

U.S. Customs and Border Protection

19 CFR Parts 171 and 172

CBP Dec. 12-07

CHANGES IN THE STATUTORY AUTHORITY FOR PETITIONS FOR RELIEF

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule; technical corrections.

SUMMARY: This document amends U.S. Customs and Border Protection (CBP) regulations by making technical corrections to reflect the repeal of one of the underlying statutory authorities regarding petitions for relief from a fine, penalty, forfeiture, or liquidated damages under a law administered by CBP. Administrative petitioning rights are not affected by removal of this authority because CBP has other existing statutory authority for these provisions. This document also amends regulations to reflect changes in delegation authority as effected by the transfer of CBP to the Department of Homeland Security (DHS), and makes non-substantive editorial and nomenclature changes.

DATES: The final rule is effective on April 2, 2012.

FOR FURTHER INFORMATION CONTACT: Todd Schneider, Penalties Branch, Regulations and Rulings, Office of International Trade, Customs and Border Protection, Tel. (202) 325-0261.

SUPPLEMENTARY INFORMATION:

Background

This document amends title 19 of the Code of Federal Regulations (19 CFR) by making technical corrections to 19 CFR parts 171 and 172, specifically, sections 171.11, 171.12, 172.11, and 172.12.

These regulations delegate to the Fines, Penalties, and Forfeitures Officer or the Chief, Penalties Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection

(CBP) Headquarters the authority to remit or mitigate fines, penalties, or forfeitures, or cancel claims for liquidated damages.

The purpose of the technical corrections is to conform the statutory authority sections listed for 19 CFR parts 171 and 172 and the text of the relevant regulatory provisions to reflect the repeal of title 46, United States Code (U.S.C.) Appendix section 320 (24 Stat. 81), enacted June 19, 1886, which is currently cited as one of the underlying statutory authorities. Title 46 U.S.C. Appendix section 320 was repealed as part of the recodification of the appendix to title 46 of the United States Code, by Public Law 109–304, section 19 (120 Stat. 1711), which was enacted October 6, 2006, and this document removes the repealed statutory citation from the CBP regulations.

Please note that CBP has existing statutory authority to continue accepting administrative petitions under 19 U.S.C. 1618, 1623, and 31 U.S.C. 5321, as appropriate. Therefore, this rule does not alter the rights of a person alleged to have committed a violation, or a breach of a bond condition, to petition for relief.

This document also amends 19 CFR 171.12 to reflect the transfer of authority from the Treasury Department to the U.S. Department of Homeland Security (DHS) and the delegation of authority from DHS to the Commissioner of CBP.

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135. Accordingly, as of March 1, 2003, the former U.S. Customs Service of the Department of the Treasury was transferred to DHS and reorganized to become CBP.

On May 15, 2003, the Treasury Department issued Treasury Department Order Number No. 100–16 delegating to DHS its authority related to the customs revenue functions, with certain delineated exceptions in which the Treasury Department retained its authority. *See* Appendix to 19 CFR part 0. The Treasury Department transferred to DHS its authority over fines, penalties, and forfeitures and the Secretary of DHS further delegated this authority to the Commissioner of CBP. Accordingly, this document amends 19 CFR 171.12 to reflect these changes.

Inapplicability of Notice and Delayed Effective Date

Because the technical corrections set forth in this document are necessary to conform 19 CFR parts 171 and 172 to reflect the repeal of 46 U.S.C. Appendix section 320, pursuant to 5 U.S.C. 553(b)(B), CBP finds that good cause exists for dispensing with notice and public procedure as unnecessary. For this same reason, pursuant to 5 U.S.C.

553(d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date.

The Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

As these amendments are technical corrections to the regulations to reflect statutory changes, these amendments do not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

Signing Authority

This document is limited to technical corrections of the CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b)(1).

List of Subjects

19 CFR Part 171

Administrative practice and procedure, Customs duties and inspection, Law enforcement, Penalties, Seizures and forfeitures.

