

DEPARTMENT OF HOMELAND SECURITY**Bureau of Customs and Border Protection****Modification of Free and Secure Trade Prototype**

AGENCY: Bureau of Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: This document modifies the Free and Secure Trade (FAST) prototype eligibility and application requirements from those previously set forth in the **Federal Register**, and provides updated FAST border site selections. The FAST prototype provides expedited processing of participants' qualifying merchandise in designated traffic lanes at select border sites. FAST processing utilizes two separate cargo release mechanisms—a fully electronic system and a semi-electronic system known as PAPS. The FAST prototype is modified to include Southern border sites and additional Northern border sites.

To be eligible for FAST processing along the Northern and Southern borders, merchandise must be entered by a C-TPAT-approved (Customs-Trade Partnership Against Terrorism) importer; transported by a C-TPAT-approved highway carrier participating under either the U.S./Canada Border Highway Carriers Agreement or the Southern Border Highway Carriers Agreement; and driven by a FAST-registered commercial driver. In addition, in order to be eligible for FAST processing along the Southern border, merchandise must be manufactured by a C-TPAT-approved foreign manufacturer and securely sealed by the manufacturer.

To be eligible for the fully electronic cargo release system under FAST, the importer, highway carrier, commercial driver, and foreign manufacturer, where applicable, must meet the guidelines described above, and the importer must submit a detailed application to CBP.

EFFECTIVE DATES: This modification of the FAST program is effective on September 25, 2003. This prototype will be tested until the Automated Commercial Environment (ACE) is completed. Applications to participate in this prototype, where appropriate, may be submitted at any time throughout the duration of this test. Evaluations of the prototype will occur periodically.

ADDRESSES: Written requests to participate in the FAST program, as necessary, should be sent to Customs and Border Protection, FAST

Registration Office, 50 South Main Street, Suite 100R, St. Albans, Vermont 05478. Comments regarding any aspect of the test should be sent or faxed to Enrique S. Tamayo, Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Room 5.2A, Washington, DC 20229, telephone number: (202) 927-3112; fax number: (202) 927-1096.

FOR FURTHER INFORMATION CONTACT: For detailed information and application procedures on the C-TPAT and FAST initiatives, visit the CBP Web site at <http://www.cbp.gov>.

For inquiries regarding the eligibility of specific importers: Robert Thommen at (202) 927-0256;

For questions on reconciliation: John Leonard at (202) 927-0915;

For questions on statement processing: Debbie Scott at (202) 927-1962;

For questions on violation billing: Donald Yando at (202) 927-1082;

For questions on other aspects of the FAST Prototype: Daniel Buchanan at (617) 565-6236.

SUPPLEMENTARY INFORMATION:**Background**

On March 27, 1997 the U.S. Customs Service (now Customs and Border Protection, or CBP) published a General notice in the **Federal Register** (62 FR 14731) that announced Customs plan to conduct a test, pursuant to § 101.9(b) of the Customs Regulations (19 CFR 101.9(b)), of a planned National Customs Automation Program component (*see* 19 U.S.C. 1411-1414) called an account-based declaration prototype, known by the acronym NCAP/P. This phase of the NCAP/P test, utilizing a fully electronic cargo release system, was initially limited to certain importers that imported certain merchandise by truck through three ports.

On August 21, 1998, Customs published a General notice in the **Federal Register** (63 FR 44949) revising the importer eligibility requirements for participation in the fully electronic cargo release system under NCAP/P, incorporating enhancements to reconciliation, clarifying the statement process, outlining the development and evaluation methodology that would be used in the test, and inviting public comment on any aspect of the planned test. The notice also included general requirements for the prototype, and information on remote location filing, maintenance of account, misconduct procedures, and suspension of regulatory provisions.

On December 16, 2002, a General notice was published in the **Federal**

Register (67 FR 77128) announcing the redesignation of the National Customs Automation Program test of an Account-Based Declaration Prototype (NCAP/P) as the Free and Secure Trade (FAST) prototype. The program was expanded to include the semi-electronic Pre-Arrival Processing System (PAPS), a modified usage of the cargo selectivity for trucks arriving from Canada.

FAST Prototype—General Information

The FAST prototype is subject to the provisions set forth in the August 21, 1998 notice, except as modified in today's notice. For ease of reference, today's notice contains information on participating in FAST-PAPS and all other pertinent information published in the December 16, 2002 notice.

The FAST program provides expedited processing of participants' qualifying merchandise in designated traffic lanes at select border sites. The FAST program is designed to enhance security and safety along the Northern and Southern borders, while also enhancing the economic prosperity of the U.S., Canada, and Mexico by aligning, to the maximum extent possible, their customs commercial programs.

The NCAP/P (now FAST) originally utilized only a fully electronic cargo release system. Because only one release system existed, reference to the NCAP/P prototype and its release system was interchangeable. Subsequently, upon redesignation of the NCAP/P to FAST, a second cargo release system under the FAST prototype, known as PAPS, was created. Therefore, expedited processing under the FAST prototype became available via both PAPS and the original fully electronic cargo release method.

FAST-PAPS is an automated cargo release procedure available for merchandise imported by C-TPAT-approved (Customs-Trade Partnership Against Terrorism) importers participating in Automated Broker Interface (ABI) entry procedures (*see* 19 CFR part 143, subparts A and D). Unlike the fully electronic version of FAST, FAST-PAPS makes use of paper Inward Manifest forms and paper invoices, and no application is required for participation in expedited processing via FAST-PAPS. ABI importers can utilize FAST-PAPS with minimal changes to their operating systems and processes.

FAST-PAPS requires an importer to submit to CBP certain entry data prior to the arrival of the merchandise at the designated port of entry for cargo selectivity concerns. The carrier must work with the manufacturer and the importer to ensure that the data is