

# QUARTERLY BULLETIN

Bureau of Alcohol,  
Tobacco and  
Firearms

Department of the Treasury

## **CONTAINS:**

**Treasury Decisions, Rulings, and  
Procedural and Administrative  
Matters Concerning Alcohol,  
Tobacco, Firearms,  
and Explosives**

## NOTE

Comments concerning the contents of this issue may be directed to Bureau of Alcohol, Tobacco and Firearms, Office of Alcohol and Tobacco, Washington, DC 20226.

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## Preface

The Alcohol, Tobacco and Firearms Quarterly Bulletin is the authoritative instrument of the Bureau for announcing official rulings and procedures, and for publishing Treasury decisions, legislation, administrative matters, and other items of general interest. It incorporates, into one publication, matters of the Bureau, which are of public record.

The Bureau publishes rulings and procedures to promote uniform application of the laws and regulations it administers. Rulings interpret the requirement of laws and regulations and apply retroactively unless otherwise indicated; whereas, procedures establish methods for performing operations to comply with such laws and regulations.

Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department regulations but they may be used as precedents. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings and procedures must be considered. Concerned parties are cautioned against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same.

## Definitions

**Rulings and procedures that have an effect on previous rulings or procedures use the following defined terms to describe the effect:**

**AMPLIFIED** is used in a situation where no change is being made in a prior published position, but the prior position is being extended to apply to a variation of the fact situation set forth in the new ruling. Thus, if an earlier ruling held that a principle applied to A, and the new ruling holds that the same principle also applies to B, the earlier ruling is amplified.

**CLARIFIED** is used in a situation where the language in a prior ruling is being made clear because the language has caused, or may cause, some confusion. It is not used where a position in a prior ruling is being changed.

**DECLARED OBSOLETE** is used in a situation where a previously published ruling is not considered determinative with respect to future transactions. This term is most commonly used in a ruling that lists previously published rulings that are declared obsolete because of changes in law or regulations. A ruling may also be declared obsolete because its substance has been included in regulations subsequently adopted.

**MODIFIED** is used in a situation where the substance of a previously published position is being changed. Thus, if a prior ruling held that a principle applied to A but not to B, but the new ruling hold that it applies to both A and B, the prior ruling is modified.

**REVOKED** is used in a situation where the position in the previously published ruling is not correct and the correct position is being stated in the new ruling. Rulings which have been revoked have no further effect.

**SUPERSEDED** is used in a variety of situations. The term may be used where the new ruling amplifies a prior ruling if both the position taken in the prior ruling and the position as amplified are contained in the text of the new ruling. The term may be similarly used where the new ruling clarifies or modifies a prior ruling. The term may also be used where, for the purpose of updating references, the new ruling does nothing more than restate the substance and situation of a prior ruling. For example, a ruling issued under former statutes and regulations (e.g. the 1939 Code–26 CFR Part 225) may be reissued under the current statutes and regulations (e.g. the 1954 Code–Part 201). Lastly, the term may be used when it is desired to republish in a single ruling a series of situations, names, etc., that were previously published over a period of time in separate rulings.

**SUPPLEMENTED** is used in situations in which a list, such as a list of curios and relics, is published in a ruling and that list is expanded by adding further items in subsequent rulings. After the original ruling has been supplemented several items, a new ruling may be published that includes the list in the original ruling and the additions, and supersedes all prior rulings in the series.

## **ABBREVIATIONS:**

*The following abbreviations appear in material published in the Bulletin:*

A, B, C, etc. — The name of individuals

ATF — Bureau of Alcohol, Tobacco and Firearms

ATFQB — Alcohol, Tobacco and Firearms Quarterly Bulletin

ATF Proc. — ATF Procedure

ATF Rul. — ATF Ruling

C.B. — Cumulative Bulletin

Ct.D. — Court Decision

CFR — Code of Federal Regulations

D.O. — Delegation Order

E.O. — Executive Order

FAA Act — Federal Alcohol Administration Act

F.R. — Federal Register

M, N, X, Y, Z, etc. — The names of corporations, places and businesses,  
according to context

Pub. L. — Public Law

Rev. Proc. — Revenue Procedure

Rev. Rul. — Revenue Ruling

Stat. — Statutes at Large

T.D. — Treasury Decision

T.D.O. — Treasury Department Order

U.S.C. — United States Code

x and y — used to represent certain number and when used with the word “dollars” represent sums of money.

## Treasury Decisions — I

### Subpart A — ALCOHOL

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS—CHAPTER I—  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE  
TREASURY

#### Hard Cider; Postponement of Labeling of Compliance Date

T.D. ATF – 418; Re: T.D. ATF - 398, Notice No. 859 and Notice No. 869

#### 27 CFR Parts 4 and 24

**ACTION:** Temporary rule (Treasury decision).

**SUMMARY:** This temporary rule postpones the mandatory date for the labeling of hard cider. In the Proposed Rules section of this Federal Register, ATF is also issuing a notice of proposed rulemaking inviting comments on proposed changes to the label requirements for hard cider for a 60-day period following the publication of the notice.

**DATES:** Effective date: This document is effective retroactive to February 17, 1999.

Compliance date: Compliance with the hard cider labeling requirements in 27 CFR 4.21 and 24.257 is not mandatory until September 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Marjorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW, Washington, DC 20226; (202) 927-8230; or [mdruh@atfhq.atf.treas.gov](mailto:mdruh@atfhq.atf.treas.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 24, 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) issued a temporary rule to implement various sections of the Taxpayer Relief Act of 1997, Public Law 105-34 (“the Act”). Section 908 of the Act amended the Internal Revenue Code of 1986 (IRC) to create a new excise tax category for hard cider. The temporary rule, T.D. ATF-398 (63 FR 44779) included rules for labeling hard cider. On the same day, ATF issued a notice of proposed rulemaking, Notice No. 859 (63 FR 44819), inviting comments on this temporary rule for a 60 day period. In response to requests from the industry, ATF reopened the comment period for an additional 30 days on November 6, 1998, by Notice No. 869 (63 FR 59921).

ATF received 45 comments in response to these notices. Two comments addressed the issue of semi-generic wine designations (also covered in the temporary rule and notices), and all the rest concerned the hard cider rules. All the comments will be discussed in a future final rule, but ATF has identified one area, labeling of hard cider, where comments indicate the temporary rule as originally issued imposes an unintended and unnecessary burden. By this document, we are postponing the compliance date for

the hard cider labeling rules (originally February 17, 1999), so that we can develop alternative labeling rules. The temporary rule and the specific comments are discussed in detail in the notice of proposed rulemaking published in this issue of the **Federal Register**.

### **Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) relating to a final regulatory flexibility analysis do not apply to this rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Pursuant to 26 U.S.C. 7805(f), this temporary rule will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

### **Executive Order 12866**

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

### **Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new collection of information is contained in this Treasury decision.

### **Administrative Procedure Act**

This document merely defers a compliance date for labeling rules for hard cider while ATF considers alternative labeling requirements. In view of the immediate need to inform the industry of this action, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

### **Drafting Information**

The principal author of this document is Marjorie Ruhf, of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

### **List of Subjects**

*27 CFR Part 4*

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.



*27 CFR Part 24*

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Therefore, pursuant to the authority set forth in 26 U.S.C. 5368 and 27 U.S.C. 205(e), ATF is postponing the compliance date with respect to the use of the term "hard cider" set forth in 27 CFR 4.21(e)(5) and 24.257(a)(3)(iii) and (iv) to [insert date 1 year from date of publication in the Federal Register].

Signed: June 16, 1999

**John W. Magaw,**  
*Director*

Approved: August 13, 1999

**John P. Simpson,**  
*Assistant Secretary, (Regulatory, Tariff and Trade Enforcement)*

## Subpart E — EXPLOSIVES

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS—CHAPTER I—  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE  
TREASURY

### **Implementation of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to the Marking of Plastic Explosives for the Purpose of Detection (96R-029P)**

**T.D. ATF - 419; Re: T.D. ATF - 387 and Notice No. 847**

#### **27 CFR Parts 47 and 55**

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule implements certain provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132). These regulations implement the law by requiring detection agents for plastic explosives. The final rule also authorizes the use of four specific detection agents to mark plastic explosives and provides for the designation of other detection agents.

**DATES:** This rule is effective December 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Public Law 104-132, 110 Stat. 1214, the Antiterrorism and Effective Death Penalty Act of 1996 (hereafter, “the Act”) was enacted on April 24, 1996. Title VI of the Act, “Implementation of Plastic Explosives Convention,” added new requirements to the Federal explosives laws in 18 U.S.C. Chapter 40. Section 607 of the Act states that, except as otherwise provided, the amendments made by Title VI shall take effect 1 year after the date of enactment, i.e., on April 24, 1997. The stated purpose of Title VI is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on March 1, 1991 (hereafter, “the Convention”).

The Convention represents an important achievement in international cooperation in response to the threat posed to the safety and security of international civil aviation by virtually undetectable plastic explosives in the hands of terrorists. Such explosives were used in the tragic destruction of Pan Am flight 103 over Lockerbie, Scotland, in December 1988, and UTA flight 772 in September 1989. In the aftermath of these bombings, the international community moved to draft a multilateral treaty to ensure that

plastic explosives would thereafter contain a chemical marking agent to render them detectable.

### Temporary Rule

On February 25, 1997, ATF published in the Federal Register a temporary rule implementing certain provisions of the Act (T.D. ATF-387, 62 FR 8374). The new statutory provisions and the regulation changes necessitated by the law are as follows:

(1) Definitions. Section 602 of the Act added three definitions to section 841 of title 18, U.S.C. The term “Convention on the Marking of Plastic Explosives” is defined in the law to mean the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on March 1, 1991.

The term “detection agent” is defined as any one of the following substances when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive:

(1) Ethylene glycol dinitrate (EGDN),  $C_2H_4(NO_3)_2$ , molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB),  $C_6H_{12}(NO_2)_2$ , molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(3) Para-Mononitrotoluene (p-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

(4) Ortho-Mononitrotoluene (o-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

(5) any other substance added by the Secretary of the Treasury by regulation, after consultation with the Secretary of State and the Secretary of Defense. Permitting the Secretary to designate detection agents other than the four listed in the statute would facilitate the use of other substances without the need for legislation. However, as specified in the law, only those substances which have been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives may be designated as approved detection agents. ATF would have no authority to issue a regulation adding to the list of approved detection agents until the Technical Annex has been so modified.

The last term added to section 841 of title 18, U.S.C., “plastic explosive,” is defined as an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than  $10^{-4}$  Pa at a temperature of  $25^{\circ}C$ , is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature. Pursuant to part I of the Technical Annex to the Convention, high explosives include, but are not restricted to, cyclotetramethylenetetranitramine (HMX), pentaerythritol tetranitrate (PETN), and cyclotrimethylenetrinitramine (RDX).

The above changes to regulations are prescribed in § 55.180.

(2) *Requirement of Detection Agents for Plastic Explosives.* The Act amended the Federal explosives laws in 18 U.S.C. Chapter 40 by adding new subsections (l)-(o) to section 842. Section 842(l) makes it unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

Section 842(m) makes it unlawful for any person to import or bring into the U.S. or export from the U.S. any plastic explosive that does not contain a detection agent. The provisions of this section do not apply to the importation or bringing into the U.S. or the exportation from the U.S. of any plastic explosive that was imported or brought into or manufactured in the U.S. prior to the date of enactment of the Act by or on behalf of any agency of the U.S. performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the Convention enters into force with respect to the U.S. Pursuant to Article XIII of the Convention, the Convention will enter into force on the sixtieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Depository, i.e., the International Civil Aviation Organization, provided that no fewer than five such States (nations) have declared that they are producer States. (A “producer State” means any State in whose territory explosives are manufactured.) Should thirty-five such instruments be deposited prior to the deposit of their instruments by five producer States, the Convention will enter into force on the sixtieth day following the date of deposit of the instrument of ratification, acceptance, approval or accession of the fifth producer State. For other States, the Convention will enter into force sixty days following the date of deposit of their instruments of ratification, acceptance, approval or accession.

Section 842(n) provides that it is unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent. Exceptions to the prohibitions are provided for any plastic explosive that was imported or brought into, or manufactured in the U.S. prior to the date of enactment of the Act by any person during the period beginning on that date, i.e., April 24, 1996, and ending 3 years after that date, i.e., April 24, 1999. Exceptions to the prohibitions are also provided for any plastic explosive that was imported or brought into, or manufactured in the U.S. prior to the date of enactment of the Act by or on behalf of any agency of the U.S. performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the marking of Plastic Explosives with respect to the U.S.

The above changes to the regulations are prescribed in § 55.180.

Section 842(o) provides that any person, other than an agency of the U.S. (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment, shall report to the Secretary within 120 days after the date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation. Regulations implementing this provision of the Act were prescribed in T.D. ATF-382, published in the Federal Register on July 23, 1996 (61 FR 38084). However, T.D. ATF-387 made a technical amendment to Sec. 55.181 to include the control number assigned by the Office of Management and Budget (OMB).

(3) *Criminal Sanctions.* The Act amended section 844(a) of title 18, U.S.C., by providing that any person who violates any of the provisions of section 842(l)-(o) shall be fined under title 18, imprisoned for not more than 10 years, or both. Changes to the regulations in § 55.185 have been made to implement this provision of the law.

(4) *Exceptions.* The Act amended 18 U.S.C. 845(a) to provide that the exemptions from the requirements of 18 U.S.C. Chapter 40 that apply to governmental entities and other specified uses of explosives do not apply to section 842(l)-(o). Changes to the regulations in § 55.141(a) have been made to implement this provision of the law.

The Act also made a technical amendment to 18 U.S.C. 845(a)(1) to clarify the current exemption from the requirements of 18 U.S.C. Chapter 40 for aspects of the transportation of explosives regulated by the U.S. Department of Transportation. The amendment makes it clear that the exemption applies only to those aspects of the transportation related to safety. Changes to the regulations in § 55.141(a)(1) have been made to implement this change in the law.

The Act also amended section 845 of title 18, U.S.C., by adding a new subsection (c). This amendment provides that it is an affirmative defense against any proceeding involving section 842(l)-(o) of title 18, U.S.C., if the proponent proves by a preponderance of the evidence that the plastic explosive—

(1) Consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

(a) Research, development, or testing of new or modified explosive materials;

(b) Training in explosives detection or development or testing of explosives detection equipment; or

(c) Forensic science purposes; or

(2) Was plastic explosive that, within 3 years after the date of enactment of the Act, will be or is incorporated in a military device within the territory of the U.S. and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the U.S. performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located.

As defined in the Act, the term “military device” includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.

The affirmative defenses provided in the law could be asserted in a criminal case, a judicial forfeiture case, or an administrative license or permit denial or revocation.

Changes to the regulations in § 55.182 have been made to implement the provisions of section 845(c) of title 18, U.S.C.

(5) *Seizure and Forfeiture of Plastic Explosives.* The Act amended section 596(c)(1) of the Tariff Act of 1930, 19 U.S.C. 1595a(c)(1), to provide for the seizure or forfeiture of plastic explosive that does not contain a detection agent that is introduced or attempted to be introduced into the U.S. Changes to the regulations in Sec. 55.186 have been made to implement this provision of the law.

*Miscellaneous.* In order to fully implement the provisions of the Act, regulations are prescribed in Sec. 55.184 which authorize the Director to request from licensed manufacturers and licensed importers accurate and complete statements of process with regard to any plastic explosive or any detection agent that is to be introduced into a plastic explosive or formulated in such explosive. The regulations also give ATF the authority to require samples of any plastic explosive or detection agent from such licensees.

As stated in Article III of the Convention, “[e]ach State Party shall take the necessary and effective measures to prohibit and prevent the movement into or out of its territory of unmarked [plastic] explosives” so as to prevent their diversion or use for purposes inconsistent with the Convention. In order to comply with the objectives of the Convention, regulations are prescribed in § 55.183 which require persons filing Form 6 applications for importation of plastic explosives on or after April 24, 1997, to attach to the application a statement certifying that the plastic explosive to be imported contains a detection agent or is a “small amount” to be used for research, training, or testing purposes and is exempt from the detection agent requirement.

