

DEPARTMENT OF THE TREASURY**Customs Service**

19 CFR Parts 10, 24, 112, 123, 134, 144, 145, 148, 162, 172, and 191

[T.D. 86-118]

Conforming Amendments to Customs Regulations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes which are necessary because of various executive, legislative, and administrative actions. Several of the changes are the result of Customs continuing efforts to reduce the paperwork burden on the public. The changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

EFFECTIVE DATE: June 20, 1986.

FOR FURTHER INFORMATION CONTACT: Marvin M. Amernick, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:**Background**

As part of a continuing program to keep its regulations current, the Customs Service has determined that various executive, legislative, and administrative actions require conforming amendments to the Customs Regulations contained in Chapter I, Title 19, Code of Federal Regulations (19 CFR Chapter I). Following is a list of these actions, the affected sections of the regulations, and the necessary changes.

Discussion of Changes

1. Section 10.7(a), Customs Regulations (19 CFR 10.7(a)), relating to substantial containers or holders used for the transportation of merchandise, begins with the phrase, "Except as provided for in § 10.2(b)". Treasury Decision 75-230, published in the Federal Register on September 18, 1975 (40 FR 43021), amended Part 10, Customs Regulations (19 CFR Part 10), by deleting § 10.2. Section 10.7 is being amended to remove reference to this deleted section.

2. Section 10.74, Customs Regulations (19 CFR 10.74), provides procedures

relating to animals which stray or are driven across a U.S. border. Before such animals may be returned, they must be held for such inspection and treatment as deemed necessary by a representative of the Agricultural Research Service of the Department of Agriculture. Customs has been informed that such inspections are now conducted by the Animal Plant and Health Inspection Service of the Department of Agriculture. Therefore, § 10.74 is being amended accordingly.

3. Section 10.76, Customs Regulations (19 CFR 10.76), concerns the importation of game animals and birds. Customs Form 3315, Declaration for Free Entry of Game Animals or Birds Killed by United States Residents, has been in use to facilitate the admission into the U.S. of dead game animals and birds, free of duty without entry. The volume of use of CF 3315 averages only 21,000 per year and functionally duplicates U.S. Fish and Wildlife Service Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife. Therefore, the Customs Regulations are being amended to remove reference to CF 3315, which is now obsolete. U.S. Fish and Wildlife Service Form 3-177 will be substituted in its place.

4. Section 10.177, Customs Regulations (19 CFR 10.177), contains criteria to be used in establishing whether or not a product was produced in a beneficiary developing country for purposes of the Generalized System of Preferences (19 U.S.C. 2461 *et seq.*). It has been noted that rather than just quoting the word "country", in § 10.177(a), the phrase, "produced in the beneficiary developing country" should be quoted. Therefore, § 10.177(a) is being amended accordingly.

5. Section 24.17, Customs Regulations (19 CFR 24.17), sets forth the schedule of reimbursable expenses that parties-in-interest must repay to Customs for services rendered by Customs officers or employees. Section 24.17(f) refers to the reimbursement to Customs to cover the Medicare costs of employees. By T.D. 85-70, published in the Federal Register on April 17, 1985 (50 FR 15271), the percentage of reimbursable compensation expenses that must be repaid to cover Customs share of Medicare costs was raised from 1.3 to 1.35. Section 24.17(f) is being amended accordingly.

6. Section 112.15, Customs Regulations (19 CFR 112.15), states that approvals and discontinuances of carriers' bonds will be published from time to time in the weekly Customs Bulletin. However, information on the status of bonded

carriers is now available on-line at the district and port offices through the Automated Commercial System (ACS) computer. In addition, a monthly computer listing is mailed to the Customs offices. This on-line bonded carrier system efficiently disseminates bonded carrier information to the offices needing such information and makes continued publication in the Customs Bulletin unnecessary. Therefore, § 112.15 is being removed. In addition, the automated bond control system which went into effect with the revision of the Customs bond structure by T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152), further eliminates the need for the bond lists and also instruments of international traffic bond lists. Accordingly, § 10.41a, Customs Regulations (19 CFR 10.41a), relating to instruments of international traffic, where reference is made to the publication of these bond lists in the Customs Bulletin, is also being amended.

7. Section 123.72, Customs Regulations (19 CFR 123.72), provides for the admission into the U.S. without entry or payment of duty of allegedly stolen or embezzled vehicles, trailers, airplanes, or component parts of any of them, being returned from Mexico. This provision was based on an agreement between the U.S. and Mexico dated October 6, 1936. A new agreement entitled, "The Convention between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft" (Treaties and Other International Agreements [TIAS] 10853), which entered into force on June 28, 1983, now controls this situation. Section 123.72 is being amended to update the reference.

8. Section 134.55, Customs Regulations (19 CFR 134.55), refers to the compensation of Customs officers and employees who are assigned to supervise the exportation, destruction, or marking of articles so as to exempt them from the application of marking duties for failure to either mark articles or their container with the name of the country of origin of the article in accordance with § 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). Section 134.55(b) incorrectly states that the compensation is to be figured according to § 19.5(b), Customs Regulations (19 CFR 19.5(b)). The correct reference is § 24.17(a)(3), Customs Regulations (19 CFR 24.17(a)(3)), which states that importers of such merchandise shall be charged the full