

**[BOC MEMORANDUM ORDER NUMBER 3-95-B,
February 15, 1995]**

**AMENDMENT TO CMS 3-95 ON THE TENTATIVE RELEASE OF CRF-
QUESTIONED SHIPMENTS UNDER JOINT ORDER 1-91**

A.

Amended Provisions

To better attain its objectives, certain provisions of CMS 3-95 are hereby amended to read as follows:

"3.2 When Tentative Release may be allowed:

3.2.1 x x

3.2.2 There is *NO PRIMA FACIE* case of gross inaccuracy or wrong findings whenever the following are obtaining:

3.2.2.1 The commodity involved has a similar case already previously decided by the Appeals Committee where the decision on value is within (+) or (-) 20% of the CRF findings at hand or the decided classification is the same as the CRF classification being questioned provided however, that the decision on the value is not more than one (1) year old.

3.2.2.2 When the CRF value is within (+) or (-) 20% of a value in the computer files of the Valuation Center and Library which is not more than six (6) months old. Where value exists in the Valuation Center and Library program which is higher than the CRF, the CRF value shall be adopted but the appraiser concerned shall elevate the matter to the Appeals Committee in accordance with the procedure provided for in paragraph 4.2.7 of this Order for determination on the merits as to whether the CRF value or the published value shall finally be adopted."

x x x

"3.4 Government Security on Tentative Release

3.4.1 Form of the Security - To secure government revenue pending resolution of an appeal, the importer shall be required a guarantee which may take the form of either a Manager's/Cashier's check or a company post-dated check subject to the determination of the Chief, Collection Division following the guidelines in 3.4.2 below.

3.4.2 Determination of the Form - In determining the form of the guarantee, the Chief, Collection Division of the port shall limit acceptance of a company post-dated check to the following cases: