Cedar Rapids, IA, The Eastern Iowa, RNAV (GPS) RWY 13, Amdt 1
Cedar Rapids, IA, The Eastern Iowa, RNAV (GPS) RWY 31, Amdt 1
Cedar Rapids, IA, The Eastern Iowa, VOR RWY 27, Amdt 12
Marion, IL, Williamson County Regional, ILS OR LOC RWY 20, Amdt 12
Auburn, IN, De Kalb County, ILS OR LOC RWY 27, Orig
Owensboro, KY, Owensboro-Daviess County, RNAV (GPS) RWY 36, Amdt 1
Alexandria, LA, Alexandria Intl, RNAV (GPS) RWY 32, Amdt 1
Annapolis, MD, Lee, RNAV (GPS) RWY 30, Orig-C
Grenada, MS, Grenada Muni, ILS OR LOC RWY 13, Amdt 1
Tunica, MS, Tunica Muni, RNAV (GPS) RWY 17, Amdt 1
Tunica, MS, Tunica Muni, RNAV (GPS) RWY 35, Amdt 1
Fayetteville, NC, Fayetteville Regional/Grannis Field, RNAV (GPS) RWY 4, Amdt 1
Fayetteville, NC, Fayetteville Regional/Grannis Field, RNAV (GPS) RWY 22, Amdt 2
Valentine, NE, Miller Field, RNAV (GPS) RWY 14, Amdt 1
Valentine, NE, Miller Field, RNAV (GPS) RWY 32, Amdt 1
Valentine, NE, Miller Field, NDB RWY 32, Amdt 8
Albuquerque, NM, Albuquerque Intl Sunport, RNAV (GPS) RWY 35, Amdt 1
Farmington, NM, Four Corners Regional, RNAV (GPS) RWY 5, Amdt 1
Farmington, NM, Four Corners Regional, RNAV (GPS) RWY 7, Amdt 2
Cleveland, OH, Cleveland-Hopkins Intl, LDA PRM RWY 6R, Orig
Cleveland, OH, Cleveland-Hopkins Intl, LDA PRM RWY 24L, Orig
Cleveland, OH, Cleveland-Hopkins Intl, LDA/DME RWY 6R, Orig
Cleveland, OH, Cleveland-Hopkins Intl, LDA/DME RWY 24L, Orig
Cleveland, OH, Cleveland-Hopkins Intl, ILS PRM RWY 6L, Orig
Cleveland, OH, Cleveland-Hopkins Intl, ILS PRM RWY 24R, Orig
Altoona, PA, Altoona-Blair County, VOR–A, Amdt 5
Altoona, PA, Altoona-Blair County, RNAV (GPS) RWY 3, Orig
Altoona, PA, Altoona-Blair County, GPS RWY 2, Orig-A, CANCELLED
Dallas-Fort Worth, TX, Dallas/Fort Worth International, ILS OR LOC RWY 17L, Amdt 3, ILS RWY 17L (CAT II), Amdt 3, ILS RWY 17L (CAT III), Amdt 3
Dallas-Fort Worth, TX, Dallas/Fort Worth International, RNAV (GPS) RWY 17L, Amdt 1
Newport News, VA, Newport News/Williamsburg Intl, RNAV (GPS) RWY 25, Amdt 1
Spokane, WA, Felts Field, NDB RWY 3L, Amdt 2
Spokane, WA, Felts Field, VOR RWY 3L, Amdt 3
Spokane, WA, Felts Field, GPS-A, Orig, CANCELLED
Spokane, WA, Felts Field, RNAV (GPS) RWY 3L, Orig
Spokane, WA, Felts Field, RNAV (GPS)–A, Orig
Land O' Lakes, WI, Kings Land O' Lakes, NDB RWY 14, Orig
Land O' Lakes, WI, Kings Land O' Lakes, NDB RWY 32, Orig
Land O' Lakes, WI, Kings Land O' Lakes, NDB OR GPS RWY 14, Amdt 9A, CANCELLED
Land O' Lakes, WI, Kings Land O' Lakes, NDB RWY 32, Orig-A, CANCELLED
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 14, Amdt 1
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 18, Amdt 1
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 21, Amdt 1
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 32, Amdt 1
Madison, WI, Dane County Regional-Truax Field, RNAV (GPS) RWY 36, Amdt 1
Madison, WI, Dane County Regional-Truax Field, ILS OR LOC/DME RWY 18, Orig
Madison, WI, Dane County Regional-Truax Field, ILS OR LOC RWY 21, Orig
Madison, WI, Dane County Regional-Truax Field, ILS OR LOC/DME RWY 36, Orig
Madison, WI, Dane County Regional-Truax Field, ILS RWY 18, Amdt 7C, CANCELLED
Madison, WI, Dane County Regional-Truax Field, ILS RWY 21, Orig-A, CANCELLED
Madison, WI, Dane County Regional-Truax Field, ILS RWY 36, Amdt 29D, CANCELLED
Madison, WI, Dane County Regional-Truax Field, RADAR–1, Amdt 17
Cheyenne, WY, Cheyenne Regional/Jerry Olson Field, RNAV (GPS) RWY 27, Orig

