

Supporting Statement
Holders or Containers Which Enter the United States Duty Free
1651-0035

A. Justification

1. All articles which are brought into the United States are subject to duty or are exempt therefrom as provided by the Harmonized Tariff Schedules of the United States (HTSUS), codified as 19 U.S.C. 1202. Item 9801.00.10 (HTSUS) provides that articles which were manufactured in the United States and exported and returned without having been advanced in value or improved in condition by any process of manufacture, may be brought back into the U.S. duty-free. The second provision of item 9803.00.50 (HTSUS) provided for the duty free entry of substantial holders or containers of foreign manufacture if duty had been paid upon a previous importation pursuant to the provisions of 19 C.F.R. 10.41b (b) and (c).

Although an article may be brought back into the United States without being subject to duty, a consumption entry must nevertheless be made for it, and the reason for its not being subject to duty set forth on the entry. In the case of an importer who brings in merchandise packed in U.S. manufactured containers or holders or previously duty paid containers or holders and do so several times a year involving a great many containers or holders, the filing of entry papers each time would be burdensome and costly. Substantial holders or containers are to have prescribed markings which will be clear and conspicuous in letters or figures of such a size that they will be easily discernable pursuant to 19 C.F.R. 10.41b. Section 10.41b eliminates the need for an importer to file entry documents by merely requiring the marking of the containers or holders to indicate under which item number of the HTSUS the containers or holders are entitled duty free entry.

2. The owner of the containers or holders is required to show the CBP officers whether containers have been taken out of international service. They are required to place the markings on a metal tag or plate with the following information: 9801.00.10, HTSUS (unless there is a permanent metal tag or plate affixed showing the manufacturer's name and address who are located in the U.S.); the name of the owner; and the serial number assigned by the owner. In the case of serially numbered holders or containers of foreign manufacture for which free clearance under the second provision of item 9803.00.50 HTSUS, is claimed, the owner must place the following markings thereon: 9803.00.50, the port code numbers of the port of entry; the entry number, and the last two digits of the fiscal year of entry covering the importation of the holders and containers on which duty was paid; and, the name of the owner (conspicuously shown), and the serial number assigned by the owner.

The marking requirement for certain specified reusable shipping devices arriving from Canada and Mexico are eliminated if they are always transported on or within either inter model and similar containers which are themselves vehicles or vehicle appurtenances and accessories.

3. This is a container marking requirement, so automated transmission of information would not be appropriate.
4. This information is required in no other place and is not duplicated elsewhere.
5. This information collection does not impact small businesses.
6. If this information was not required to be maintained there could be a resultant loss of duty payments to the Federal Government because CBP would not be able to determine compliance.
7. This information collection is conducted in a manner consistent with the guidelines of 5 CFR 1320.5(c)(2).
8. Public comments were solicited through two Federal Registers notice dated, August 17, 2006 and October 19, 2006. As of this submission no comments have been received.
9. There is no offer of value for this information collection.
10. There are no assurances of confidentiality provided with this information collection.
11. There are no questions of a personal or sensitive nature.
12. Estimated Annualized Burden on the Public: The estimated burden for this information collection is 90 hours. This is based on a total of 20 respondents who average an estimated 18 responses per respondent (or an aggregate of 360 responses). Each response is estimated to take 15 minutes (.25 hours).

Estimated Annualized Cost to the Public: The estimated cost to the respondents is \$1,350 based on an estimated burden of 90 hours at \$15.00 an hour.

13. Estimated Record Keeping Burden to the Public: There is no record keeping burden associated with this collection.

Estimated Capitalization Cost to the Public: There are no capitalization costs associated with this information collection.

14. The Estimated Cost to the Federal Government associated with analyzing and processing this information is \$ 35,640.00. This is based on an estimated 1,188 hours expended at an average hourly rate of \$30.00.
15. There are no changes to this information collection.
16. This information collection will not be published for statistical purposes.
17. There is no form involved in this collection of information.
18. CBP does not request an exception to the certification of this information collection.

B. No statistical methods were employed.