Finally, the temporary rule made certain technical amendments and conforming changes to the regulations in Part 55. For example, §§. 55.49, 55.52, and 55.55 were amended to remove the reference to § 55.182. Section 55.182, Classes of explosive materials, was replaced by § 55.202 pursuant to T.D. ATF-87 (August 7, 1981; 46 FR 40382).

### **Notice of Proposed Rulemaking—Analysis of Comments**

On February 25, 1997, ATF also published a notice of proposed rulemaking cross-referenced to the temporary regulations (Notice No. 847, 62 FR 8412). The comment period for Notice No. 847 closed on May 27, 1997.

ATF received four comments in response to Notice No. 847. One commenter expressed support for the temporary regulations. The remaining commenters raised several concerns with respect to the temporary regulations. Three commenters contend that current owners of unmarked plastic explosives should be “grandfathered” and allowed to retain their existing stocks and use them up at their normal attrition rate, beyond the 3-year period specified in the Act. To accomplish this, however, legislative action would be necessary. One commenter argues that State and local law enforcement agencies should be exempt from the marking requirement. Such an exemption, however, would also necessitate a statutory change.

Two commenters argue that the Government should purchase all unmarked plastic explosives from current owners. ATF has no authority to use appropriated funds to purchase unmarked plastic explosives. These commenters also suggest that the Federal Government supply the detection agent to all possessors of unmarked plastic explosives so that they may come into compliance. As stated above, ATF has no authority to use appropriated funds for this purpose.

The same commenters contend that a definition of the term “small quantity” is needed for purposes of the Act. As noted, the law provides that it is an affirmative defense against any proceeding involving section 842(l)-(o) of Title 18, U.S.C., if the proponent proves by a preponderance of the evidence that the plastic explosive consisted of a small quantity intended for and utilized solely in lawful—

- (a) Research, development, or testing of new or modified explosive materials;
- (b) Training in explosives detection or development or testing of explosives detection equipment; or
- (c) Forensic science purposes.

One of the commenters states that he possesses “a small quantity (less than 170 pounds) of plastic explosives” for research purposes. However, he points out the following:

By manufactures [sic] standards, small quantity is referred to as 500 lbs. or less, however, to detection personnel the term “small quantity” may mean 10 lbs. or less. A company providing explosive training may term “small quantity” as between 500-2000 lbs. of plastic explosives.

The other commenter states that he possesses approximately 3,000 pounds of PBX for training purposes.

The above comments illustrate the difficulty in specifying a particular amount of explosive that is appropriate for all possessors. As indicated, the amount of explosives required for a particular type of research may be far greater than the amount required for another type of research. Accordingly, ATF believes that such determinations should be made on a case-by-case basis after consideration of all relevant facts. ATF emphasizes that the statute makes it clear that the burden is on the possessor to prove that the quantity of unmarked plastic explosives is a “small amount” possessed for one of the exempt purposes.

Finally, one commenter suggests that an exemption be given to individuals using unmarked plastic explosives for training purposes. The commenter trains law enforcement, military, and civilian personnel in explosives safety. As indicated above, one of the affirmative defenses to any proceeding involving the plastic explosive provisions of the law is for a small quantity of plastic explosive utilized solely in training in explosive detection or development. There is no exception for training in explosives safety. Such an exception would require legislative action.

## **Miscellaneous—Final Rule**

The Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on March 1, 1991, entered into force on June 21, 1998. Thirty-eight countries have ratified, including 11 producing states. As noted, for the Convention to enter into force internationally, 35 countries were required to ratify, 11 of which are producing states. Section 55.180 of the final regulations is being amended to incorporate the actual date that the Convention entered into force.

Accordingly, the temporary regulations published in the Federal Register on February 25, 1997 (T.D. ATF-387) are adopted as final upon the effective date of this Treasury decision.

## **Executive Order 12866**

It has been determined that this final rule is not a significant regulatory action as defined in E.O. 12866, because the economic effects flow directly from the underlying statute and not from this final rule. Therefore, this final rule is not subject to the analysis required by this Executive order.

## **Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

## **Paperwork Reduction Act**

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(d)) under control number 1512-0539. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The collection of information in this regulation is in 27 CFR 55.184(a). This information is required to ensure compliance with the provisions of Public Law 104-132. This information will be used to ensure that plastic explosives contain a detection agent as required by law. The collection of information is mandatory. The likely respondents are individuals and businesses. The estimated average annual burden associated with the collection of information in this regulation is 12 hours per respondent. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Chief, Document Services Branch, Room 3110, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503.



## Disclosure

Copies of the temporary rule, the notice of proposed rulemaking, all written comments, and this final rule will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC. Drafting Information: The author of this document is James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

## List of Subjects

### *27 CFR Part 47*

Administrative practice and procedure, Arms control, Arms and munitions, Authority delegation, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, and Seizures and forfeitures.

### *27 CFR Part 55*

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

## Authority and Issuance

Accordingly, parts 47 and 55 are amended as follows:

**Paragraph 1.** The temporary rule published on February 25, 1997 (62 FR 8374) is adopted as final with the following changes.

## **PART 55—COMMERCE IN EXPLOSIVES**

**Par. 2.** The authority citation for 27 CFR part 55 continues to read as follows:

**Authority:** 18 U.S.C. 847.

**Par. 3.** Section 55.180 is amended by revising paragraphs (b), (c)(2), and (d)(2) to read as follows:

### **§ 55.180 Prohibitions relating to unmarked plastic explosives.**

\* \* \* \* \*

(b) No person shall import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent. This

paragraph does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States, i.e., not later than June 21, 2013.

(c) \* \* \*

(2) The shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States, i.e., not later than June 21, 2013.

(d) \* \* \*

(2) "Date of entry into force" of the Convention on the Marking of Plastic Explosives means that date on which the Convention enters into force with respect to the U.S. in accordance with the provisions of Article XIII of the Convention on the Marking of Plastic Explosives. The Convention entered into force on June 21, 1998.

\* \* \* \* \*

Signed: February 10, 1999

**John W. Magaw,**  
*Director*

Approved: March 10, 1999

**John P. Simpson,**  
*Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement)*

## Announcements — VI

### Announcement 99-14

#### Major Disaster Areas Proclaimed by the President

The President has determined that certain areas of the United States were adversely affected by disasters of sufficient magnitude to warrant Federal assistance under the Disaster Relief Act of 1974. The specific areas adversely affected as identified by the Administrator, Federal Emergency Management Agency (FEMA) are listed below.

Persons in the affected areas holding for sale alcoholic beverages, cigars, cigarettes, or cigarette papers or tubes, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of these disasters, may be paid an amount equal to the internal revenue taxes and customs duties paid on such products, as provided in 26 U.S.C. 564 and 5708. Claims for such payments should be filed with the Director of Industry Operations, Bureau of Alcohol, Tobacco and Firearms, for the ATF district in which the alcoholic beverages, cigarettes, etc., were held for sale. Claims may be allowed only if filed within six months after the date the FEMA identifies the specific disaster area.