** * * Effective 7 Jul 2005*

Land O' Lakes, WI, Kings Land O' Lakes, RNAV (GPS) RWY 14, Orig
Land O' Lakes, WI, Kings Land O' Lakes, RNAV (GPS) RWY 32, Orig

Albemarle, NC, Stanly County, (VUJ), NDB OR GPS RWY 22L, Orig-E * * * Effective Immediately **ADD PLANVIEW NOTE:** RADAR REQUIRED. (CCP NOTAM 3/8539 ommitted submission in the Transmittal Letter)

[FR Doc. 05–7520 Filed 4–14–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 17, 19, 24, 25, 26, 27, 31, 70, and 194

[T.D. TTB–25]

RIN 1513–AA19

Liquor Dealers; Recodification of Regulations; Administrative Changes Due to the Homeland Security Act of 2002 (2004R–258T)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is recodifying its regulations pertaining to liquor dealers. We are also making administrative changes to these regulations to reflect TTB's new name and organizational structure resulting from changes made by the Homeland Security Act of 2002. This document does not include any substantive regulatory changes.

DATES: This rule is effective on April 15, 2005.

FOR FURTHER INFORMATION CONTACT: Karl O. Joedicke, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Washington, DC 20220; telephone 202–927–8210; or e-mail *Karl.Joedicke@ttb.gov.*

SUPPLEMENTARY INFORMATION:

Background

As a part of its continuing efforts to reorganize chapter I of title 27 of the Code of Federal Regulations (27 CFR chapter I), the Alcohol and Tobacco Tax and Trade Bureau (TTB) is removing all of part 194, Liquor Dealers, from subchapter M, Alcohol, Tobacco, and Other Excise Taxes, and recodifying it as part 31 in subchapter A, Liquors. We are also revising the title of new part 31 to read ''Alcohol Beverage Dealers.'' These changes improve the organization of chapter I of title 27 and better describe the contents of newly designated part 31. The table below shows from which section of part 194 the requirements of part 31 are derived.

In addition, section 1111 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2135) divided the former Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of the Treasury, into two separate agencies, the Bureau of Alcohol, Tobacco, Firearms and Explosives in the Department of Justice, and TTB, which remains in the Department of the Treasury. This reorganization requires us to amend each of the CFR parts under our jurisdiction to reflect our Bureau's new name and organizational structure. This document makes the appropriate administrative, nonsubstantive changes to the newly designated part 31.

DERIVATION TABLE FOR PART 31

The requirements of section	Are derived from section
Subpart A	
31.1	194.1
31.2	194.2
31.3	194.3
31.4	194.4
Subpart B	
31.11	194.11
Subpart C	
31.21	194.21
31.22	194.22
31.23	194.23
31.24	194.24
31.25	194.25
31.26	194.26
31.27	194.27
31.28	194.28
31.29	194.29
31.30	194.30
31.31	194.31
31.32	194.32
31.33	194.33
31.34	194.34
31.35	194.35
Subpart D	
31.41	194.41
31.42	194.42
Subpart E	
31.51	194.51
31.52	194.52
31.53	194.53
31.54	194.54
31.55	194.55
31.56	194.56
31.57	194.57
31.58	194.58
31.59	194.59
Subpart F	
31.71	194.71
31.72	194.72
Subpart G	
31.91	194.91
31.92	194.92
31.93	194.93
31.94	194.94
Subpart H	
31.101	194.101
31.102	194.102
31.103	194.103
31.104	194.104
31.104a	194.104a
31.105	194.105
31.106	194.106
31.106a	194.106a
31.107	194.107
31.109	194.109
31.110	194.110

DERIVATION TABLE FOR PART 31—Continued

The requirements of section	Are derived from section
31.111	194.111
Subpart I	
31.121	194.121
31.121a	194.121a
31.122	194.122
31.123	194.123
31.124	194.124
31.125	194.125
31.126	194.126
31.127	194.127
31.131	194.131
31.132	194.132
31.133	194.133
31.134	194.134
31.135	194.135
31.136	194.136
31.137	194.137
31.138	194.138
31.139	194.139
Subpart J	
31.151	194.151
31.152	194.152
31.153	194.153
Subpart K	
31.161	194.161
31.162	194.162
31.163	194.163
31.164	194.164
31.165	194.165
31.166	194.166
31.167	194.167
31.168	194.168
31.169	194.169
31.170	194.170
Subpart L	
31.181	194.181
31.182	194.182
31.183	194.183
31.183a	194.183a
31.184	194.184
31.185	194.185
31.186	194.186
31.187	194.187
31.187a	194.187a
31.187b	194.187b
31.188	194.188
31.189	194.189
31.190	194.190
31.191	194.191
31.192	194.192
31.193	194.193
Subpart M	
31.201	194.201
31.202	194.202
31.203	194.203
Subpart N	
31.211	194.211

