days after the expiration of the principal's 60-day petitioning period or as soon thereafter as possible. The surety will then have an additional 60 days from the date of this notification to file its own petition for relief.

(c) *Number of copies.* The petition shall be filed in duplicate.

[T.D. 70–249, 35 FR 18267, Dec. 1, 1970, as amended by T.D. 87–51, 52 FR 12152, Apr. 15, 1987; T.D. 92–84, 57 FR 40607, Sept. 4, 1992; T.D. 99–27, 64 FR 13676, Mar. 22, 1999]

Subpart C—Action on Petitions

§ 172.21 Petitions acted on by Fines, Penalties, and Forfeitures Officer.

The Fines, Penalties, and Forfeitures Officer may cancel any claim for liquidated damages incurred on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate when the claim is $100,000 or less.

[T.D. 85–25, 50 FR 7336, Feb. 22, 1985, as amended by T.D. 99–27, 64 FR 13676, Mar. 22, 1999]

§ 172.22 Special cases acted on by Fines, Penalties and Forfeitures Officer.

(a) *Nonproduction of documents in general.* Fines, Penalties, and Forfeitures Officers are hereby authorized to treat any bond charge for the production of a missing document as satisfied upon payment by the principal or surety of the sum of $25 as liquidated damages for each missing declaration of the consignee or other document, except shippers' export declarations and special Customs and commercial invoices, not produced within the time prescribed by law or regulations or any lawful extension of such time.

(b) *Nonproduction of commercial invoices.* If a required commercial invoice is not produced (1) on the date the entry or entry summary is filed, (2) within 120 days after the date the entry or entry summary is required to be filed, or (3) if the invoice is needed for statistical purposes, within 50 days after the date the entry or entry summary is required to be filed, then unless the production is waived under the provisions of § 141.92 of this chapter, the bond charge for the production thereof may be canceled by the Fines, Penalties, and Forfeitures Officer upon the payment of $25 as liquidated damages, if:

(i) The party who made the entry submits an application for relief explaining in detail why the commercial invoice could not be produced within the prescribed period; and

(ii) The Fines, Penalties, and Forfeitures Officer is satisfied by such application or otherwise that the failure to produce the invoice within the prescribed period was due to causes wholly beyond the control of the party making the entry and not to any purpose of the foreign seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

(c) *Nonproduction of free-entry or reduced-duty documents.* When free entry or the application of a reduced rate of duty is dependent upon the production of a document which the importer fails to produce, or when a conditionally free or reduced duty provision claimed on entry is held to be inapplicable, the claim for free entry or reduced rate of duty shall be treated by the port director as abandoned upon the assessment and payment of duty and the bond (or, in the case of a continuous bond, the charge against the bond) given for the production of the free-entry or reduced-duty document may be cancelled without the collection of liquidated damages.

(d) *Failure to file timely entry summary after release under entry or immediate delivery permit.* (1) If an entry summary for merchandise not subject to quota has not been timely filed after release under an entry or under a special permit for immediate delivery, the port director shall issue a demand for liquidated damages in accordance with § 142.15 or § 142.27 of this chapter, and in accordance with guidelines published by the authority of the Commissioner of Customs. The demand shall be cancelled in accordance with guidelines published by the authority of the Commissioner of Customs.

(2) If the Fines, Penalties, and Forfeitures Officer is satisfied that the violation occurred solely because of a delay in the return by Customs to the importer or broker of documents necessary to file the entry summary, he