

**Supporting Statement
Application for Allowance in Duties
1651-0007**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

CBP Form 4315, "*Application for Allowance in Duties*," is submitted to CBP in instances of claims of damaged or defective imported merchandise on which an allowance in duty is made in the liquidation of the entry. The information on this form is used to substantiate an importer's claim for such duty allowances. CBP Form 4315 is authorized by 19 USC 1506 and provided for by 19 CFR 158.11, 158.13, and 158.23. This form is accessible at:

http://www.cbp.gov/sites/default/files/documents/CPB%20Form%204315_0.pdf

This collection of information applies to the importing and trade community who are familiar with import procedures and with the CBP regulations.

19 CFR § 158.11 - Merchandise completely worthless at time of importation. The allowance in duties may be made to nonperishable merchandise if found without commercial value at the time the importation by reason of damage or deterioration and complete worthless at the time of importation. For perishable merchandise an allowance in duties may be made if application filed within 96 hours after the unloading of the merchandise and before any of the shipment involved has been removed from the pier, merchandise involved shall thereafter be released upon presentation of an appropriate permit, and allowance in duty shall be made in the liquidation of the entry on such of the merchandise covered by the application as is found to be entirely without commercial value by reason of damage or deterioration .

19 CFR § 158.13 - Allowance for moisture and impurities.

An application for an allowance in duties under is made by the importer on Customs Form 4315, or its electronic equivalent for all detectable moisture and impurities present in or upon imported petroleum or petroleum products. For other products other than petroleum or petroleum products for excessive moisture or other impurities, an application for an allowance in duties shall be made by the importer on Customs Form 4315, or its electronic equivalent. If the port director is satisfied after any necessary investigation that the merchandise contains moisture or impurities, the Center director will make allowance for the

amount thereof in the liquidation of the entry.

19 CFR § 158.23 - Filing of application and evidence by importer. Within 30 days from the date of his discovery of the loss, theft, injury, or destruction, the importer shall file an application on Customs Form 4315, or its electronic equivalent and within 90 days from the date of discovery shall file any evidence required by § 158.26 or § 158.27.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection .**

CBP uses this information to substantiate importer's claims for duty allowances. If the information is not collected, the claimant might not be able to demonstrate eligibility for such an allowance.

The declarations and evidence provided enable CBP to ascertain whether the requirements of 19 CFR 158.11; 158.13 and 158.23 provisions have been satisfied to accept the claim and determine if the duty-allowance applies for the amount thereof in the liquidation of the entry.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden .**

This information may be submitted via the Document Image System (DIS) into the Automated Commercial Environment (ACE). The CBP Form 4315 is a fillable PDF form available at CBP.gov. A completed PDF form can be submitted through DIS.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is not duplicated in any other place or any other form. The information collected in the CBP Form 4315 is specific to the application for allowance in duty in entry number claimed, including but not limited to the nature, casualty, test results and description of the merchandise.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other

small entities.

6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Without this information collection, importers would not be able to request an allowance of duties and would as a result bear additional costs.

7. Explain any special circumstances.

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Public comments were solicited through two Federal Register notices published on June 07, 2021 (Volume 86, Page 30325) on which no comments were received, and on August 16, 2021 (Volume 86, Page 45746) on which no comments have been received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no offer of a monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

A PIA for the Automated Commercial Environment (ACE), dated July 31, 2015, and a SORN for IIS, dated July 26, 2016 (Vol. 81, Page 48826) will be included in this ICR. There are no assurances of confidentiality provided to the respondents of this information collection

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
CBP Form 4315	1,600	12,000	1	12,000	8 minutes (.1333 hours)

Public Cost

The estimated cost to the respondents is \$50,032. This is based on the estimated burden hours (1,600) multiplied by the average loaded hourly wage rate for brokers (\$31.27). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics’ (BLS) 2019 median hourly wage rate for Cargo and Freight Agents (\$21.03), which CBP assumes best represents the wage for brokers, by the ratio of BLS’ average 2019 total compensation to wages and salaries for Office and Administrative Support occupations (1.4869), the assumed occupational group for brokers, to account for non-salary employee benefits.¹ This figure is in 2019 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2019 U.S. dollar value is equal to the 2020 U.S. dollar value.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no additional record keeping, capital, start-up, or maintenance costs associated with this information collection that are not already included in that information collection. The Automated Commercial Environment (ACE) is the System of records. Section 508 of the Tariff Act of 1930, as amended (19 U.S.C. 1508), sets forth the general record keeping requirements for CBP-related activities. Section 509 of the Tariff Act of 1930, as amended (19 U.S.C. 1509)

¹ Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, “May 2019 National Occupational Employment and Wage Estimates United States.” Updated March 31, 2020. Available at https://www.bls.gov/oes/2019/may/oes_nat.htm. Accessed June 12, 2020. The total compensation to wages and salaries ratio is equal to the calculated average of the 2019 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$28.1550) divided by the calculated average of the 2019 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$18.9350). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. Employer Costs for Employee Compensation Historical Listing March 2004 – December 2019, “Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2019.” March 2020. Available at <https://www.bls.gov/web/ecec/ececrtrn.pdf>. Accessed June 12, 2020.

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).

- 14. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The estimated annual cost to the Federal Government associated with the review of these records is \$118,400. This is based on the number of responses that must be reviewed (12,000) multiplied by the time burden to review and process each response (8 minutes or 0.1333 hours) = 1600 hours multiplied by the average hourly loaded rate for a CBP Trade and Revenue employee (\$74.00)² = \$118,400.

- 15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.**

There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection.

- 16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.**

CBP will display the expiration date for OMB approval of this information collection.

- 18. "Certification for Paperwork Reduction Act Submissions."**

CBP does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

² CBP bases this wage on the FY 2020 salary and benefits of the national average of CBP Trade and Revenue positions, which is equal to a GS-13, Step 5. Source: Email correspondence with CBP's Office of Finance on July 2, 2020.

