

lines of San Luis Obispo, Kings and Kern Counties converge, the county line also being the township line between T.24S. and T.25S., in R.16E.:

(1) Then in a westerly direction along this county line for 42 miles to the range line between R.9E. and R.10E.;

(2) Then in a southerly direction for 12 miles along the range line to the southwest of corner of T.26S. and R.10E.;

(3) Then in a southeasterly direction, approximately 5.5 miles to a point of intersection of the Dover Canyon Jeep Trail and Dover Canyon Road;

(4) Then in an easterly direction along Dover Canyon Road, approximately 1.5 miles, to the western border line of Rancho Paso de Robles;

(5) Then, following the border of the Paso Robles land grant, beginning in an easterly direction, to a point where it intersects the range line between R.11E. and R.12E.;

(6) Then southeasterly for approximately 16.5 miles to the point of intersection of the township line between T.29S. and T.30S. and the range line between R.12E. and R.13E.;

(7) Then in an easterly direction for approximately 6 miles to the range line between R.13E. and R.14E.;

(8) Then in a northerly direction for approximately 6 miles to the township line between T.28S. and T.29S.;

(9) Then in an easterly direction for approximately 18 miles to the range line between R.16E. and R.17E.;

(10) Then in a northerly direction for approximately 24 miles to the point of beginning.

Signed: May 17, 1996.

Bradley A. Buckles,  
Acting Director.

Approved: May 24, 1996.

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

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## **Bureau of Alcohol, Tobacco and Firearms**

### **27 CFR Parts 70 and 71**

[T.D. ATF-378; CRT 93-137]

RIN 1512-AB53

### **Statement of Procedural Rules**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

**ACTION:** Treasury Decision, final rule.

**SUMMARY:** This Treasury decision removes regulations in 27 CFR Part 71,

Statement of Procedural Rules, which are duplicated in 31 CFR Part 1, Disclosure of Records. It also transfers certain regulations from 27 CFR Part 71 to 27 CFR Part 70, resulting in the elimination of Part 71.

**EFFECTIVE DATE:** This final rule is effective August 12, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Nancy Bryce, Tax Compliance Branch, (202-927-8220) or Eric O'Neal, Disclosure Branch, (202-927-8480), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On February 21, 1995, President Clinton announced a regulatory reform initiative. As part of this initiative, each Federal agency was instructed to conduct a page by page review of all agency regulations to identify those which are obsolete or burdensome and those whose goals could be better achieved through the private sector, self-regulation or state and local governments. In cases where the agency's review disclosed regulations which should be revised or eliminated, the agency would, as soon as possible, propose administrative changes to its regulations.

The page by page review of all regulations was completed as directed by the President. In addition, on April 13, 1995, the Bureau published Notice No. 809 (60 FR 18783) in the Federal Register requesting comments from the public regarding which ATF regulations could be improved or eliminated. As a result of the Bureau's analysis of its regulations and the public comments received, a number of regulatory initiatives were developed which are intended to accomplish the President's goals.

Pursuant to the President's directive, ATF reviewed 27 CFR part 71, Statement of Procedural Rules. ATF determined that there were regulations in part 71 which were largely duplicative of regulations found in 31 CFR part 1, Disclosure of Records. ATF also decided that certain regulations in part 71 should be transferred to 27 CFR part 70, Procedure and Administration, since they were related to the subject matter of part 70.

Part 71 deals primarily with the procedures for the disclosure of records and the publication of rules, regulations, forms, and instructions. ATF has determined that the information contained in sections 71.21, 71.22, 71.23, 71.24, and 71.25 is largely duplicative of information already

contained in 31 CFR part 1. Part 1 contains the regulations of the Department of Treasury concerning disclosure of records, and provides Appendices specifically relating to the component Bureaus of the Treasury Department, including ATF.

ATF has decided that it is unnecessary to provide identical information regarding the disclosure of records in two separate titles of the Code of Federal Regulations. Thus, we are removing sections 71.21-71.25 and Appendix A. So that users of Title 27 will know where to look for the ATF regulations on disclosure of records, we have added a new section which cross-references the disclosure regulations of the Department of Treasury. The new section also informs the public that inquiries regarding the disclosure of ATF records may be directed to the Chief, Disclosure Branch. The appendix in 31 CFR part 1 relating to ATF will be updated to reflect the locations where the public may inspect and copy ATF documents.

Certain sections within part 71 contain information which is not found in 31 CFR part 1. Section 71.26 provides rules for disclosure of certain specified matters relating to ATF. Section 71.27 explains the procedures for requesting or demanding disclosure of records or information in testimony or related matters. Section 71.41 explains the procedures for issuing rules and regulations. Section 71.42 deals with the issuance of forms and instructions. All of these sections will be moved to 27 CFR part 70, since they relate to procedure and administration. In addition, the pertinent sections in part 70 relating to the scope of the part, and the definitions of terms used in the part, are amended to reflect the new sections incorporated from part 71.