DERIVATION TABLE FOR PART 31—Continued

The requirements of section	Are derived from section
Subpart O	
31.221	194.221
31.222	194.222
31.223	194.223
31.224	194.224
31.225	194.225
31.226	194.226
31.227	194.227
31.228	194.228
31.229	194.229
31.230	194.230
31.231	194.231
31.232	194.232
31.233	194.233
31.234	194.234
31.235	194.235
31.236	194.236
31.237	194.237
31.238	194.238
31.239–31.241 [Reserved]	194.239–194.241 [Reserved]
Subpart P [Reserved]	Subpart P [Reserved]
Subpart Q	
31.261	194.261
31.262	194.262
31.263	194.263
31.264	194.264
Subpart R	
31.271	194.271
31.272	194.272
Subpart S	
31.281	194.281
31.283	194.283
Subpart T	
31.291	194.291
31.292	194.292
31.293	194.293

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule under 5 U.S.C. 553, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

This final rule is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the requirements of this Executive Order.

Inapplicability of Prior Notice and Comment and Delayed Effective Date Requirements

Because this final rule merely makes organizational and technical or

conforming nonsubstantive amendments to improve the layout of the regulations and to reflect the new name and organizational structure of TTB, no notice of proposed rulemaking and public comment period are required under 5 U.S.C. 553(b)(B). For the same reasons, this final rule is not subject to the delayed effective date requirement of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Karl O. Joedicke, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau.

List of Subjects

27 CFR Part 17

Administrative practice and procedure, Claims, Cosmetics, Customs duties and inspection, Drugs, Excise taxes, Exports, Imports, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Spices and flavorings, Surety bonds, Virgin Islands.

27 CFR Part 19

Caribbean Basin Initiative, Claims, Electronic funds transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Surety bonds, Vinegar, Virgin Islands, Warehouses.

27 CFR Part 24

Administrative practice and procedure, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Vinegar, Warehouses, Wine.

27 CFR Part 25

Beer, Claims, Electronic funds transfers, Excise taxes, Exports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Surety bonds.

27 CFR Part 26

Alcohol and alcoholic beverages, Caribbean Basin initiative, Claims, Customs duties and inspection, Electronic funds transfers, Excise taxes, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Virgin Islands, Warehouses.

27 CFR Part 27

Alcohol and alcoholic beverages, Beer, Cosmetics, Customs duties and inspection, Electronic funds transfers, Excise taxes, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Wine.

27 CFR Part 28

Aircraft, Alcohol and alcoholic beverages, Armed forces, Beer, Claims, Excise taxes, Exports, Foreign trade zones, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Vessels, Warehouses, Wine.

27 CFR Part 31

Alcohol and alcoholic beverages, Claims, Excise taxes, Exports, Packaging and containers, Reporting and recordkeeping requirements.

27 CFR Part 70

Administrative practice and procedure, Claims, Excise taxes, Freedom of information, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 194

Alcohol and alcoholic beverages, Claims, Excise taxes, Exports, Packaging and containers, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated in the preamble, TTB amends chapter I of title 27 of the Code of Federal Regulations as follows:

PART 17—DRAWBACK ON TAXPAID DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

■ 1. The authority citation for 27 CFR part 17 continues to read as follows:

Authority: 26 U.S.C. 5010, 5131, 5134, 5143, 5146, 5206, 5273, 6011, 6065, 6091, 6109, 6151, 6402, 6511, 7011, 7213, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 17.187 [Amended]

■ 2. Amend § 17.187 by removing the reference ''part 194'' and adding, in its place, a reference to ''part 31''.

PART 19—DISTILLED SPIRITS PLANTS

■ 3. The authority citation for 27 CFR part 19 continues to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004–5006, 5008, 5010, 5041, 5061, 5062, 5066, 5081, 5101, 5111–5113, 5142, 5143, 5146, 5171–5173, 5175, 5176, 5178–5181, 5201–5204, 5206, 5207, 5211–5215, 5221–5223, 5231, 5232, 5235, 5236, 5241–5243, 5271, 5273, 5301, 5311–5313, 5362, 5370, 5373, 5501–5505, 5551–5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 6806, 7011, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 19.3 [Amended]

■ 4. Amend § 19.3 by removing the reference to ''27 CFR part 194—Liquor Dealers'' and adding, in appropriate part number order, a reference to ''27 CFR part 31—Alcohol Beverage Dealers''.

§§ 19.49 and 19.634 [Amended]

■ 5. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 19.49(b)(1)	Part 194	Part 31.
§ 19.634	27 CFR 194.263	27 CFR 31.263.

PART 24—WINE

■ 6. The authority citation for 27 CFR part 24 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5081, 5111–5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 24.4 [Amended]

■ 7. Amend § 24.4 by removing the reference to ''27 CFR Part 194—Liquor Dealers'' and adding, in appropriate part number order, a reference to ''27 CFR Part 31—Alcohol Beverage Dealers''.

§ 24.52 [Amended]

■ 8. Amend § 24.52(d) by removing the reference to ''part 194'' and adding, in its place, a reference to ''part 31''.

