodically.

Acting Commissioner of Customs
Samuel H. Banks
Approved: February 17, 1998
Deputy Assistant Secretary of the Treasury
John P. Simpson