#### **ARIZONA 1304**

Type of Disaster:

Counties:

November 5, 1999

Severe storms, flooding and high winds

Maricopa

#### **CALIFORNIA 3140**

Type of Disaster:

Counties:

September 17, 1999

Severe fires

Butte, Humboldt, Napa, Plumas, San Bernardino, Shasta, Trinity, Yuba

#### **CONNECTICUT 1302**

Type of Disaster:

Counties:

October 8, 1999

High winds, heavy rain and flooding

Fairfield, Hartford, Litchfield

#### **DELAWARE 1297**

Type of Disaster:

Counties:

October 5, 1999

Hurricane Floyd

New Castle

#### **FLORIDA 3143**

Type of Disaster:

September 27, 1999

Hurricane Floyd

Counties:

Brevard, Broward, Dade,  
Duval, Flagler, Indian River,  
Martin, Nassau, Palm Beach,  
St. Johns, St. Lucie, Volusia

**FLORIDA 1300**

Type of Disaster:

Counties:

October 8, 1999

Hurricane Floyd

Brevard, Broward, Charlotte,  
Collier, Dade, DeSoto,  
Duval, Flagler, Glades,  
Hardee, Hendry, Highlands,  
Hillsborough, Indian River,  
Lake, Lee, Manatee, Martin,  
Monroe, Nassau,  
Okeechobee, Orange,  
Osceola, Palm Beach, Pasco,  
Pinellas, Polk, Sarasota,  
Seminole, St. Johns, St.  
Lucie, Volusia

**FLORIDA 3150**

Type of Disaster:

Counties:

October 29, 1999

Hurricane Irene

Brevard, Broward, Charlotte,  
Collier, Dade, DeSoto,  
Flagler, Glades, Hardee,  
Hendry, Highlands,  
Hillsborough, Indian River,  
Lake, Lee, Manatee, Martin,  
Monroe, Okeechobee,  
Orange, Osceola, Palm  
Beach, Pasco, Pinellas, Polk,  
Sarasota, Seminole, St. Lucie

**FLORIDA 1306**

Type of Disaster:

Counties:

November 1, 1999

Hurricane Irene

Brevard, Broward, Collier,  
Dade, Flagler, Glades,  
Hendry, Highlands, Indian  
River, Lake, Lee, Manatee,  
Martin, Monroe,  
Okeechobee, Orange,  
Osceola, Palm Beach, Polk,  
Seminole, St. Lucie, Volusia

**GEORGIA 3144**

Type of Disaster:

September 27, 1999

Hurricane Floyd

Counties:

Bryan, Camden, Chatham,  
Glynn, Liberty, McIntosh

**MAINE 1308**

Type of Disaster:

Counties:

November 30, 1999

Hurricane Floyd

Androscoggin, Cumberland,  
Kennebec, Oxford, Somerset

October 8, 1999

Hurricane Floyd

Anne Arundel, Calvert,  
Caroline, Cecil, Charles,

Harford, Kent, Queen

Anne's, Somerset, St.

Mary's, Talbot

**MARYLAND 1303**

Type of Disaster:

Counties:

**MASSACHUSETTS 3153**

Type of Disaster:

Counties:

December 14, 1999

Fire

Worcester

**NEW JERSEY 1295**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Bergen, Essex, Hunterdon,

Mercer, Middlesex, Morris,

Passaic, Somerset, Union

**NEW JERSEY 3148**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Atlantic, Bergen, Burlington,

Camden, Cape May,

Cumberland, Essex,

Gloucester, Hudson,

Hunterdon, Mercer,

Middlesex, Monmouth,

Morris, Ocean, Passaic,

Salem, Somerset, Suxxes,

Union, Warren

**NEW HAMPSHIRE 1305**

Type of Disaster:

October 29, 1999

Tropical Storm Floyd

**NEW MEXICO 1301**

Type of Disaster:

Counties:

October 8, 1999

Severe storms and flooding

Dona Ana, Luna, Mora, Rio

Arriba, Sandoval, San Juan,

Sierra and the Mescalero

Apache Indian Reservation

**NEW YORK 3149**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Orange, Putnam, Rockland,  
Westchester

**NEW YORK 1296**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Albany, Dutchess, Esses,  
Greene, Nassau, Orange,  
Putnam, Rensselaer,  
Rockland, Schenectady,  
Schoharie, Suffolk, Ulster,  
Warren, Westchester

**NORTH CAROLINA 3141**

Type of Disaster:

Counties:

September 17, 1999

Hurricane Dennis

Beaufort, Brunswick,  
Carteret, Craven, Currituck,  
Dare, Hyde, New Hanover,  
Onslow, Pamlico, Pender

**NORTH CAROLINA 1291**

Type of Disaster:

Counties:

September 27, 1999

Hurricane Dennis

Beaufort, Carteret, Craven,  
Dare, Hyde, Pamlico

**NORTH CAROLINA 3146**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Alamance, Anson, Beaufort,  
Bertie, Bladen, Brunswick,  
Camden, Carteret, Caswell,  
Chatham, Chowan,  
Columbus, Craven,  
Cumberland, Currituck, Dare,  
Davidson, Duplin, Durham,  
Edgecombe, Forsyth,  
Franklin, Gates, Granville,  
Greene, Guilford, Halifax,  
Harnett, Hertford, Hoke,  
Hyde, Johnston, Jones, Lee,  
Lenoir, Martin, Montgomery,  
Moore, Nash, New Hanover,  
Northampton, Onslow,  
Orange, Pamlico,  
Pasquotank, Pender,  
Perquimans, Person, Pitt,

Randolph, Richmond,  
Robeson, Rockingham,  
Rowan, Sampson, Scotland,  
Stanly, Stokes, Tyrell, Union,  
Vance, Wake, Warren,  
Washington, Wayne, Wilson

**NORTH CAROLINA 1292**

Type of Disaster:

Counties:

October 19, 1999

Hurricane Floyd

Alamance, Anson, Beaufort,  
Bertie, Bladen, Brunswick,  
Camden, Carteret, Caswell,  
Chatham, Chowan,  
Columbus, Craven,  
Cumberland, Currituck, Dare,  
Davidson, Duplin, Durham,  
Edgecombe, Forsyth,  
Franklin, Gates, Granville,  
Greene, Guilford, Halifax,  
Harnett, Hertford, Hoke,  
Hyde, Johnston, Jones, Lee,  
Lenoir, Martin, Montgomery,  
Moore, Nash, New Hanover,  
Northampton, Onslow,  
Orange, Pamlico,  
Pasquotank, Pender,  
Perquimans, Person, Pitt,  
Randolph, Richmond,  
Robeson, Rockingham,  
Rowan, Sampson, Scotland,  
Stanly, Stokes, Tyrell, Union,  
Vance, Wake, Warren,  
Washington, Wayne, Wilson

**NORTH DAKOTA 1279**

Type of Disaster:

October 19, 1999

Severe storms, flooding,  
snow and ice, ground  
saturation, landslides,  
mudslides and tornadoes

**PENNSYLVANIA 1289**

Type of Disaster:

Counties:

September 17, 1999

Severe storms and flooding  
Juniata, McKean

**PENNSYLVANIA 1294**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Berks, Bucks, Chester,  
Delaware, Lancaster,  
Montgomery, Philadelphia,  
York

**PENNSYLVANIA 1298**

Type of Disaster:

Counties:

October 12, 1999

Severe flash flooding

Lycoming, Northumberland,  
Snyder, Union

**PUERTO RICO 3151**

Type of Disaster:

November 30, 1999

Hurricane Lenny

**SOUTH CAROLINA 3145**

Type of Disaster:

Counties:

September 28, 1999

Hurricane Floyd

Allendale, Bamberg,  
Barnwell, Beaufort,  
Berkeley, Calhoun,  
Charleston, Chesterfield,  
Clarendon, Colleton,  
Darlington, Dillon,  
Dorchester, Florence,  
Georgetown, Hampton,  
Horry, Jasper, Kershaw, Lee,  
Lexington, Marion,  
Marlboro, Orangeburg,  
Richland, Sumter,  
Williamsburg

**SOUTH CAROLINA 1299**

Type of Disaster:

Counties:

October 5, 1999

Hurricane Floyd

Allendale, Bamberg,  
Barnwell, Berkeley,  
Beaufort, Calhoun,  
Charleston, Chesterfield,  
Clarendon, Colleton,  
Darlington, Dillon,  
Dorchester, Florence,  
Georgetown, Hampton,  
Horry, Jasper, Kershaw, Lee,  
Lexington, Marion,  
Marlboro, Orangeburg,  
Richland, Sumter,  
Williamsburg



**TEXAS 3142**

Type of Disaster:

Counties:

September 17, 1999

Extreme fire hazards

Anderson, Andrews,  
Angelina, Archer,  
Armstrong, Austin, Bailey,  
Bandera, Bastrop, Baylor,  
Bell, Bexar, Blanco, Borden,  
Bosque, Bowie, Brazoria,  
Brazos, Brewster, Briscoe,  
Brown, Burlison, Burnet,  
Caldwell, Calhoun, Callahan,  
Camp, Carson, Cass, Castro,  
Chambers, Cherokee,  
Childress, Clay, Cochran,  
Coke, Coleman, Collin,  
Collingsworth, Colorado,  
Comal, Comanche, Concho,  
Cooke, Coryell, Cottle,  
Crane, Crockett, Crosby,  
Culberson, Dallam, Dallas,  
Dawson, Deaf Smith, Delta,  
Denton, DeWitt, Dickens,  
Donley, Eastland, Ector,  
Edwards, El Paso, Ellis,  
Erath, Falls, Fannin, Fayette,  
Fisher, Floyd, Foard, Fort  
Bend, Franklin, Freestone,  
Gaines, Galveston, Garza,  
Gillespie, Glasscock,  
Gonzales, Gray, Grayson,  
Gregg, Grimes, Guadalupe,  
Hale, Hall, Hamilton,  
Hansford, Hardeman, Hardin,  
Harris, Harrison, Hartley,  
Haskell, Hays, Hemphill,  
Henderson, Hill, Hockley,  
Hood, Hopkins, Houston,  
Howard, Hudspeth, Hunt,  
Hutchinson, Irion, Jack,  
Jackson, Jasper, Jeff Davis,  
Jefferson, Johnson, Jones,  
Kaufman, Kendall, Kent,  
Kerr, Kimble, King, Kinney,  
Knox, Lamar, Lamb,  
Lampasas, Lavaca, Lee,

Leon, Liberty, Limestone,  
Lipscomb, Llano, Loving,  
Lubbock, Lynn, Madison,  
Marion, Martin, Mason,  
Matagorda, McCulloch,  
McLennan, Medina, Menard,  
Midland, Milam, Mills,  
Mitchell, Montague,  
Montgomery, Moore, Morris,  
Motley, Nacogdoches,  
Navarro, Newton, Nolan,  
Ochiltree, Oldham, Orange,  
Palo Pinto, Panola, Parker,  
Parmer, Pecos, Polk, Potter,  
Presidio, Rains, Randall,  
Reagan, Real, Red River,  
Reeves, Roberts, Robertson,  
Rockwall, Runnels, Rusk,  
Sabine, San Augustine, San  
Jacinto, San Saba, Schleicher,  
Scurry, Shackelford, Shelby,  
Sherman, Smith, Somerveil,  
Stephens, Sterling,  
Stonewall, Sutton, Swisher,  
Tarrant, Taylor, Terrell,  
Terry, Throckmorton, Titus,  
Tom Green, Travis, Trinity,  
Tyler, Upshur, Upton,  
Uvalde, Val Verde, Van  
Zandt, Victoria, Walker,  
Waller, Ward, Washington,  
Wharton, Wheeler, Wichita,  
Wilbarger, Williamson,  
Wilson, Winkler, Wise,  
Wood, Yoakum, and Young

**VERMONT 1307**

Type of Disaster:

Counties:

November 19, 1999

Hurricane Floyd

Bennington, Caledonia,  
Essex, Lamoille, Orange,

Orleans, Rutland,

Washington, Windham,

Windsor,

**U.S. VIRGIN ISLANDS 3152**

Type of Disaster:

November 30, 1999

Hurricane Lenny

**VIRGINIA 1290**

Type of Disaster:

Cities:

September 17, 1999

Tropical Storm Dennis and  
tornadoes

Hampton

**VIRGINIA 1293**

Type of Disaster:

Cities:

September 28, 1999

Hurricane Floyd

Colonial Heights, Emporia,  
Franklin, Hampton,  
Hopewell, newport News,  
Norfolk, Petersburg,  
Poquoson, Portsmouth,  
Richmond, Suffolk, Virginia  
Beach, Williamsburg

Counties:

Accomack, Brunswick,  
Charles City, Chesterfield,  
Dinwiddie, Essex, Fairfax,  
Gloucester, Halifax,  
Hanover, Henrico, Isle of  
Wight, James City, King  
George, Lancaster,  
Lunenburg, Matthews, New  
Kent, Northampton,  
Northumberland, Prince  
George, Richmond,  
Southampton, Surry, Sussex,  
Westmoreland, York

**Amendments to Previously Declared Disasters**

**TEXAS 1287**

Counties:

Amendment

Aransas, Brooks, Cameron,  
Duval, Hidalgo, Jim Hogg,  
Kenedy, Kleberg, Nueces,  
San Patricio, Web, Willacy

## **Announcement 99-15**

### **Importation of Previously Exported Tobacco Products and Cigarette Papers and Tubes**

On October 5, 1999, the Director signed Industry Circular No. 2000-1. It read as follows:

TO: Importers of Tobacco Products or Cigarette Papers and Tubes, Manufacturers of Tobacco Products or Cigarette Papers and Tubes and others concerned:

PURPOSE: This Industry Circular advises businesses that engage in the importation of tobacco products and cigarette papers and tubes of the restriction and penalty of the Balanced Budget Act of 1997 (Section 9302 (h) and (i) of Public Law 105-33, 111 Stat., 672). This circular addresses the importation of these products that were previously exported from the United States.

#### **1. Who can import previously exported tobacco products and cigarette papers and tubes?**

On or after January 1, 2000, only manufacturers of tobacco products or cigarette papers and tubes or export warehouse proprietors may receive from customs custody tobacco products and cigarette papers and tubes previously exported from the United States. The receipt from Customs Custody must be in bond. This means that on or after January 1, 2000, a business will not be able to remove these previously exported tobacco products and cigarette papers and tubes from customs custody by paying the customs duties and Federal excise tax. Manufacturers of tobacco products or cigarette papers or tubes or export warehouse proprietors must be qualified under Chapter 52 of the Internal Revenue Code (IRC) and must have a bond sufficient to cover the additional Federal excise tax on these previously exported tobacco products and cigarette papers and tubes. [Tobacco products include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and roll-your-own tobacco.]

Before January 1, 2000, a business may continue to remove previously exported tobacco products and cigarette papers and tubes from customs custody assuming that duty and excise taxes are paid and other requirements for the United States market (for example, Surgeon General's warning) have been met.

#### **2. On or after January 1, 200, what penalties apply to a person who continues to import tobacco products and cigarette papers and tubes that were previously exported from the United States and that are not being shipped in bond to a qualified tobacco products manufacturer or export warehouse proprietor?**

The Balanced Budget Act of 1997 imposes a civil penalty on any person who:

Sells, relands, or receives within the jurisdiction of the United States and tobacco products, including cigarettes, which have been labeled or shipped for exportation under chapter 52 of IRC.

Sells or receives such relanded tobacco products or cigarette papers or tubes.

Aids or abets in such selling, relanding, or receiving.

The civil penalty is in addition to the tax and other penalties under the IRC, including criminal penalties. The civil penalty is at least a \$1,000 fine and subjects to forfeiture the tobacco products and cigarette papers and tubes to the United States. A larger fine may be imposed if the amount of the Federal excise tax on the tobacco products and cigarette papers and tubes is greater than \$200. In addition, any vessel, vehicle or aircraft involved in relanding or removing the tobacco products and cigarette tubes is subject to forfeiture to the United States.

**3. Will these penalties apply to a person dealing in tobacco products or cigarette papers and tubes that were lawfully entered into the United States before January 1, 2000?**

No. No person will be penalized, as described above, for dealing in previously exported tobacco products and cigarette papers and tubes that are lawfully entered into the United States before January 1, 2000.

Questions. If you have questions about this industry circular, please contact your local Bureau of Alcohol, Tobacco and Firearms (ATF) office, or the Regulations Division, Room 5003, ATF, Washington, DC 20226 (202-927-8210). Also, you may send us an e-mail at [alcohol/tobacco@atfhq.atf.treas.gov](mailto:alcohol/tobacco@atfhq.atf.treas.gov).

John W. Magaw,  
Director

**Announcement 99-16**

**OFFERS IN COMPROMISE**

<i>Company/Individual Location</i>	<i>Amount</i>	<i>Alleged Violations</i>
Chung, Inc. dba Superior Trading Company	\$ 1,000	Imported several brands of ginseng extracts that contained in excess of .5% alcohol without proper payment of tax.
Keystone Brewers, Inc T/A Pittsburgh Brewing Company	\$10,000	Overfilled 12 and 16 ounce cans of beer and did not pay excise tax on this excess beer. The brewer also failed to maintain accurate records of fill.

