

Such documents and records shall be retained for at least 3 years after the date of filing of the floor stocks tax return, and shall be available for inspection by ATF officers. The regional director (compliance) may also require these documents and records to be retained for an additional period of not more than 3 years in any case where the regional director (compliance) deems such retention to be necessary or advisable for the protection of the revenue.

(Approved by the Office of Management and Budget under control number 1512-0504)

§ 296.200 Refund of floor stocks tax.

A claim for refund may be filed by any person who has paid a floor stocks tax on cigarettes and who claims that such person made an overpayment of that tax. Such a claim shall be filed on ATF Form 2635 (5620.8), contain the information required by the form, and be supported by a statement of the facts and evidence upon which the claim is based. The claim shall be filed with the regional director (compliance), Bureau of Alcohol, Tobacco and Firearms, for the region in which the inventory was held and on which the tax was paid. Claims filed under this section shall comply with the provisions of subpart A of this part.

(Approved by the Office of Management and Budget under control number 1512-0141)

§ 296.201 Penalties and interest.

(a) *Penalties.* All civil and criminal penalties and forfeiture provisions of the Internal Revenue Code (title 26 U.S.C.), which are applicable to excise taxes on cigarettes, are applicable also to floor stocks tax.

(b) *Interest.* Interest shall accrue at the underpayment rate established by 26 U.S.C. 6621, compounded daily, on all floor stocks tax that is not paid on or before June 30, 1991, and/or June 30, 1993. Interest shall accrue from June 30, 1991, and/or June 30, 1993, to the date of payment. (See 26 U.S.C. 6601.)

(68A Stat. 817, as amended (26 U.S.C. 6601); sec. 7, Pub. L. 93-625, 88 Stat. 2114, as amended (26 U.S.C. 6621); sec. 344, Pub. L. 97-248, 96 Stat. 635 (26 U.S.C. 6622))

§ 296.202 Authority of ATF officers.

(a) *Entry of premises; penalties for interference.* Any ATF officer may enter, in the performance of official duties, in the daytime, any premises where cigarettes subject to floor stocks tax are kept, so far as may be necessary for the purpose of examining such products. When such premises are open at night, any ATF officer may enter them, while so open, in the performance of official duties. If the owner or other person in charge of such premises refuses to admit any ATF officer, or to permit the ATF officer to examine such cigarettes, the owner or other person shall be liable to the penalty prescribed by 26 U.S.C. 7342. Further, if anyone corruptly, or by force or threats of force, attempts to intimidate or impede any ATF officer in the performance of official duties, such person shall be liable to the penalty prescribed by 26 U.S.C. 7212.

(b) *Other authority.* For the purpose of ascertaining, determining, or collecting floor stocks tax, or of inquiring into any offense connected with the administration or enforcement of floor stocks tax:

(1) Any ATF officer may examine any books, papers, records, or other data which may be relevant or material to that inquiry, and may take any testimony of any person concerned, under oath, as may be relevant or material to the inquiry.

(2) Any ATF officer, to whom authority has been delegated by § 70.22 of this chapter, in any case where there is no Justice Department referral, may issue summonses compelling the production of any books of account or other data pertaining to liability for floor stocks tax, or the appearance of any person liable for floor stocks tax or having in such person's possession such books of account or data, or any other appropriate person, at a place and time stated in the summons.

(68A Stat. 855, 872, 901, as amended, 903, as amended (26 U.S.C. 7212, 7342, 7602, 7606); sec. 204, Pub. L. 85-859, 72 Stat. 1429, as amended (26 U.S.C. 7608))