19 CFR Part 172

Administrative practice and procedure, Customs duties and inspection, Penalties.

Amendments to the CBP Regulations

For the reasons stated in the preamble, parts 171 and 172 of title 19 of the Code of Federal Regulations (19 CFR parts 171 and 172) are amended as set forth below.

PART 171—FINES, PENALTIES, AND FORFEITURES

■ 1. The authority citation for part 171 is revised to read as follows:
Authority: 18 U.S.C. 983; 19 U.S.C. 66, 1592, 1593a, 1618, 1624; 22 U.S.C. 401; 31 U.S.C. 5321.

§ 171.11 [Amended]

■ 2. Section 171.11(a) is amended by removing the phrase, “or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),”.

§ 171.12 [Amended]

■ 3. Section 171.12 is amended by:

- a. Adding the word, “or”, before the phrase “section 5321(c) of title 31, United States Code (31 U.S.C. 5321(c))”;
- b. Removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),”;
- c. Removing the words “, unless there has been no delegation to act by the Secretary of the Treasury or his designee”;
- d. Removing the last sentence of the paragraph; and
- e. Adding the punctuation “.” after the word “appropriate”.

**PART 172—CLAIMS FOR LIQUIDATED DAMAGES;
PENALTIES SECURED BY BONDS**

- 4. The authority citation for part 172 is revised to read as follows:
Authority: 19 U.S.C. 66, 1618, 1623, 1624.

§ 172.11 [Amended]

- 5. Section 172.11(a) is amended by removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),” and by removing the word “shall” and adding in its place the word “will”.

§ 172.12 [Amended]

- 6. Section 172.12 is amended by:
 - a. Removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),”;
 - b. Adding the words “International Trade,” after the words, “Office of”; and
 - c. Removing the word “Customs” and adding in its place the term “CBP”.

Dated: March 28, 2012.

DAVID V. AGUILAR,
Acting Commissioner,
U.S. Customs and Border Protection.

[Published in the Federal Register, April 2, 2012 (77 FR 19533)]

GENERAL NOTICE

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 3 2012)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in March 2012. The last notice was published in the CUSTOMS BULLETIN on March 21, 2012.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, D.C. 20229-1177.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, Regulations & Rulings, Office of International Trade, (202) 325-0088.

Dated: April 4, 2012

CHARLES R. STEUART
Chief,
Intellectual Property Rights Branch
Regulations & Rulings Office of International
Trade

CBP IPR RECORDATION — MARCH 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-00236	3/16/2012	12/29/2014	UL IN CIRCLE	UL LLC.	No
TMK 99-00658	3/16/2012	7/24/2019	REVERSE UR (STYLIZED)	UL LLC.	No
TMK 99-00659	3/16/2012	11/19/2017	UNDERWRITERS' LABORATORIES, INC. LISTED	UL LLC.	No
TMK 01-00176	3/16/2012	10/3/2020	UL & DESIGN	UL LLC.	No
TMK 02-00251	3/16/2012	1/15/2022	DESIGN	PARFUMS CHRISTIAN DIOR, S.A.	No
TMK 05-00547	3/16/2012	1/7/2022	MISS ELAINE AT HOME	MISS ELAINE, INC.	No
TMK 07-00261	3/16/2012	11/21/2021	CONTAC	MEDA AB	No
TMK 07-01281	3/16/2012	2/16/2022	PIERRE DUMAS	OLEM SHOE, CORP.	No
TMK 09-00159	3/16/2012	3/12/2022	FOLTX	PAMLAB, L.L.C.	No
TMK 99-00661	3/16/2012	11/4/2018	UND. LAB. INC. LIST.	UL LLC.	No
TMK 12-00222	3/12/2012	4/6/2020	SNOOZIES!	MARSHALL BANK	No
TMK 12-00251	3/16/2012	5/14/2016	FRAGMIN	PFIZER HEALTH AB	No
TMK 12-00252	3/16/2012	11/27/2017	HI-SPEED CERTIFIED USB AND DE-SIGN	UNIVERSAL SERIAL BUS IMPLEMENTERS FORUM INC.	No
TMK 12-00248	3/16/2012	12/12/2016	F-104 STARFIGHTER	LOCKHEED MARTIN CORPORATION	No
TMK 12-00250	3/16/2012	12/20/2021	CC (STYLIZED)	CHANEL, INC.	No
TMK 12-00235	3/16/2012	2/7/2022	DESIGN	MICROSOFT CORPORATION	No
TMK 12-00253	3/16/2012	1/25/2021	AUTOIQ	DELPHI TECHNOLOGIES, INC.	No