## Announcement 99-17

### Unified Agenda of Federal Regulations

ATF Regulations In the Federal Register of November 22, 1999. The Unified Agenda is designed to give the public notice of ATF regulatory activities which will be under development and review during the period of April 1999 through October 1999. Information concerning specific items appearing in the following Unified Agenda should be directed to the appropriate contact person indicated.

#### TABLE OF ABBREVIATIONS

ABBREVIATION	MEANING
ANPRM.....	Advance notice of proposed rulemaking
ATF.....	Bureau of Alcohol, Tobacco and Firearms
CFR.....	Code of Federal Regulations
DSP.....	Distilled Spirits Plant
E.O. ....	Executive Order
FR.....	Federal Register
FAA Act.....	Federal Alcohol Administration Act
<hr/>	
NPRM.....	Notice of proposed rulemaking
OFR.....	Office of the Federal Register
OMB.....	Office of Management and Budget
Pub. L. ....	Public Law
T.D. ....	Treasury Decision
T.D. with N.....	(Temporary) Treasury Decision with Notice
T.D. w/o N.....	Treasury Decision without Notice
Treasury.....	Department of the Treasury

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#### Proposed Rule Stage

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#### ALCOHOL

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#### REVISION OF BREWERY REGULATIONS AND ISSUANCE OF REGULATIONS FOR TAVERNS ON BREWERY PREMISES (BREW PUBS)

**Regulatory Plan:** This entry is Seq. No. 100 in Part II of this issue of the Federal Register.

**RIN:** 1512-AB37

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## COUNTRY OF ORIGIN STATEMENTS ON DISTILLED SPIRITS LABELS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 1304; 27 USC 205

**CFR Citation:** 27 CFR 5.36 (e)

**Legal Deadline:** None

**Abstract:** The Bureau of Alcohol, Tobacco and Firearms plans to issue a notice of proposed rulemaking that proposes to amend the regulations at 27 CFR 5.36 (e). The proposed regulations would clarify how the requirement to identify country of origin should be applied to mixtures of imported and domestic spirits.

### Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel J. Hiland, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB72

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## IMPLEMENTATION OF PUBLIC LAW 105-34, SECTIONS 1421 AND 1422

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 24; 27 CFR 25; 27 CFR 250; 27 CFR 251

**Legal Deadline:** None

**Abstract:** This notice implements section 1421 and 1422 of the Taxpayer Relief Act of 1997. This will permit importation in bond of bulk containers of wine and beer.



**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB75

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**ALTERATION OF LABELS ON CONTAINERS OF DISTILLED SPIRITS, WINE AND BEER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5301; 26 USC 7805; 27 USC 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the regulations in 27 CFR parts 4, 5, and 7. The proposed amendments to the regulations will require that a lot identification code be placed on the label or container of all wine, malt beverage and distilled spirits products. The lot identification code will be a mandatory item of information and it will be illegal to remove or alter the codes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel J. Hiland, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB76

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## **LABELING OF FLAVORED WINE PRODUCTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4.21

**Legal Deadline:** None

**Abstract:** The Bureau of Alcohol, Tobacco and Firearms (ATF) plans to issue a notice of proposed rulemaking that proposes to amend the regulations in part 4 by creating a new standard of identity for flavored wine products. ATF believes that this new standard of identity is necessary in order to avoid consumer confusion between established classes of wines (including varietals and semi-generics) and products that fall outside existing classes because of the addition of flavoring materials.

### **Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Edward Reisman, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB86

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## AMENDED STANDARD OF IDENTITY FOR SHERRY

**Priority:** Info./Admin./Other

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4

**Legal Deadline:** None

**Abstract:** ATF is considering a petition to allow certain types of wine to be labeled as “sherry” rather than “light sherry”.

### Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB96

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## FIREARMS

### COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY)

**Regulatory Plan:** This entry is Seq. No. 101 in Part II of this issue of the Federal Register.

**RIN:** 1512-AB48

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**IMPLEMENTATION OF PUBLIC LAW 104-208, THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997, RELATING TO THE ESTABLISHMENT OF A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 846(b)

**CFR Citation:** 27 CFR 55

**Legal Deadline:** None

**Abstract:** ATF is issuing this temporary rule to implement certain provisions of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997 (the Act), enacted September 30, 1996. The Act amended the Federal explosives laws in title 18, United States Code, chapter 40, to require all Federal agencies to report to ATF any information involving arson or the suspected criminal misuse of explosives. The Act also authorizes ATF to establish a repository for this information. In addition, the law provides that such repository will contain information on incidents voluntarily reported to ATF by State and local authorities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB73

**IMPL. OF PL 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY 1999, RELATING TO THE PERMANENT PROVISIONS OF THE BRADY HANDGUN VIOLENCE PREVENTION ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

**CFR Citation:** 27 CFR 178

**Legal Deadline:** None

**Abstract:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is amending the regulations to implement the provision of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, relating to the permanent provisions of the Brady Handgun Violence Prevention Act. The new law allows a licensed pawnbroker to contact the national instant criminal background check system (NICS) prior to taking or receiving a firearm in pawn. If NICS advises the pawnbroker that receipt or possession of the firearm would be in violation of the law, the licensee must advise local law enforcement within 48 hours after receipt of information.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/99	
Interim Final Rule	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB83

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**PL 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY99, RELATING TO FIREARMS DISABILITIES FOR NON-IMMIGRANT ALIENS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921-930; 44 USC 3504(h)

**CFR Citation:** 27 CFR 178

**Legal Deadline:** None

**Abstract:** ATF is issuing a temporary rule amending the regulations to implement the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999. The regulations implement the law by prohibiting, with certain exceptions, the transfer to and possession of firearms by aliens admitted to the United States under a nonimmigrant visa. Regulations are also prescribed with regard to applicants for dealer's licenses to certify that secure gun storage or safety devices will be available at any place where firearms are sold to non-licensed individuals, and an amended definition of "antique firearm" to include certain muzzle loading firearms.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/99	
Interim Final Rule	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB93

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**Final Rule Stage**

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**ALCOHOL**

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**LABELING OF UNAGED GRAPE BRANDY**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 5

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the regulations to permit the use of the word “unaged” as an alternative to “immature,” to describe grape brandy which has not been stored in oak containers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30015
NPRM Comment	09/11/96	
Period End		
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB46

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**DISTILLED SPIRITS PLANT REGULATORY INITIATIVE PROPOSAL**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 19.11; 27 CFR 19.49; 27 CFR 19.153; 27 CFR 19.201 to 206; 27 CFR 19.311; 27 CFR 19.454; 27 CFR 19.605; 27 CFR 19.770; 27 CFR 19.1001; 27 CFR 19.1003; 27 CFR 19.1010

**Legal Deadline:** None

**Abstract:** ATF is proposing changes to the distilled spirits plant regulations to implement the Administration's Reinventing Government effort to reduce the regulatory burden and streamline requirements. ATF believes these proposed changes will benefit distilled spirits plant proprietors and other industry members by enabling them to operate more easily and with less regulatory oversight from the Government. ATF is also requesting comments on the possibility of revising the distilled spirits plant recordkeeping requirements to accomplish the Government's goals through a system that would be based, as much as possible, on proprietors' own recordkeeping methods.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/98	63 FR 65720
NPRM Comment Period End	01/29/99	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steve Simon, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB58

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**IMPLEMENTATION OF WINE CREDIT PROVISIONS OF PUBLIC LAW 104-188**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552(a); 26 USC 5041

**CFR Citation:** 27 CFR 24.278; 27 CFR 24.279

**Legal Deadline:** None



**Abstract:** ATF is amending wine regulations to implement a law change which allows certain transferees in bond to deduct small wine producers tax credit. Changes to bond calculation are also included in this regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/97	62 FR 29681
Interim Final Rule	06/02/97	62 FR 29663
NPRM Comment Period End	08/01/97	
Final Action	10/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB65

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**IMPLEMENTATION OF PL 105-34, SECTION 1417, RELATED TO THE USE OF AMELIORATING MATERIAL IN CERTAIN WINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-34, sec 1417

**CFR Citation:** 27 CFR 24.178; 27 CFR 4.21; 27 CFR 4.22

**Legal Deadline:** None

**Abstract:** The wine regulations are amended to extend the amelioration and sweetening limitations of wines made from any fruit or berry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/99	64 FR 50265
Interim Final Rule	09/16/99	64 FR 50252

Final Action 01/00/00

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas Busey, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB78

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**PROHIBITION OF ALCOHOL BEVERAGE CONTAINERS AND STANDARD OF FILL FOR DISTILLED SPIRITS AND WINE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4 to 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** The Bureau of Alcohol, Tobacco and Firearms (ATF) proposes to amend regulations to clarify the standards of fill for distilled spirits and wine. ATF also proposes to amend regulations to prohibit certain alcohol beverage containers that are likely to mislead consumers as to the identity or character of the distilled spirits, wine or malt beverage products or are likely to be confused with other (non-alcohol) food products.

