

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 24

RIN 1515-AB38

#### Fees Assessed for Defaulted Payments

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document withdraws the proposed amendment to the Customs Regulations which would have allowed the assessment of a \$30 defaulted payment fee for any check or other monetary instrument that was presented for duties, taxes or other charges, and returned unpaid by a financial institution, in connection with any commercial importation or other transaction secured by a Customs bond. Customs has concluded that the fee should not be assessed in cases where the transaction is already backed by a Customs bond and liquidated damages may properly be assessed under the bond for a defaulted payment. Customs authority to assess the \$30 fee thus remains limited to defaulted payments on noncommercial importations and other transactions that are not supported by a bond.

**DATE:** This withdrawal is effective on February 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** David Baker, Office of Finance, (202-927-0205).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under § 24.1(e) of the Customs Regulations (19 CFR 24.1(e)), Customs may charge a \$30 fee for each check that is returned by a financial institution unpaid, if that check was presented to Customs either for payment of duties, taxes or other charges incurred on noncommercial importations for which a formal entry was not required or for payment in connection with any other

transaction not backed by a Customs bond.

By a document published in the **Federal Register** (59 FR 13664) on March 23, 1994, Customs proposed to amend § 24.1(e) to also provide for a \$30 defaulted payment fee in those cases where the transaction was secured by a bond, in order to recoup the administrative costs incurred for processing returned checks and other defaulted payments in these situations as well.

#### *Withdrawal of Proposal*

Three comments were received from the public in response to the proposed rule. All opposed the amendment of § 24.1(e) to provide for a \$30 fee in cases of defaulted payments of duties, taxes or other charges to Customs incurred in connection with commercial importations or other transactions that were supported by a bond. After careful consideration of these comments, and further review of the matter, Customs has determined not to proceed with the notice of proposed rulemaking to this effect that was published in the **Federal Register** (59 FR 13664) on March 23, 1994. Customs has concluded at this time that an additional fee should not be assessed in cases where a commercial importation or other Customs transaction is secured by a bond under which liquidated damages may properly be assessed for a defaulted payment of duties, taxes or other applicable charges. Customs authority to assess the \$30 fee thus remains limited to defaulted payments on noncommercial importations and other transactions that are not supported by a bond.

**Raymond W. Kelly,**

*Commissioner of Customs.*

Approved: November 9, 2000.

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 01-3359 Filed 2-8-01; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 43 and 32

[CC Docket No. 98-137; CC Docket No. 99-117; AAD File No. 98-26; FCC 00-396]

#### 1998 Biennial Regulatory Review—Review of Depreciation Requirements for Incumbent Local Exchange Carriers, Ameritech Corporation Telephone Operating Companies' Continuing Property Records Audit, et al., GTE Telephone Operating Companies Release of Information Obtained During Joint Audit

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission declines to adopt the alternative proposal set forth in a Further Notice of Proposed Rulemaking issued on April 3, 2000 concerning conditions for price cap incumbent local exchange carriers (ILECs) to obtain relief from the Commission's depreciation requirements. In addition, the Commission declines to pursue further investigation into the continuing property record (CPR) audits of certain ILECs that are currently before the Commission.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, TW-A325, Washington, DC. 20554.

#### FOR FURTHER INFORMATION CONTACT:

JoAnn Lucanik at (202) 418-0873.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Report and Order in CC Docket 99-137 and Order in CC Docket No. 99-117 and AAD File No. 98-26. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC 20554. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857-3800.

#### Summary of the Order

The alternative proposal set forth in the April 2000 FNPRM, 65 FR 19725 (April 12, 2000), as an option for price cap ILECs to obtain freedom from the Commission's depreciation