As a result of these changes, part 71 will be removed from the Code of Federal Regulations. Certain other minor technical changes have been made to the regulations which have been redesignated in this final rule.

#### **Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

#### **Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act relating to a 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.

#### Executive Order 12866

It has been determined that this rule is not a significant regulatory action, because (1) it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

#### Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, and removes information found elsewhere in the regulations, it is unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b).

#### Drafting Information

The principal author of this document is Nancy Bryce, Tax Compliance Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 70

Administrative practice and procedure, Authority delegations, Claims, Customs duties and inspection, Disaster assistance, Excise taxes, Freedom of information, Government employees, Law enforcement, Law enforcement officers, Privacy.

#### Authority and Issuance

Chapter I of title 27, Code of Federal Regulations is amended as follows:

### Part 70—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for Part 70 continues to read as follows:

Authority: 5 U.S.C. 301 and 552; 26 U.S.C. 4181, 4182, 5064, 5146, 5203, 5207, 5275, 5367, 5415, 5504, 5555, 5684(a), 5741, 5761(b), 5802, 6020, 6021, 6064, 6102, 6155, 6159, 6201, 6203, 6204, 6301, 6303, 6311, 6313, 6314, 6321, 6323, 6325, 6326, 6331–6343, 6401–6404, 6407, 6416, 6423, 6501–6503, 6511, 6513, 6514, 6532, 6601, 6602, 6611, 6621, 6622, 6651, 6653, 6656, 6657, 6658, 6665, 6671, 6672, 6701, 6723, 6801,

6862, 6863, 6901, 7011, 7101, 7102, 7121, 7122, 7207, 7209, 7214, 7304, 7401, 7403, 7406, 7423, 7424, 7425, 7426, 7429, 7430, 7432, 7502, 7503, 7505, 7506, 7513, 7601–7606, 7608–7610, 7622, 7623, 7653, 7805.

#### §§ 71.26, 71.27, 71.41 and 71.42 [Redesignated]

Par. 2–3. Sections 71.26, 71.27, 71.41 and 71.42 are redesignated as follows:

Old section	New section
71.26 .....	70.802
71.27 .....	70.803
71.41 .....	70.701
71.42 .....	70.702

Par. 4. Section 70.1 is amended by adding paragraphs (e) and (f) to read as follows:

#### § 70.1 General.

\* \* \* \* \*

(e) The regulations in Subpart H of this part relate to rules, regulations and forms. The most important rules are issued as Treasury decisions. This subpart also applies to the development and availability of tax return forms and instructions and other forms and instructions.

(f) The regulations in Subpart I of this part relate to the disclosure of matters such as accepted offers in compromise, applications for permits, certificates of label approval, true identities of companies authorized to use trade names, information relating to the tax classification of a roll of tobacco wrapped in reconstituted tobacco, and comments received in response to a notice of proposed rulemaking. This subpart also applies to requests or demands for disclosure in testimony and in related matters.

Par. 5. Section 70.11 is amended by adding two definitions in alphabetical order to read as follows:

#### § 70.11 Meaning of Terms

\* \* \* \* \*

*Delegate.* Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the delegation order.

\* \* \* \* \*

*Secretary.* The Secretary of the Treasury or designated delegate.

\* \* \* \* \*

Par. 6. 27 CFR Part 70 is amended by adding a heading for Subpart H, immediately preceding the redesignated § 70.701, to read as follows:

### Subpart H—Rules, Regulations and Forms

Par. 7. The newly redesignated § 70.701 is amended by revising the first sentence of paragraph (a)(1), the first sentence in paragraph (d)(1) and the ninth sentence in paragraph (d)(1), removing the last sentence in paragraph (d)(1), and removing the last sentence in paragraph (d)(2)(i)(B) to read as follows.

#### § 70.701 Rules and regulations.

(a) *Formulation.* (1) Alcohol, tobacco, firearms, and explosives rules take various forms. \* \* \*

\* \* \* \* \*

(d) *Publication of rules and regulations.* (1) *General.* All Bureau of Alcohol, Tobacco and Firearms regulations and amendments thereto are published as Treasury Decisions which appear in the Federal Register, the Code of Federal Regulations, and the quarterly Alcohol, Tobacco and Firearms (ATF) Bulletin. \* \* \* The Bulletin is published quarterly and may be obtained, on a subscription basis, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

\* \* \* \* \*

Par. 8. The newly redesignated § 70.702 is amended by revising the first sentence of paragraph (a) to read as follows.

#### § 70.702 Forms and instructions.

(a) *Tax return forms and instructions.* Tax forms and instructions are developed by the Bureau to explain the requirements of Chapters 32, 51, 52, and 53 of Title 26 of the United States Code or regulations issued thereunder, and are issued for the assistance of taxpayers in exercising their rights and discharging their duties under such laws and regulations. \* \* \*

\* \* \* \* \*

Par. 9. A new section 70.801 is added to read as follows:

#### § 70.801 Publicity of information.

For information relating to the disclosure of records that is not contained in this Subpart I, see 31 CFR Part 1 and the Appendix of that Part relating to the Bureau of Alcohol, Tobacco and Firearms. Direct further questions to the Chief, Disclosure Branch, Washington, DC 20226, (202) 927–8480.

Par. 10. 27 CFR Part 70 is amended by adding a heading for Subpart I, immediately preceding the new § 70.801, to read as follows:

### Subpart I—Disclosure

Par. 11. The newly redesignated § 70.802 is amended by revising the first sentence in paragraph (a), the first and third sentences in paragraph (d), the first sentence in paragraph (f) and the second and last sentences in paragraph (g) to read as follows:

**§ 70.802 Rules for disclosure of certain specified matters.**

(a) *Accepted offers in compromise.* For each offer in compromise submitted and accepted pursuant to 26 U.S.C. 7122 in any case arising under Chapter 32 (relating to firearms and ammunition excise taxes) and Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) of Title 26 of the United States Code, under section 107 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act, or in connection with property seized under Title I of the Gun Control Act of 1968 (18 U.S.C., Chapter 44) or title XI of the Organized Crime Control Act of 1970 (18 U.S.C., Chapter 40), a copy of the abstract and statement relating to the offer shall be kept available for public inspection, for a period of 1 year from the date of acceptance, in the office of the regional director (compliance) who received the offer and in the office of the Assistant Director (Liaison and Public Information), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226. \* \* \*

(d) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages.* Upon written request, the Chief, Alcohol and Tobacco Programs Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, shall furnish information as to the issuance, pursuant to section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and Part 4, 5, or 7 of this chapter, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. \* \* \* The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by 31 CFR 1.7. \* \* \*

(f) *Information relating to the tax classification of a roll of tobacco wrapped in reconstituted tobacco.* Upon written request, the Deputy Associate Director (Regulatory Enforcement Programs), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, shall furnish information as to a Bureau determination of the tax classification of a roll of tobacco wrapped in reconstituted tobacco. \* \* \*

(g) *Comments received in response to a notice of proposed rulemaking.* \* \* \* Comments may be inspected in the Disclosure Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226. \* \* \* The provisions of 31 CFR 1.7, relating to fees, apply with respect to requests made in accordance with this paragraph.

**PART 71—STATEMENT OF PROCEDURAL RULES—[REMOVED]**

Par. 12. 27 CFR Part 71 is removed.

Signed: May 20, 1996.

John W. Magaw,  
Director.

Approved: May 24, 1996.

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96-14855 Filed 6-12-96; 8:45 am]

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**27 CFR Part 200**

[T.D. 374]

RIN 1512-AB56

**Technical Amendments**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF) Treasury.

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

**SUMMARY:** This Treasury decision changes the titles Regional Regulatory Administrator and Regional Director (Compliance) to District Director. All changes are to provide clarity and uniformity throughout title 27 Code of Federal Regulations.

**EFFECTIVE DATE:** June 13, 1996.

**FOR FURTHER INFORMATION CONTACT:** Julie F. Cox, Tax Compliance Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202-927-8220).

**SUPPLEMENTARY INFORMATION:** The Bureau of Alcohol, Tobacco and Firearms (ATF) administers regulations published in chapter I of title 27 Code of Federal Regulations. Upon reviewing title 27 for the annual revision, ATF determined that the regulations in part 200 should be revised to reflect the ATF field structure reorganization that established District Directors in place of the Regional Directors (Compliance) (formerly Regional Regulatory Administrators).

These amendments do not make any substantive changes and are only intended to improve the clarity of title 27.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-

511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no recordkeeping or reporting requirements.

**Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply.

**Executive Order 12866**

It has been determined that this rule is not a significant regulatory action because it will not, (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

**Administrative Procedures Act**

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b).

**Drafting Information**

The principal author of this document is Julie F. Cox, Tax Compliance Branch, Bureau of Alcohol, Tobacco and Firearms.

**List of Subjects in 27 CFR 200**

Administrative practice and procedure, Authority delegations.

**Authority and Issuance**

Title 27, Code of Federal Regulations is amended as follows:

**PART 200—RULES OF PRACTICE IN PERMIT PROCEEDINGS**

Paragraph 1. The authority citation for part 200 continues to read as follows:

Authority: 26 U.S.C. 7805, 27 U.S.C. 204.

**Part 200—[AMENDED]**

Par. 3. Section 200.5 is amended by removing the definition of "Regional