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	02/09/99	64 FR 6486
NPRM Comment Period End	04/12/99	
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** William Foster, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB89

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**HEALTH CLAIMS AND OTHER HEALTH RELATED STATEMENTS IN THE LABELING AND ADVERTISING OF ALCOHOL BEVERAGES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** ATF proposes to amend the regulations to prohibit the appearance on labels or in advertisements of any statement that makes a substantive claim regarding health benefits associated with the consumption of alcohol beverages unless such claim is properly qualified. This notice also addresses the use of directional health-related statements and seeks comments on whether the negative consequences of alcohol consumption or abuse disqualify these products entirely from entitlement to any health-related statements.

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	10/25/99	64 FR 57413
Final Action	02/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927-8230

## FIREARMS

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### COMMERCE IN FIREARMS AND AMMUNITION (OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 847; 18 USC 921 to 930

**CFR Citation:** 27 CFR 178

**Legal Deadline:** None

**Abstract:** The Omnibus Consolidated Appropriations Act of 1997 contains amendments to the Gun Control Act of 1986 (18 U.S.C. chapter 44). These amendments add to the category of “prohibited persons” anyone convicted of a “misdemeanor crime of domestic violence”. The amendments require individuals acquiring handguns from Federal firearms licenses to certify (in accordance with the Brady Law) that they have not been convicted of such a crime. The amendments also provide for sales between Federal firearms licensees of curio and relic firearms away from their licensed premises.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/98	63 FR 35551
Interim Final Rule	06/30/98	63 FR 35520
NPRM Comment	09/28/98	
Period End		
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB64

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**RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

**CFR Citation:** 27 CFR 178

**Legal Deadline:** None

**Abstract:** The temporary rule amends the regulations to provide for a firearms purchaser's affirmative statement of his or her State of residence on ATF Form 4473 (Firearms Transaction Record) and ATF Form 5300.35 (Statement of Intent to Obtain a Handgun) in acquiring a firearm from a Federal firearms licensee. The temporary rule also amends the regulations to require that aliens purchasing a firearm provide proof of residency through the use of substantiating documentation, such as utility bills or a lease agreement. In addition, the regulations are being amended to require that licensees examine a photo identification document from aliens purchasing firearms. These regulations implement President Clinton's March 5, 1997, announcement of firearms initiatives intended to protect the American public from gun violence.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/97	62 FR 19446
Interim Final Rule	04/21/97	62 FR 19442
NPRM Comment	07/21/97	
Period End		
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB66

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## IDENTIFICATION MARKINGS PLACED ON FIREARMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

**CFR Citation:** 27 CFR 178; 27 CFR 179

**Legal Deadline:** None

**Abstract:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations to prescribe minimum height and depth requirements for identification markings placed on firearms by licensed importers and licensed manufacturers. ATF believes that minimum standards are necessary to ensure that firearms are properly identified in accordance with the law. In addition, the proposed standards, if adopted, will facilitate ATF's ability to trace the origin of firearms used in crime.

### Timetable:

Action	Date	FR Cite
NPRM	06/23/99	64 FR 33450
NPRM Comment	09/21/99	
Period End		
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

Agency Contact: James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AB84

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## IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 22 USC 2778

**CFR Citation:** 27 CFR 47

**Legal Deadline:** None

**Abstract:** This final rule amends the regulations to implement certain provisions of the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition. The final rule also makes conforming changes and technical amendments to the regulations in Part 47.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8230

**RIN:** 1512-AC02

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## PROCEDURAL

### IMPLEMENTATION OF THE PAPERWORK REDUCTION ACT

**Priority:** Info./Admin./Other

**Legal Authority:** 44 USC 3502

**CFR Citation:** 5 CFR 1320.7 (f)(2)

**Legal Deadline:** None

**Abstract:** This final rule adds approved control numbers issued by OMB for collections of information imposed by regulations administered by ATF for parts 4, 5 and 7 of the CFR.

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	12/00/99	

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB90

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**IMPLEMENTATION OF PL 105-33, SECTION 9302, RELATED TO THE FLOOR STOCKS TAX ON TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-33, sec 9302

**CFR Citation:** 27 CFR 296

**Legal Deadline:** Final, Statutory, January 1, 2000.

**Abstract:** This final rule implements section 9302 of the Balanced Budget Act of 1997 (PL 105-33). This Act adds regulations covering the computation and payment of floor stocks tax on taxpaid or tax determined tobacco products and cigarette papers and tubes which are held for sale on January 1, 2000 and January 1, 2002. This rule also provides regulations for conducting inventories and for maintaining required records associated with the floor stocks tax.

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	10/00/99	
Final Action Effective	10/00/99	

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**Regulatory Flexibility Analysis Required:** No



**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB95

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## **DELEGATION OF AUTHORITY IN 27 CFR PARTS 4, 5 AND 7**

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR parts 4, 5 and 7 with the “appropriate ATF officer” and requires that persons file required documents with the “appropriate ATF officer”. Also, this rule removes the definitions of, and references to, specific officers subordinate to the Director.

### **Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

RIN: 1512-AB98

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## DELEGATION OF AUTHORITY IN 27 CFR PART 18

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 27 CFR 18

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR part 18, with the “appropriate ATF officer” and requires that persons file documents with “the appropriate ATF officer”. Also, this rule removes the definitions of, and references to, specific officers subordinate to the Director.

### Timetable:

Action	Date	FR Cite
Final Action	02/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AB99

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## DELEGATION OF AUTHORITY IN 27 CFR PARTS 6, 8, 10 AND 11

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 27 CFR 6; 27 CFR 8; 27 CFR 10; 27 CFR 11

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR parts 6, 8, 10 and 11, with the “appropriate ATF officer” and requires that persons file documents with the “appropriate ATF officer”. Also, this rule removes the definitions of, and references to, specific officers subordinate to the Director.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AC01

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## **TOBACCO PRODUCTS**

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### **BALANCED BUDGET ACT OF 1997-PL 105-33, RESTRICTION ON THE IMPORTATION OF DOMESTIC TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES RETURNED TO THE UNITED STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5704(b); 26 USC 5704(d); 26 USC 5754; 26 USC 5702(k); 26 USC 5761; PL 105-33

**CFR Citation:** 27 CFR 200; 27 CFR 270; 27 CFR 275; 27 CFR 290

**Legal Deadline:** Final, Statutory, January 1, 2000.

**Abstract:** Restricts the reimportation of tobacco products, cigarette papers and tubes. These products may only be returned for delivery to a manufacturer of tobacco products or cigarette papers and tubes or to the proprietor of an export warehouse.

Requires mandatory export markings on tobacco products, cigarette papers and tubes.

Finally, additional penalties for diversion of tobacco products, cigarette papers and tubes, labeled for export only.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/99	
Final Action Effective	01/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**RIN:** 1512-AB81

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**TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES TAX INCREASES FOR JANUARY 1, 2000, AND JANUARY 1, 2002**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-33, sec 9302(a)

**CFR Citation:** 27 CFR 270

**Legal Deadline:** Final, Statutory, January 1, 2000.

**Abstract:** Amend regulations to reflect new tax rates for tobacco products or cigarette papers and tubes on January 1, 2000, and January 1, 2002.