PART 25—BEER

■ 9. The authority citation for 27 CFR part 25 continues to read as follows:

Authority: 19 U.S.C. 81c; 26 U.S.C. 5002, 5051–5054, 5056, 5061, 5091, 5111, 5113, 5142, 5143, 5146, 5222, 5401–5403, 5411–5417, 5551, 5552, 5555, 5556, 5671, 5673, 5684, 6011, 6061, 6065, 6091, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6651, 6656, 6676, 6806, 7011, 7342, 7606, 7805; 31 U.S.C. 9301, 9303–9308.

§§ 25.24 and 25.112 [Amended]

■ 10. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 25.24(a)(2)	Part 194	Part 31.
§ 25.24(a)(6)	Part 194	Part 31.
§ 25.112	Part 194	Part 31.

PART 26—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

■ 11. The authority citation for 27 CFR part 26 continues to read as follows:

Authority: 19 U.S.C. 81c; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5061, 5081, 5111, 5112, 5114, 5121, 5122, 5124, 5131–5134, 5141, 5146, 5207, 5232, 5271, 5276, 5301, 5314, 5555, 6001, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 27 U.S.C. 203, 205; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 26.44, 26.163, 26.210, 26.272, and 26.319 [Amended]

■ 12. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 26.44	Part 194	Part 31.
§ 26.163	Part 194 (“Liquor Dealers”)	Part 31.[1]
§ 26.210	Part 194	Part 31.
§ 26.272	Part 194	Part 31.
§ 26.319	§ 194.263	§ 31.263.

[1] (“Alcohol Beverage Dealers”).

PART 27—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

■ 13. The authority citation for 27 CFR part 27 continues to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805.

§§ 27.30, 27.133, and 27.209 [Amended]

■ 14. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 27.30, first sentence	Part 194	Part 31.
§ 27.30, second sentence	Part 194	Part 31.
§ 27.133	Part 194	Part 31.
§ 27.209	§ 194.263	§ 31.263.

PART 28—EXPORTATION OF ALCOHOL

■ 15. The authority citation for 27 CFR part 28 continues to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805; 27 U.S.C. 203, 205; 44 U.S.C. 3504(h).

§ 28.3 [Amended]

■ 16. Amend § 28.3 by removing the reference to ‘‘27 CFR Part 194—Liquor Dealers’’ and adding, in appropriate part number order, a reference to ‘‘27 CFR Part 31—Alcohol Beverage Dealers’’.

PART 70—PROCEDURE AND ADMINISTRATION

■ 17. The authority citation for 27 CFR part 70 continues to read as follows:

Authority: 5 U.S.C. 301 and 552; 26 U.S.C. 4181, 4182, 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, 6656–6658, 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.

§§ 70.411 and 70.414 [Amended]

■ 18. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 70.411(c)(16)	Part 194	Part 31.
§ 70.414(h)	Part 194	Part 31.

PART 194—LIQUOR DEALERS

■ 19. The authority citation for 27 CFR part 194 continues to read as follows:

Authority: 26 U.S.C. 5001, 5002, 5111–5114, 5116, 5117, 5121–5124, 5142, 5143, 5145, 5146, 5206, 5207, 5301, 5352, 5555, 5613, 5681, 5691, 6001, 6011, 6061, 6065, 6071, 6091, 6109, 6151, 6311, 6314, 6402, 6511, 6601, 6621, 6651, 6657, 7011, 7805.

PART 194—[REDESIGNATED AS PART 31]

■ 20. Transfer 27 CFR part 194 from chapter I, subchapter M, to chapter I, subchapter A, and redesignate as 27 CFR part 31.

PART 31—LIQUOR DEALERS

■ 21. The authority citation for the newly redesignated 27 CFR part 31 reads as follows:

Authority: 26 U.S.C. 5001, 5002, 5111–5114, 5116, 5117, 5121–5124, 5142, 5143, 5145, 5146, 5206, 5207, 5301, 5352, 5555, 5613, 5681, 5691, 6001, 6011, 6061, 6065, 6071, 6091, 6109, 6151, 6311, 6314, 6402, 6511, 6601, 6621, 6651, 6657, 7011, 7805.

PART 31–ALCOHOL BEVERAGE DEALERS

■ 22. Revise the title of the newly designated part 31 to read as set forth above.

§ 31.1 [Amended]

■ 23. Amend § 31.1 by removing the words ''ATF officers'' and adding, in their place, the words ''TTB officers'.

§ 31.11 [Amended]

■ 24. Amend § 31.11 as follows:

■ a. Add, in appropriate alphabetical order, a definition of ''Administrator''.

■ b. Remove the definition of ''ATF officer'' and add, in its place, a definition of ''Appropriate TTB officer''.

■ c. Remove the definition of ''Director''.

■ d. In the definition of ''Liquor bottle'', remove the word ''Director'' and add, in its place, the word ''Administrator''.

■ e. Remove the definition of ''Regional director (compliance)''.

The additions read as follows:

Administrator. The Administrator, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, Washington, DC.

Appropriate TTB officer. An officer or employee of the Alcohol and Tobacco Tax and Trade Bureau (TTB) authorized to perform any functions relating to the administration or enforcement of this part.

§ 31.41 [Amended]

■ 25. Amend § 31.41 as follows:

■ a. In paragraph (a) remove word ''Director'' and add, in its place, the words ''appropriate TTB officer''.

■ b. Revise paragraph (b) to read as follows:

§ 31.41 Forms prescribed.

* * * * *

(b) Forms prescribed by this part are available for printing through the TTB Web site (*http://www.ttb.gov/*) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 1516, Cincinnati, OH 45202.

§§ 31.4, 31.21, 31.23, 31.24, 31.25, 31.26, 31.29, 31.42, 31.51, 31.54, 31.55, 31.56, 31.71, 31.72, 31.94, 31.104, 31.104a, 31.105, 31.106, 31.107, 31.109, 31.110, 31.111, 31.121a, 31.123, 31.124, 31.125, 31.126, 31.127, 31.131, 31.132, 31.133, 31.134, 31.135, 31.136, 31.137, 31.138, 31.139, 31.151, 31.152, 31.153, 31.161, 31.169, and 31.170 [Amended]

■ 26. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 31.4	§ 194.1	§ 31.1.
§ 31.21	§ 194.23	§ 31.23.
§ 31.21 (two times)	§ 194.26	§ 31.26.
§ 31.23(a)	§ 194.101	§ 31.101.
§ 31.23(b)	§ 194.25	§ 31.25.
§ 31.23(b)	§ 194.27	§ 31.27.
§ 31.23(b)	§ 194.188	§ 31.188.
§ 31.23(b)	§ 194.190	§ 31.190.
§ 31.23(b)	§ 194.191(a)	§ 31.191(a).
§ 31.23(c)	§ 194.181	§ 31.181.
§ 31.23(c)	§ 194.184	§ 31.184.
§ 31.23(c)	§ 194.187	§ 31.187.
§ 31.23(c)	§ 194.187a	§ 31.187a.
§ 31.24(a)	§ 194.101	§ 31.101.
§ 31.24(b)	§ 194.26	§ 31.26.
§ 31.24(b)	§ 194.188	§ 31.188.
§ 31.24(b)	§ 194.190	§ 31.190.
§ 31.24(b)	§ 194.192	§ 31.192.
§ 31.24(c)	§ 194.181	§ 31.181.
§ 31.24(c)	§ 194.184	§ 31.184.
§ 31.25(a)	§ 194.101	§ 31.101.
§ 31.25(b)	§ 194.27	§ 31.27.
§ 31.25(b)	§ 194.188	§ 31.188.
§ 31.25(b)	§ 194.189	§ 31.189.
§ 31.25(b)	§ 194.191(a)	§ 31.191(a).
§ 31.25(c)	§ 194.181	§ 31.181.
§ 31.25(c)	§ 194.184	§ 31.184.
§ 31.25(c)	§ 194.187	§ 31.187.
§ 31.25(c)	§ 194.187a	§ 31.187a.
§ 31.26(a)	§ 194.101	§ 31.101.
§ 31.26(b)	§ 194.188	§ 31.188.
§ 31.26(b)	§ 194.189	§ 31.189.
§ 31.26(b)	§ 194.192	§ 31.192.
§ 31.26(b)	§ 194.193	§ 31.193.
§ 31.26(c)	§ 194.181	§ 31.181.
§ 31.26(c)	§ 194.184	§ 31.184.

Amend	By removing the reference to	And adding in its place
§ 31.29	§ 194.27	§ 31.27.
§ 31.42	ATF	TTB.
§ 31.51	§ 194.31	§ 31.31.
§ 31.51	§ 194.181	§ 31.181.
§ 31.51	§ 194.193	§ 31.193.
§ 31.54	§ 194.185	§ 31.185.
§ 31.54	§ 194.186	§ 31.186.
§ 31.55(c)	ATF	TTB.
§ 31.56 (two times)	§ 194.126	§ 31.126.
§ 31.56 (two times)	§ 194.185	§ 31.185.
§ 31.56 (two times)	§ 194.186	§ 31.186.
§ 31.71	§ 194.24	§ 31.24.
§ 31.71	§ 194.26	§ 31.26.
§ 31.72(b) (two times)	§ 194.103(b)	§ 31.103(b).
§ 31.94	ATF	TTB.
§ 31.94	§ 194.169	§ 31.169.
§ 31.94	§ 194.170	§ 31.170.
§ 31.104	§ 194.106	§ 31.106.
§ 31.104a	ATF	TTB.
§ 31.105	Bureau of Alcohol, Tobacco, and Firearms	Alcohol and Tobacco Tax and Trade Bureau.
§ 31.106(a)	ATF	TTB.
§ 31.106(b) (three times)	ATF	TTB.
§ 31.106(b)	§ 194.106a	§ 31.106a.
§ 31.106(c) (three times)	ATF	TTB.
§ 31.106(c)	§ 194.237	§ 31.237.
§ 31.107	ATF	TTB.
§ 31.109 (two times)	§ 194.104	§ 31.104.
§ 31.110(b)	regional director (compliance)	appropriate TTB officer.
§ 31.111	§ 194.104	§ 31.104.
§ 31.111	§ 194.109	§ 31.109.
§ 31.111	regional director (compliance)	appropriate TTB officer.
§ 31.121	§ 194.106(c)	§ 31.106(c).
§ 31.121a	regional director (compliance)	appropriate TTB officer.
§ 31.121a	§ 194.134	§ 31.134.
§ 31.121a	§ 194.106	§ 31.106.
§ 31.121a	ATF	TTB.
§ 31.123	Regional directors (compliance)	TTB officers.
§ 31.124	§ 194.106(b)	§ 31.106(b).
§ 31.125	§ 194.126	§ 31.126.
§ 31.126	§ 194.106(b)	§ 31.106(b).
§ 31.126	ATF	TTB.
§ 31.126	§ 194.106(c)	§ 31.106(c).
§ 31.127	regional director (compliance)	appropriate TTB officer.
§ 31.131	ATF	TTB.
§ 31.132 (two times)	regional director (compliance)	appropriate TTB officer.
§ 31.132	§ 194.131	§ 31.131.
§ 31.133	regional director (compliance)	appropriate TTB officer.
§ 31.134 (four times)	regional director (compliance)	appropriate TTB officer.
§ 31.135 (two times)	ATF	TTB.
§ 31.135	§ 194.106	§ 31.106.
§ 31.135	§ 194.106(c)	§ 31.106(c).
§ 31.135	§ 194.121a	§ 31.121a.
§ 31.136 (two times)	ATF	TTB.
§ 31.136 (two times)	§ 194.137	§ 31.137.
§ 31.136 (two times)	§ 194.139	§ 31.139.
§ 31.137, section heading	ATF	TTB.
§ 31.137	ATF	TTB.
§ 31.137	§ 194.136	§ 31.136.
§ 31.137	regional director (compliance)	appropriate TTB officer.
§ 31.138	ATF	TTB.
§ 31.139 (two times)	regional director (compliance)	appropriate TTB officer.
§ 31.139	§ 194.136	§ 31.136.
§ 31.139	ATF	TTB.
§ 31.151(a) (six times)	ATF	TTB.
§ 31.151(a)	§ 194.106(c)	§ 31.106(c).
§ 31.151(a)	regional director (compliance)	appropriate TTB officer.
§ 31.151(b)	§ 194.55(c)	§ 31.55(c).
§ 31.152	ATF	TTB.
§ 31.152 (two times)	§ 194.109	§ 31.109.
§ 31.152	§ 194.103	§ 31.103.
§ 31.152	§ 194.110	§ 31.110.
§ 31.153	§ 194.132	§ 31.132.
§ 31.153	§ 194.133	§ 31.133.
§ 31.161	§ 194.169	§ 31.169.

Amend	By removing the reference to	And adding in its place
§ 31.169 (five times)	ATF	TTB.
§ 31.169	§ 194.106(b)	§ 31.106(b).
§ 31.169	regional director (compliance) or other	appropriate.
§ 31.170	§ 194.169	§ 31.169.
§ 31.170 (two times)	§ 194.109	§ 31.109.
§ 31.170	§ 194.103	§ 31.103.
§ 31.170	§ 194.110	§ 31.110.

§ 31.182 [Amended]

■ 27. Amend § 31.182 as follows:

■ a. In paragraph (a), remove the words ''regional director (compliance)'', and add, in their place, the words ''appropriate TTB officer''.

■ b. In the second sentence of paragraph (b), remove the words ''regional director (compliance) of the region in which the plant is located'' and add, in their place, the words ''appropriate TTB officer''.

■ c. In the fourth sentence of paragraph (b), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

§ 31.183 [Amended]

■ 28. Amend § 31.183 as follows:

■ a. In the first sentence of paragraph (a), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

■ b. In the second sentence of paragraph (b), remove the words ''regional director (compliance) of the region in which the bonded wine cellar is located'' and add, in their place, the words ''appropriate TTB officer''.

■ c. In the fourth sentence of paragraph (b), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

§ 31.183a [Amended]

■ 29. Amend § 31.183a as follows:

■ a. In the first sentence of paragraph (a), remove the reference to ''§ 194.103(b)'' and add, in its place, ''§ 31.103(b)''.

■ b. In the first sentence of paragraph (a), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

■ c. In the second sentence of paragraph (b), remove the words ''regional director (compliance) of the region in which the taxpaid wine bottling house is located'' and add, in their place, the words ''appropriate TTB officer''.

■ d. In the fourth sentence of paragraph (b), remove the words ''(regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

§ 31.184 [Amended]

■ 30. Amend § 31.184 as follows:

■ a. In the first sentence of paragraph (a), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

■ b. In the second sentence of paragraph (b), remove the words ''regional director (compliance) of the region in which the brewery is located'' and add, in their place, the words ''appropriate TTB officer''.

■ c. In the fourth sentence of paragraph (b), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer.''

§§ 31.187a, 31.187b, and 31.193 [Amended]

■ 31. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 31.187a	§ 194.27	§ 31.27.
§ 31.187b	§ 194.72	§ 31.72.
§ 31.193	§ 194.211	§ 31.211.
§ 31.193	§ 194.225	§ 31.225.
§ 31.193	§ 194.226	§ 31.226.
§ 31.193	§ 194.234	§ 31.234.

§ 31.201 [Amended]

■ 32. Amend § 31.201 as follows:

■ a. In the second sentence, remove the words ''regional director (compliance) serving the region in which the special tax was paid or assessed'' and add, in their place, the words ''appropriate TTB officer''.

■ b. In the third sentence, remove the words ''Bureau of Alcohol, Tobacco and Firearms'' and add, in their place, the words ''Alcohol and Tobacco Tax and Trade Bureau''.

■ c. In the fourth sentence, remove the words ''Bureau of Alcohol, Tobacco and Firearms'' and add, in their place, the words ''Alcohol and Tobacco Tax and Trade Bureau''.

§§ 31.211, 31.221, 31.222, 31.223, 31.227, and 31.228 [Amended]

■ 33. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 31.211	§ 194.151	§ 31.151.
§ 31.211	§ 194.169	§ 31.169.
§ 31.211	§ 194.31	§ 31.31.
§ 31.211	§ 194.188	§ 31.188.
§ 31.211	§ 194.190	§ 31.190.
§ 31.211	§ 194.192	§ 31.192.
§ 31.211	§ 194.193	§ 31.193.
§ 31.221	§ 194.223	§ 31.223.
§ 31.221	§ 194.224	§ 31.224.
§ 31.221	§ 194.225	§ 31.225.
§ 31.221	§ 194.226	§ 31.226.
§ 31.221	regional director (compliance)	appropriate TTB officer.
§ 31.221	§ 194.230	§ 31.230.

Amend	By removing the reference to	And adding in its place
§ 31.222	§ 194.237	§ 31.237.
§ 31.222	regional director (compliance)	appropriate TTB officer.
§ 31.223	ATF	TTB.
§ 31.223	regional director (compliance)	appropriate TTB officer.
§ 31.227	§ 194.225	§ 31.225.
§ 31.227	§ 194.226	§ 31.226.
§ 31.227	§ 194.235	§ 31.235.
§ 31.228	regional director (compliance)	appropriate TTB officer.
§ 31.228	§ 194.225	§ 31.225.
§ 31.228	§ 194.226	§ 31.226.

§ 31.229 [Amended]

■ 34. Amend § 31.229 as follows:

■ a. In the first sentence of paragraph (a), remove the word ''Director'' and add, in its place, the words ''appropriate TTB officer''.

■ b. In the second sentence of paragraph (a), remove the words '', in triplicate, to the regional director (compliance)'' and add, in their place, the words ''to the appropriate TTB officer''.

■ c. In the fourth sentence of paragraph (a), remove the words ''regional director (compliance)'' and add, in their place, the words ''appropriate TTB officer''.

■ d. Remove the fifth sentence of paragraph (a).

■ e. In the sixth sentence of paragraph (a), remove the word ''Director'' and add, in its place, the words ''appropriate TTB officer.''

§§ 31.230, 31.232, 31.233, 31.234, 31.235, 31.236, 31.237, 31.262, 31.264, 31.271, 31.292, and 31.293 [Amended]

■ 35. Amend the sections listed above as follows:

Amend	By removing the reference to	And adding in its place
§ 31.230(a) (three times)	regional director (compliance)	appropriate TTB officer.
§ 31.230(d)	regional director (compliance)	appropriate TTB officer.
§ 31.230(d)	ATF	TTB.
§ 31.230(d)	§ 194.225	§ 31.225.
§ 31.230(d)	§ 194.226	§ 31.226.
§ 31.232	§ 194.230	§ 31.230.
§ 31.233(a)	§ 194.225	§ 31.225.
§ 31.233(a) (two times)	§ 194.226	§ 31.226.
§ 31.233(a)	§ 194.234	§ 31.234.
§ 31.233(b)	§ 194.225	§ 31.225.
§ 31.233(b)	§ 194.226	§ 31.226.
§ 31.233(c)	§ 194.230	§ 31.230.
§ 31.234(a)	regional director (compliance)	appropriate TTB officer.
§ 31.234(a)	ATF	TTB.
§ 31.235	§ 194.225	§ 31.225.
§ 31.235	§ 194.226	§ 31.226.
§ 31.236	§ 194.230	§ 31.230.
§ 31.236	regional director (compliance)	appropriate TB officer.
§ 31.236	ATF	TTB.
§ 31.237	ATF	TTB.
§ 31.237	regional director (compliance)	appropriate TB officer.
§ 31.262 (two times)	§ 194.261	§ 31.261.
§ 31.264	§ 194.293	§ 31.293.
§ 31.271(a) (two times)	regional director (compliance)	appropriate TTB officer.
§ 31.271(b)	ATF	TTB.
§ 31.271(b)	regional director (compliance)	appropriate TTB officer.
§ 31.271(c) (two times)	regional director (compliance)	appropriate TTB officer.
§ 31.271(c)	§ 194.236	§ 31.236.
§ 31.271(c)	§ 194.237	§ 31.237.
§ 31.292	regional director (compliance)	appropriate TTB officer.
§ 31.293	§ 194.264	§ 31.264.

Signed: February 18, 2005.