CBP IPR RECORDATION — MARCH 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 12-00254	3/16/2012	12/23/2013	CERTIFIED USB AND DESIGN	UNIVERSAL SERIAL BUS IMPLEMENTERS FORUM INC.	No
TMK 12-00255	3/16/2012	8/26/2018	THE PARTS CARS ARE BORN WITH	DELPHI TECHNOLOGIES, INC.	No
TMK 12-00256	3/16/2012	7/9/2021	GLIADEL	EISAI INC.	No
TMK 02-00427	3/16/2012	12/29/2022	LOPID	WARNER-LAMBERT COMPANY	No
TMK 02-01001	3/16/2012	10/15/2021	PHILLIES	THE PHILLIES	No
COP 12-00033	3/16/2012	3/16/2032	HEXBUG ANT	INNOVATION FIRST, INC.	No
TMK 12-00232	3/16/2012	7/26/2021	RELLERINDOS AND DESIGN	GRUPO BIMBO S.A.B. DE C.V. CORPORATION	No
TMK 12-00233	3/16/2012	3/6/2022	SUN-V AND DESIGN	TIME PLAZA INC.	No
TMK 12-00234	3/16/2012	11/6/2021	PAPER MARIO	NINTENDO OF AMERICA INC.	No
COP 12-00034	3/16/2012	3/16/2032	MARIO SPORTS MIX	SQUARE ENIX CO., LTD.	No
COP 12-00035	3/16/2012	3/16/2032	FLYING BASS.	WILLIAM MARK CORPORATION	No
TMK 12-00249	3/16/2012	9/9/2015	FREEDOM	DELPHI TECHNOLOGIES, INC.	No
TMK 12-00236	3/16/2012	10/12/2020	TAKIS NITRO	GRUPO BIMBO S.A.B. DE C.V. (A MEXICAN CORPORATION)	No
TMK 12-00237	3/16/2012	5/4/2020	TAKIS SALSA BRAVA AND DESIGN	GRUPO BIMBO S.A.B. DE C.V. (A MEXICAN CORPORATION)	No
TMK 12-00238	3/16/2012	9/8/2019	REBIDOSE	ARES TRADING S.A.	No
TMK 12-00239	3/16/2012	12/10/2012	DESIGN (HAMMER FRONT)	GENERAL MOTORS LLC	No

CBP IPR RECORDATION — MARCH 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00241	3/16/2012	7/12/2021	RELLERINDOS AND DESIGN	GRUPO BIMBO S.A.B. DE C.V. CORPORATION MEXICOPROLONGACION PASEO DE LA REFORMA 100 PEÑA BLANCA SANTA	No
TMK 12-00242	3/16/2012	2/15/2015	DESIGN (H2 BODY)	GENERAL MOTORS LLC	No
TMK 12-00243	3/16/2012	6/24/2018	H3	GENERAL MOTORS LLC	No
TMK 12-00244	3/16/2012	6/22/2019	ROXY	QUIKSILVER, INC.	No
TMK 12-00246	3/16/2012	8/18/2017	QUIKSILVER	QUIKSILVER, INC.	No
TMK 12-00247	3/16/2012	5/19/2019	STIFF NIGHTS	IMPULSARIA, LLC	No
TMK 12-00240	3/16/2012	8/16/2015	DESIGN (HUMVEE BODY)	GENERAL MOTORS LLC	No
TMK 12-00223	3/16/2012	11/15/2015	CONFIGURATION OF A MOTOR VEHICLE	GENERAL MOTORS LLC	No
TMK 12-00224	3/16/2012	10/24/2016	CORVETTE C5 BODY DESIGN	GENERAL MOTORS LLC	No
TMK 12-00225	3/16/2012	12/12/2016	SOLAR SUN RINGS	RICHARD AND LORA ROSENE	No
TMK 12-00226	3/16/2012	3/30/2020	ESCALADE BODY DESIGN	GENERAL MOTORS LLC	No
TMK 12-00227	3/16/2012	3/6/2022	PROVISUAL AND DESIGN	PRO VISUAL, INC.	No
TMK 12-00228	3/16/2012	1/26/2019	DESIGN (HEART)	QUIKSILVER, INC.	No
TMK 12-00229	3/16/2012	11/21/2012	C.A.V. AND DESIGN	DELPHI TECHNOLOGIES HOLDING SARL	No
TMK 12-00245	3/16/2012	9/13/2015	DESIGN (H1 BODY)	GENERAL MOTORS LLC	No

CBP IPR RECORDATION — MARCH 2012

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00230	3/16/2012	2/13/2021	ROXY	QUIKSILVER, INC.	No
TMK 12-00231	3/16/2012	8/8/2016	DELPHI AND DESIGN	DELPHI TECHNOLOGIES, INC	No
TMK 09-00739	3/16/2012	12/26/2018	UNDERWRITERS LABORATORIES INC.	UL LLC.	No

Total Records: 51

Date as of: 4/3/2012

AGENCY INFORMATION COLLECTION ACTIVITIES:**Guam-CNMI Visa Waiver Information**

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0109.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Guam-CNMI Visa Waiver Information (CBP Form I–736). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before May 29, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of

Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Guam-CNMI Visa Waiver Information.

OMB Number: 1651-0109.

Form Number: CBP Form I-736.

Abstract: Public Law 110-229, which was enacted on May 8, 2008, provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor for a maximum stay of 45 days, provided that no potential threat exists to the welfare, safety, or security of the United States or its territories. Applicants under this provision are not subject to routine screening process at American Consulates. Upon arrival at a Guam or CNMI Port-of-Entry, each applicant for admission presents a completed I-736 to CBP. CBP Form I-736 is provided for by 8 CFR 212.1(q) and is accessible at http://forms.cbp.gov/pdf/cbp_form_i736.pdf.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form I-736.

Type of Review: Extension (without change).

Affected Public: Individuals.

Estimated Number of Respondents: 1,560,000.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 129,480.

Dated: March 26, 2012.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, March 30, 2012 (77 FR 19304)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Importers of Merchandise Subject to Actual Use Provisions

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing information collection.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Importers of Merchandise Subject to Actual Use Provisions. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (77 FR 3785) on January 25, 2012, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before May 2, 2012.

ADDRESSES: Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229-1177, at 202-325-0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Importers of Merchandise Subject to Actual Use Provisions.

OMB Number: 1651-0032.

Form Number: None.

Abstract: In accordance with 19 CFR 10.137, importers of goods subject to the actual use provisions of the Harmonized Tariff Schedule of the United States (HTSUS) are required to maintain detailed records to establish that these goods were actually used as contemplated by the law and to support the importer's claim for a free or reduced rate of duty. The importer shall maintain records of use or disposition for a period of 3 years from the date of liquidation of the entry, and the records shall be available at all times for examination by CBP.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Time per Respondent: 65 minutes.

Estimated Total Annual Burden Hours: 13,000.

Dated: March 27, 2012.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, April 2, 2012 (77 FR 19681)]