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	10/00/99	
Final Action Effective	01/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB88

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**IMPLEMENTATION OF PUBLIC LAW 105-33, SECTION 9302, RELATED TO CHANGE IN TAX COMPUTATION OF CIGARETTE PAPERS AND THE IMPOSITION OF PERMIT REQUIREMENTS ON ROLL-YOUR-OWN TOBACCO**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5701

**CFR Citation:** 27 CFR 270; 27 CFR 275; 27 CFR 290; 27 CFR 295; 27 CFR 296

**Legal Deadline:** None

**Abstract:** Temporary rule and notice of proposed rulemaking to implement Section 9302(c) and (h) of the Balanced Budget Act of 1997.

Changes to the computation of excise tax on cigarette papers and implementation of permit requirements on manufacture of roll-your-own tobacco.

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB92

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## LONG-TERM ACTIONS

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### ALCOHOL

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#### EXPORTATION OF LIQUORS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 252

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40887
ANPRM Comment Period End	10/08/92	
ANPRM Comment Period Extended	10/15/92	57 FR 47320
ANPRM Comment Period Extended End	12/07/92	
ANPRM	08/09/96	61 FR 41500
ANPRM Comment Period End	12/10/96	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**RIN:** 1512-AA98

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### ALCOHOLIC CONTENT LABELING FOR MALT BEVERAGES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 7

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/93	58 FR 21233
Interim Final Rule	04/19/93	58 FR 21228
NPRM Comment	07/19/93	
Period End		
NPRM Comment	07/19/93	58 FR 38543
Period Extended		
NPRM Comment	09/17/93	
Period Extended End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** William Foster, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8210

**RIN:** 1512-AB17

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**DISTRIBUTION AND USE OF TAX-FREE ALCOHOL**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 22.21; 27 CFR 22.25 to 22.27; 27 CFR 22.43; 27 CFR 22.59; 27 CFR 22.60; 27 CFR 22.62; 27 CFR 22.63; 27 CFR 22.68; 27 CFR 22.152

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30019
NPRM Comment	08/12/96	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8185

**RIN:** 1512-AB51

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**DISTRIBUTION OF DENATURED ALCOHOL AND RUM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 20

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
ANPRM	06/13/96	61 FR 30019
ANPRM Comment	08/12/96	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8185

**RIN:** 1512-AB57

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**PRODUCTION OF VOLATILE FRUIT FLAVORED CONCENTRATE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 18.56



**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	06/13/96	61 FR 30017
NPRM Comment	08/12/96	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8185

**RIN:** 1512-AB59

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**FORMULAS FOR DENATURED ALCOHOL AND RUM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 21.3; 27 CFR 21.6; 27 CFR 21.11; 27 CFR 21.21; 27 CFR 21.31 to 21.34; 27 CFR 21.56; 27 CFR 21.65; 27 CFR 21.76; 27 CFR 21.91; 27 CFR 21.95 to 21.97

**Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	07/31/96	61 FR 39929
NPRM Comment	09/30/96	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8185

RIN: 1512-AB60

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**IMPLEMENTATION OF PUBLIC LAW 105-34, SECTION 1416 RELATING TO REFUND OF TAX FOR DOMESTIC WINE RETURNED TO BOND REGARDLESS OF MERCHANTABILITY (TAXPAYER RELIEF ACT OF 1997)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 24.66; 27 CFR 24.295; 27 CFR 24.312

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8185

RIN: 1512-AB74

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**AMERICAN VITICULTURAL AREAS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** This rule establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

**Timetable:**

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Action	Date	FR Cite
Buena Vista Lake, CA (contact Jackie White) NPRM	11/00/99	

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**California Coastal, CA (contact Jackie White)**

ANPRM 11/00/99

**Chiles Valley, CA (contact Thomas Busey)**

NPRM 03/20/98 (63 FR 13583)

Comment Period End 05/19/98

Final Rule 02/17/99 (64 FR 7785)

**Oak Knoll District, CA (Joyce Drake)**

NPRM 12/00/99

**River Junction, CA (contact Teri Byers)**

NPRM 12/00/99

**San Francisco Bay, CA (contact David Brokaw)**

NPRM 10/20/97 (62 FR 54399)

Comment Period End 01/20/98

Final Rule 01/20/99 (64 FR 3015)

**Santa Rita Hills, CA (Marsha Baker)**

NPRM 09/11/98 (63 FR 48658)

Comment Period End 12/10/98

Final Rule 12/00/99

**Yountville, CA (contact Thomas Busey)**

NPRM 08/26/98 (63 FR 45427)

Final Rule 03/19/99 (64 FR 13511)

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** See Timetable American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, Phone: 202 927-8230 Fax: 202 927-8602

**RIN:** 1512-AA07

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**PROCEDURAL**

**RECODIFICATION OF STATEMENT OF PROCEDURAL RULES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 70

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30013
NPRM Comment	08/12/96	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8210, Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB54

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**TOBACCO PRODUCTS**

**EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 290

**Timetable:**

Action	Date	FR Cite
NPRM ANPRM	09/08/92	57 FR 40889
ANPRM Comment	10/08/92	
Period End		
ANPRM Comment	01/08/93	58 FR 3247
Period Extended		
ANPRM Comment	03/09/93	

Period Extended End  
Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**RIN:** 1512-AB03

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### Completed Actions

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#### NET CONTENTS STATEMENT ON WINE LABELS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 4

**Completed:**

Reason	Date	FR Cite
Withdrawn	06/23/99	64 FR 33448

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8230

**RIN:** 1512-AB70

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#### IMPLEMENTATION OF PUBLIC LAW 105-34, SECTIONS 908, 910 AND 1415, RELATED TO HARD CIDER, SEMIGENERIC WINE DESIGNATIONS AND WHOLESALE LIQUOR DEALER'S SIGNS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 4; 27 CFR 19; 27 CFR 24; 27 CFR 194; 27 CFR 250; 27 CFR 251

**Completed:**

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<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Rule	09/27/99	64 FR 51896

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8210, Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB71

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**PETITION FOR JOHANNISBERG RIESLING; PROPOSED ADDITION OF GRAPE VARIETY NAMES FOR AMERICAN WINES; REQUEST FOR ADDITIONAL INFORMATION FOR OTHER PROPOSED GRAPE VARIETIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 4.91; 27 CFR 4.92

**Completed:**

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<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Rule	09/13/99	64 FR 49385

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**RIN:** 1512-AB80

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**IMPLEMENTATION OF PUBLIC LAW 104-132, THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996, RELATING TO THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION**

**Priority:** Other Significant

**CFR Citation:** 27 CFR 47; 27 CFR 55

**Completed:**

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<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Rule	10/14/99	64 FR 55625

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8230

**RIN:** 1512-AB63

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**TECHNICAL AMENDMENTS TO 27 CFR PART 178**

**Priority:** Info./Admin./Other

**CFR Citation:** 27 CFR 178

**Completed:**

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<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	04/09/99	64 FR 17291

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marsha Baker, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8320

**RIN:** 1512-AB82

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**TECHNICAL AMENDMENTS TO 27 CFR PART 200**

**Priority:** Info./Admin./Other

**CFR Citation:** 27 CFR 200

**Completed:**

Reason	Date	FR Cite
Final Rule	09/10/99	64 FR 49083

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 Phone: 202 927-8210

**RIN:** 1512-AB91

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**DELEGATION OF AUTHORITY IN 27 CFR PART 1**

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 203; 26 USC 204; 26 USC 206; 26 USC 211

**CFR Citation:** 27 CFR 1

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR part 1, with the “appropriate ATF officer” and requires that persons file required documents with the “appropriate ATF officer”. This rule also removes the definitions of, and references to, specific officers subordinate to the Director.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/15/99	64 FR 49984

**Regulatory Flexibility Analysis Required:** No



**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, Phone: 202 927-8210

**RIN:** 1512-AB94

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## **TECHNICAL AMENDMENTS TO 27 CFR PARTS 24 AND 252**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 27 USC 204

**CFR Citation:** 27 CFR 24; 27 CFR 252

**Legal Deadline:** None

**Abstract:** This final rule makes technical amendments and conforming changes to 27 CFR parts 24 and 252. These amendments will revise incorrect information and remove obsolete terms found within parts 24 and 252.

### **Timetable:**

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<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Rule	08/27/99	64 FR 46844

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC00