DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 146

[T.D. 98–74]

RIN 1515–AB99

Lay Order Period; General Order; Penalties; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to the document published in the **Federal Register** that adopted as a final rule, with some changes, proposed amendments to the Customs Regulations regarding, among other things, the obligation of the owner, master, pilot, operator, or agent of an arriving carrier to provide notice to Customs and to a bonded warehouse of the presence of merchandise or baggage that has remained at the place of arrival or unlading beyond the time period provided by regulation without entry having been completed. The correction involves a conforming change to the Customs Regulations pertaining to foreign trade zones.

EFFECTIVE DATE: This correction is effective February 11, 1999.

FOR FURTHER INFORMATION CONTACT: For legal matters: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings (202) 927–2344. For operational matters: Steven T. Soggin, Office of Field Operations, (202) 927–0765.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1998, Customs published in the **Federal Register** (63 FR 51283) T.D. 98–74 which adopted as a final rule, with some changes, proposed amendments to the Customs Regulations regarding the obligation of the owner, master, pilot, operator, or agent of an arriving carrier to provide notice to Customs and to a bonded warehouse of the presence of merchandise or baggage that has remained at the place of arrival or unlading beyond the time period provided by the regulatory amendments (that is, the fifteenth calendar day after landing) without entry having been completed. The final regulatory texts specifically require one of the arriving carrier's obligated parties, or any party who takes custody from the arriving carrier under a Customs-authorized permit to transfer or in-bond entry, to provide notice of the unentered merchandise or baggage to Customs and to a bonded warehouse no later than 20 calendar days after landing or after receipt under the permit to transfer or after arrival at the port of destination. The notice to the bonded warehouse proprietor initiates his obligation to arrange for transportation and storage of the unentered merchandise or baggage at the risk and expense of the consignee. The final regulatory texts also provide for penalties or liquidated damages against the owner or master of any conveyance, or agent thereof, for failure to provide the required notice to Customs or to a bonded warehouse proprietor. The final regulations further provide for the assessment of liquidated damages against any party who accepts custody of the merchandise or baggage under a Customs-authorized permit to transfer or in-bond entry and who fails to notify Customs and a bonded warehouse of the presence of such unentered merchandise or baggage and also against the warehouse operator who fails to take required possession of the merchandise or baggage.

The final regulatory texts as summarized above resulted from amendments to the underlying statutory authority effected by sections 656 and 658 contained within the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act (Public Law 103–182, 107 Stat. 2057) and are primarily reflected in a revised § 4.37 (19 CFR 4.37) and in new §§ 122.50 and 123.10 (19 CFR 122.50 and 123.10), each of which is entitled ''[g]eneral order.'' (T.D. 98–74 also included a number of conforming changes to the Customs Regulations in order to reflect a number of other statutory amendments and repeals effected by the Customs Modernization provisions and in order to reflect the recent recodification and reenactment of title 49, United States Code; the correction contained in this document bears no relationship to those other regulatory amendments.)

Although T.D. 98–74 also included a number of conforming regulatory changes to ensure consistency with the terms of revised § 4.37 and new §§ 122.50 and 123.10 (involving, for example, the removal or replacement of obsolete references to a ''5-day'' or ''lay order'' period or ''extension'' thereof), § 146.40(c)(3) of the Customs Regulations (19 CFR 146.40(c)(3)) was overlooked in this regard. This provision concerns the treatment of general order merchandise in a foreign trade zone context. The present text, by referring to merchandise not admitted into a subzone or zone within ''5 working days after its arrival there'' and to an ''extension of the 5 working day period,'' is inconsistent with, and thus could give rise to uncertainty regarding the proper and intended applicability of, §§ 4.37, 122.50 and 123.10 in a foreign trade zone context. Therefore, T.D. 98–74 should have included an appropriate revision of § 146.40(c)(3) to clarify the operation of those general order provisions in that specific context. This document corrects this oversight.

Correction of Publication

In the document published in the **Federal Register** as T.D. 98–74 on September 25, 1998 (63 FR 51283), on page 51290, in the third column, the following is added after the amendment to § 127.28:

Part 146—Foreign Trade Zones

1. The authority citation for Part 146 continues to read as follows:

Authority: 19 U.S.C. 66, 81a-81u, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

2. In § 146.40, paragraph (c)(3) is revised to read as follows:

§ 146.40 Operator responsibilities for direct delivery.

* * * * *

(c) * * *

(3) *General order.* Merchandise not admitted into a subzone or zone site as provided in this section within 15 calendar days after its arrival there shall be disposed of in accordance with the applicable procedures in § 4.37 or § 122.50 or § 123.10 of this chapter.

* * * * *

Dated: February 5, 1999.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 99–3305 Filed 2–10–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 564

[Docket No. 95N–0313]

Standards for Animal Food and Food Additives in Standardized Animal Food; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of January 28, 1999 (64 FR

4293). The document amended the regulations to remove the animal food standards regulations. The document was published with an inadvertent error. This document corrects that error.

EFFECTIVE DATE: February 11, 1999.

FOR FURTHER INFORMATION CONTACT: Silvia R. Fasce, Office of Policy (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

In FR Doc. 99–2057 appearing on page 4293 in the **Federal Register** of Thursday, January 28, 1999, the following correction is made:

On page 4294, in the third column, at the end of the document, ''Associate Deputy Commissioner for Policy'' is corrected to read ''Acting Deputy Commissioner for Policy.''

Dated: February 5, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–3390 Filed 2–10–99; 8:45 am]

BILLING CODE 4160–01–F

POSTAL SERVICE

39 CFR Part 111

Corrections to Location-Based Fee Assignments and Selected Fees for Postage and Insured Mail

AGENCY: Postal Service.

ACTION: Final Rule; Correction.

SUMMARY: This notice makes minor corrections to Final Rules published in 63 FR 71374 and 63 FR 37946.

EFFECTIVE DATE: January 10, 1999.

FOR FURTHER INFORMATION CONTACT: John Dorsey, (202) 268–2255.

SUPPLEMENTARY INFORMATION: On July 14, 1998, the Postal Service published a Final Rule (63 FR 37946) for the rate, fee, and classification changes that resulted from the R97–1 rate filing. That Final Rule contained an error in the denomination for Express Mail postage stamps and an error in the rates for bulk insurance. These errors are corrected in this Final Rule.

On December 28, 1998, the Postal Service published a Final Rule (63 FR 71374) that outlined new location-based post office box fees. That Final Rule contained some slight errors that are corrected in this Final Rule.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual as set forth below:

Domestic Mail Manual (DMM)

D Deposit, Collection and Delivery

* * * * *

D900 Other Delivery Services

* * * * *

910 Post Office Box Service

* * * * *

5.0 FEE GROUP ASSIGNMENTS

* * * * *

5.3 Location-Based Box Fees

[In Exhibit 5.3b, correct the ZIP Codes for postal facilities to read as follows:]

Wellesley Hills ..	337 Washington Street, Wellesley, MA 02481.
Wellesley	1 Grove Street, Wellesley, MA 02482.

[In Exhibit 5.3b, delete the following postal facilities:]

Port Authority ...	76 9th Avenue, New York, NY 10011.
Morningside	232 W. 116th Street, New York, NY 10026.
Island	694 Main Street, New York, NY 10044.

[In Exhibit 5.3b, move the following postal facility from Group B to Group C:]

Wellesley	1 Grove Street, Wellesley, MA 02482.

* * * * *

R Rates and Fees

* * * * *

R000 Stamps and Stationery

* * * * *

4.0 POSTAGE STAMPS

[Correct the first entry in the table to read as follows:]

Purpose	Form	Denomination
Regular Postage	Panes of up to 100	$0.01, .02, .03, .04, .05, .10, .15, .20, .22, .23, .25, .28, .29, .30, .32, .33, .40, .45, .46, .50, .52, .55, .60, .75, .77, .78, $1, $2, $3.20, $5, $11.75.

* * * * *

R900 Services

* * * * *

9.0 INSURED MAIL

[Correct the last entry in the table to read as follows:]

Insurance coverage desired	Fee	Bulk insurance fee [1]
* *	* * * *	* * *
1,000.01 to 5,000.00	10.35 plus $0.95 for each $100 or fraction thereof over $1,000 in desired coverage.	9.95 plus $0.95 for each $100 or fraction thereof over $1,000 in desired coverage.

[1] Includes discount of $0.40 per piece.