John J. Manfreda,

Administrator.

Approved: March 1, 2005.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 45

[T.D. TTB–26]

RIN 1513–AA99

Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Temporary rule; solicitation of comments.

SUMMARY: The Department of the Treasury and the Alcohol and Tobacco Tax and Trade Bureau adopt a temporary amendment to the regulations relating to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States. This amendment allows manufacturers of tobacco products and cigarette papers and tubes to remove these articles without payment of tax for use by Federal agencies in their law enforcement activities, and to exempt packages of those removed products from the tax-exempt labeling requirement. We take this action to timely meet the needs of Federal agency law enforcement operations, particularly investigations involving tobacco product diversion and smuggling.

DATES: This temporary rule is effective April 15, 2005. We must receive written comments on or before June 14, 2005.

ADDRESSES: You may send comments to any of the following addresses:

- Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, (Attn: T.D. TTB–26), P.O. Box 14412, Washington, DC 20044–4412.
- 202–927–8525 (facsimile).
- *nprm@ttb.gov* (e-mail).
- *http://www.ttb.gov/tobacco/rules/index.htm.* (An online comment form is posted with this temporary rule document on our Web site).
- *http://www.regulations.gov* (Federal e-rulemaking portal; follow instructions for submitting comments).

You may view copies of this document and any comments we receive on this temporary rule by appointment at the TTB Library, 1310 G Street NW., Washington, DC 20220. To make an appointment, call 202–927–2400. You may also access copies of this document and any comments received online at *http://www.ttb.gov/tobacco/rules/index.htm.*

FOR FURTHER INFORMATION CONTACT: Linda Wade Chapman, Alcohol and Tobacco Tax and Trade Bureau, Regulations and Procedures Division, 1310 G Street NW., Suite 200–E, Washington, DC 20220; telephone 202–927–8210; or e-mail *Linda.Chapman@ttb.gov.*

SUPPLEMENTARY INFORMATION:

Background

Statutory and Regulatory Provisions

Section 5704(b) of the Internal Revenue Code of 1986 (26 U.S.C. 5704(b)) provides that a manufacturer may, among other things, remove tobacco products and cigarette papers and tubes without payment of tax for use of the United States, in accordance with regulations prescribed by the Secretary of the Treasury. The regulations administered by the Alcohol and Tobacco Tax and Trade Bureau (TTB) include, in part 45 (27 CFR part 45), provisions that implement this aspect of section 5704(b).

Section 45.31 of the TTB regulations (27 CFR 45.31) sets forth two circumstances in which manufacturers of tobacco products and cigarette papers and tubes may remove those articles for sale or donation to Federal agencies without payment of Federal excise tax. Specifically:

- In the case of articles purchased by a Federal agency with funds appropriated by the U.S. Congress, the manufacturer may remove the articles for delivery to the Federal agency for gratuitous distribution under the supervision of the agency.
- In the case of articles purchased by a donor from a manufacturer or donated directly by a manufacturer, the manufacturer may remove the articles for delivery to a Federal agency for gratuitous distribution, under the supervision of the agency, to charges of the United States or to patients in a hospital or institution operated by a State Government or the District of Columbia where the Federal agency maintains a program for distribution to members or veterans of the armed forces of the United States in the hospital or institution.

Section 45.31 further provides that tobacco products and cigarette papers and tubes removed under the provisions of part 45 may not be sold subsequent to removal.

In addition, § 45.46 of the TTB regulations (27 CFR 45.46) provides that every package of tobacco products and cigarette papers and tubes removed under part 45 must have the words ''Tax-Exempt. For Use of U.S. Not To Be Sold.'' adequately imprinted on the package or on a label securely affixed to the package.

The Need for Regulatory Change

Individuals and criminal organizations continue to engage in criminal activities involving diversion of tobacco products from the legal market and the smuggling of genuine and counterfeit tobacco products. These activities often violate the Contraband Cigarette Trafficking Act (18 U.S.C. 2341 *et seq.*), the Jenkins Act (15 U.S.C. 375 *et seq.*), or other statutory provisions, endanger the public, and jeopardize Federal, State, and local government revenues. For example, in 2002, a U.S. district court in North Carolina convicted several people of smuggling large quantities of cigarettes from that State for resale in higher-tax States in order to raise funds for a foreign terrorist organization. In addition, in January 2004, an indictment returned in El Paso, Texas, in response to a criminal investigation charged a criminal group with smuggling over 107 million counterfeit and properly trademarked cigarettes across the southern U.S. border, thereby costing the Federal government and three State governments over $8 million in lost tax revenue.

On numerous occasions, Federal law enforcement agencies—including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Bureau of Immigration and Customs Enforcement—have used non-taxpaid tobacco products provided by a manufacturer in undercover, sting, or other law enforcement activities. Many tobacco product manufacturers are willing to provide Federal agencies with tobacco products for use in law enforcement activities, and we believe they should be able to remove those products without payment of tax under 26 U.S.C. 5704(b). However, because § 45.31 does not specifically authorize the tax-free removal of such goods for Federal law enforcement purposes, these Federal agencies must ask the manufacturer to apply to TTB for