

(j) Antidumping and Countervailing Duties - The Board requires that merchandise which is subject to antidumping or countervailing duties in its condition as imported be placed in privileged foreign status (15 CFR 400.33(b)). Upon entry for consumption such items shall be subject to bonding or cash deposit requirements under the AD/CVD order or the suspension of liquidation, as appropriate, under 19 CFR 351. HTSUS duty rates are established for privileged foreign status merchandise based on the date of admission to the zone. However, AD/CVD rates are assessed based on the rates applicable at the time of entry from the zone.

An AD/CVD investigation or order may be initiated on merchandise that has been previously admitted to a zone in nonprivileged foreign status. When this merchandise is entered for consumption, a determination is made as to whether the merchandise is within the scope of an AD/CDV investigation or order.

→ 9.8 Weekly Entries for other than Quota Class Merchandise - The Trade and Development Act of 2000, Pub. L. 106-200, amended CBP entry statute, 19 U.S.C. §1484, to extend the use of weekly consumption entries to include all zones instead of limiting the use to only manufacturing operations. The week is defined as any consecutive 7-day period. The use of the weekly consumption entry is at the option of the Operator or User.

The CBPF 3461 (estimate), filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone, must be accompanied by a proforma invoice or schedule showing the number of units of each type of merchandise anticipated to be transferred during the week and their total zone or dutiable values. For special instructions on filling out the Weekly Estimated CBPF 3461, please refer to Section 9.7((a)(1)). Notwithstanding that a weekly estimated entry may be allowed, all merchandise will be dutiable as set forth in 19 CFR 146.65; see sections 9.7(g) and (h) FTZM. If estimated removals exceed actual removals, that excess quantity will not be considered to have been entered or constructively transferred to the Customs territory (19 CFR 146.63(c)). If the entry summary presented to CBP per Section 9.8(c) FTZM shows merchandise transferred from the zone in excess of the quantity entered on the weekly entry (plus any supplemental entry), the excess will be considered to have been transferred to the Customs territory without a permit, a breach of the Operator's bond (19 CFR 146.71(a); see section 12.6 FTZM).

The estimated entry or release shall be treated as a single entry and a single release of merchandise. All fee exclusions and limitations of Section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. §58c(a)(9)(a)) shall apply, including the maximum and minimum fee amounts set forth for under subsection (b)(8)(a)(i) of such Section.

The Secretary of the Treasury may require the Operator or User to use an electronic data interchange approved by CBP (such as its Automated Broker Interface) to file the weekly consumption entry and to pay the applicable duties, fees, and taxes with respect to the entries. The Operator or User may also be required to satisfy CBP that accounting, transportation, and

other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

(a) Purpose of Weekly Entries - Weekly entries are authorized under The Trade and Development Act of 2000, Title IV, Section 410, (amending 19 U.S.C. §1484; see also 19 CFR 146.63(c)), for rapid removal of merchandise from zones. If weekly entries were not allowed, it would be very difficult for the importer to make entry for the zone merchandise without unacceptable delays in the manufacturing process or in the distribution of goods. It would also be difficult for CBP to review and accept the entry and examine the merchandise in its form as entered.

(b) Specific Estimate of Quantities and Values - Estimated weekly entries shall contain a specific estimate of the quantity of each HTS unit and total value to be entered during the covered 7-day period. This is required whether the merchandise is in privileged or nonprivileged foreign status. Weekly entries of parts shall contain a specific estimate of the quantity of each HTS unit to be shipped, and the total value. (19 CFR 146.63(c)).

(c) Filing of Entry Summary - The follow-up entry summary for a weekly entry shall be filed within the time limit specified in 19 CFR 142.12(b). The entry summary on CBPF 7501 must show in item 29 the quantity and value of the merchandise by HTS number, actually entered during the covered 7-day period. An entry summary shall not be accepted if:

- (1) The quantity of HTS numbers on the entry summary exceeds the corresponding quantity on the weekly entry; or
- (2) It does not include the quantity, value, as specified in this paragraph.

If a supplementary entry is filed to cover extra estimated entered merchandise during the 7-day period, a separate entry summary must be filed to cover that entry. The above quantity, value, requirements apply also to supplementary entries and their follow-up entry summaries. If there are no shipments of non-duty paid merchandise made during the week, the Operator requests, by letter, that the Port Director cancel the estimated CBPF 3461 entry. The entry number assigned to the weekly estimated CBPF 3461 is cancelled and cannot be re-used for the next shipping period.

(d) Limitations and Prohibitions -

- (1) Sugar-Processing Operations - A weekly entry for estimated production shall not be accepted for any sugar or sugar-containing product which is subject to an absolute quota (See Section 11.6(i) FTZM).
- (2) "Blue Sky" Estimates - Port Director s shall not accept weekly entries for estimated quantities that are grossly in excess of past amounts covered by entry

summaries unless the estimate is accompanied by a reasonable explanation for the disparity.

(e) Exceptions to Other Provisions - The following exceptions to other provisions of the Customs regulations are noted:

(1) The restriction in 19 CFR 146.71(c) against further manufacture or manipulation will not be applied by CBP to weekly entries of estimated production.

(2) Weekly entry estimates may be accepted for merchandise which has not yet been imported or admitted to the zone, as long as that merchandise is subsequently admitted, and is included in the follow up entry summary.

(f) Inventory Relief Point - Where the Operator of a zone relieves its inventory at or before the inventory relief point (usually the end of the final assembly line), the port director may accept the weekly entry on the basis of the quantity and value of merchandise passing through the inventory relief point. In this case, the follow-up entry summary shall be made on the quantity and value of the merchandise passing the same inventory relief point. Extension of the time limit for physical removal from the zone pursuant to 19 CFR 146.71(c) for a period of up to 60 days shall not be deemed excessive for such operations.

9.9 9.9 Procedures for FDA Weekly Entry Filing (WEF) - Filers of entries containing FDA regulated products wishing to participate in CBP Weekly Entry Filing procedures must apply in writing to both the local FDA office and the local CBP Port Director under special procedures developed jointly by CBP and FDA. A copy of the letter of application should also be sent to the FDA Division of Import Operations and Policy (DIOP). The application must contain specific product and firm information depending on the actions taken within the zone. For goods that are manufactured in a FTZ, the following information is required: Commercial product name and a description, Harmonized Tariff Schedule (HTS) codes, FDA Product code, and Name, Address and MID of the site specific manufacturer of the highest valued, non-US, FDA regulated ingredient or component. For goods stored in an FTZ, the following information is required: The name, address, and MID of the site specific foreign manufacturer, FDA Country of origin, name, address and MID of the FDA shipper (i.e. the FTZ site from which the product is offered for entry into the US, and any FDA required registrations, listings, approvals, and/or notifications (FCE# FDA 2877, etc.). This information is needed to determine if the product is suitable for WEF. In order to qualify for FDA WEF the product must be "low risk" and therefore, not subject to an import alert.

The FDA District office will determine the compliance history of both the products and the firms (both manufacturer and filer). The Application will be forwarded to the DIOP and the FDA Center responsible for the commodities in the application to determine the level of risk to the public health posed by the product. Once the application is completed by DIOP's Operations Branch and the appropriate center and found acceptable, DIOP's System's Branch will set