

applies to taxable years beginning on or after April 11, 2011.

**Steven T. Miller,**

*Deputy Commissioner for Services and Enforcement.*

Approved: April 4, 2011.

**Michael Mundaca,**

*Assistant Secretary of the Treasury (Tax Policy).*

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## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Parts 19 and 30

[Docket No. TTB-2008-0004; T.D. TTB-92a; Re: T.D. TTB-92]

RIN 1513-AA23

#### Revision of Distilled Spirits Plant Regulations; Corrections

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

**ACTION:** Final rule; Treasury decision; correction.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau published a final rule revising its distilled spirits plant regulations in the **Federal Register** of February 16, 2011 (76 FR 9080). That final rule contained several typographical and textual errors. This document corrects those errors.

**DATES:** *Effective Date:* April 18, 2011.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Thiemann, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200E, Washington, DC 20220; telephone 202-453-2265.

**SUPPLEMENTARY INFORMATION:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) recently published a final rule completely revising its distilled spirits plant regulations as contained in 27 CFR part 19. TTB published this final rule as T.D. TTB-92 in the **Federal Register** of February 16, 2011 (see 76 FR 9080). The final rule also amended cross-references to part 19 found in 27 CFR parts 1, 17, 24, 26, 28, 30 and 31. T.D. TTB-92 is effective on April 18, 2011.

After its publication, TTB found that T.D. TTB-92 contained several typographical and textual errors in the revised regulations in part 19 and a textual error in an amendatory instruction for part 31. This document corrects those errors.

Specifically, typographical errors are corrected in T.D. TTB-92 in the part 19 table of contents listing for § 19.26 (“Alternate” rather than “lternate”), in the “Authority” citation at the beginning of the part (“5121-5124” rather than “5121, 5122-5124”), and in the section heading for § 19.603 (“§ 19.603” rather than “§ 10.603”). In § 19.1, in the definition of “Lot identification number,” the cross-reference to “27 CFR 19.485” is corrected to read “§ 19.485” for consistency with other internal part 19 cross references. Also in § 19.1, the definitions of “Kind” and “Package identification number” are corrected to use the new part 19 section numbers contained in T.D. TTB-92 rather than section numbers from the version of part 19 being replaced.

In § 19.454(a), TTB is correcting “SDA” to read “denatured spirits” in order to clarify that denatured spirits, including specially denatured spirits and completely denatured alcohol, withdrawn free of tax under 27 CFR part 20 may be returned to bonded premises in accordance with § 19.454. In § 19.454(e), TTB is correcting “SDA” to read “specially denatured spirits” in order to clarify that specially denatured spirits, including specially denatured alcohol and specially denatured rum, withdrawn free of tax for export under 27 CFR part 28 may be returned to bonded premises in accordance with § 19.454.

Also, as described in T.D. TTB-92, TTB intends to require serial numbers on certain records to either commence with the number “1” each calendar or fiscal year or otherwise be unique and not repeated. These numbering options are incorporated into the recordkeeping requirements contained in § 19.618, Gauge record, and § 19.620, Transfer record—consignor’s responsibility. However, the option to use a unique, non-repeated number was inadvertently left out of § 19.599, Bottling and packing records. TTB is therefore correcting § 19.599(b) to conform to the similar recordkeeping requirements found in §§ 19.618 and 19.620.

In addition, the amendatory instruction updating a cross-reference to part 19 in 27 CFR part 30 was incorrectly phrased. When referring to the existing text of § 30.31(d), the amendatory instructions in T.D. TTB-92 should have used the phrase “27 CFR 19.383” rather than merely “§ 19.383.”

#### Corrections

In the final rule document numbered FR Doc. 2011-1956 beginning on page 9080 in the **Federal Register** issue of Wednesday, February 16, 2011, make the following corrections:

1. On page 9090, in the third column, in the part 19 table of contents, the listing “19.26 lternate methods or procedures.” is corrected to read “19.26 Alternate methods or procedures.”

2. On page 9094, in the second column, in the authority citation for 27 CFR part 19, in the fourth line, the number phrase “5121, 5122-5124” is corrected to read “5121-5124”.

#### § 19.1 [Corrected]

■ 3. On page 9095, in the third column, in the definition of “Kind,” the cross-reference to “§ 19.597” is corrected to read “§ 19.487”.

■ 4. On page 9096, in the first column, in the definition of “Lot identification number,” the cross-reference to “27 CFR 19.485” is corrected to read “§ 19.485”.

■ 5. On page 9096, in the first column, in the definition of “Package identification number,” the cross-reference to “27 CFR 19.595” is corrected to read “§ 19.490”.

#### § 19.454 [Corrected]

■ 6. On page 9140, in the first column of the table (titled “Type of product”), in paragraph (a), the sentence “SDA withdrawn free of tax under part 20 of this chapter” is corrected to read “Denatured spirits withdrawn free of tax under part 20 of this chapter”.

■ 7. On page 9140, in the first column of the table (titled “Type of product”), in paragraph (e), the sentence “SDA withdrawn free of tax for export under part 28 of this chapter” is corrected to read “Specially denatured spirits withdrawn free of tax for export under part 28 of this chapter”.

#### § 19.599 [Corrected]

■ 8. On page 9152, in the second column, in § 19.599, in paragraph (b), the text “Serial number of the record (beginning with “1” at the start of each calendar or fiscal year)” is corrected to read “Serial number of the record (which must commence with “1” at the start of each calendar or fiscal year, or be a unique identifying number that is not repeated)”.

#### § 19.603 [Corrected]

■ 9. On page 9153, in the first column, the section heading “§ 10.603, Liquor bottle records” is corrected to read “§ 19.603, Liquor bottle records”.

#### § 30.31 [Corrected]

■ 10. On page 9171, in the third column, in paragraph 16, in the amendatory instructions for § 30.31, the phrase “the reference to ‘§ 19.383’” is corrected to read “the reference to ‘27 CFR 19.383’ of this chapter”.

Dated: April 5, 2011.

**John J. Manfreda,**  
Administrator.

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## DEPARTMENT OF JUSTICE

### Office of Justice Programs

#### 28 CFR Part 94

[Docket No.: OJP (OVC) 1539]

RIN 1121-AA78

#### International Terrorism Victim Expense Reimbursement Program

**AGENCY:** Office of Justice Programs, Justice.

**ACTION:** Interim-final rule.

**SUMMARY:** The Office for Victims of Crime (OVC) is promulgating this interim-final rule for its International Terrorism Victim Expense Reimbursement Program (ITVERP) in order to remove a regulatory limitation on the discretion of the Director of OVC to accept claims filed more than three years after the date that an incident is designated as an incident of international terrorism.

**DATES:**

*Effective date:* This interim-final rule is effective April 11, 2011.

*Comment date:* Written comments must be submitted on or before June 10, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Chandria Slaughter, Grant Program Specialist, International Terrorism Victim Expense Reimbursement Program, at 202-307-5983.

**SUPPLEMENTARY INFORMATION:**

#### I. Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at <http://www.regulations.gov>. Information made available for public inspection includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you wish to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not wish it to be posted online, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You must also locate all the personal identifying information that you do not want posted online in the first paragraph of your comment and

identify what information you want the agency to redact. Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online.

If you wish to submit confidential business information as part of your comment but do not wish it to be posted online, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, the agency may choose not to post that comment (or to only partially post that comment) on <http://www.regulations.gov>. Confidential business information identified and located as set forth above will not be placed in the public docket file, nor will it be posted online.

If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

#### II. Background

ITVERP is a Federal program that provides reimbursement to nationals of the United States and Federal government employees (and certain family members of such individuals, under some circumstances), who are victims of international terrorism and who incur expenses as a result of such incidents. For further information, see the ITVERP Web site at <http://www.ojp.usdoj.gov/ovc/intdir/itverp>.

OVC is promulgating (pursuant to 42 U.S.C. 10603c and 42 U.S.C. 10604(a)) this interim-final rule to provide the Director of OVC with express discretionary authority to accept claims filed more than three years after the date that an incident is designated as one of international terrorism. Largely owing to considerations of administrative convenience, the present ITVERP rule regarding application deadlines limits the period within which OVC would entertain waivers of claim filing deadlines. Based on experience administering the program since it went into effect in 2006, OVC has determined that this limit on waivers of late claims may lead to denials of reimbursement for victims with otherwise meritorious claims, even under circumstances where tolling of the deadline would be appropriate.

The rule will allow the Director of OVC to toll or extend the deadline for a late-filed claim where the Director

finds good cause to do so. In the ordinary course, a showing of good cause generally would require that the claimant submit a written explanation—satisfactory to the Director—for missing the deadline. Examples of good cause include situations where a victim's treatment for injuries sustained in an incident were covered initially by collateral sources, but these sources later become unavailable after the filing deadline has expired; where outreach to overseas claimants has not been effective; and where a claimant's extended illness, living abroad in remote areas for extended periods of time, or barriers to accessing information about the program led to the late filing. Absent circumstances consonant with the foregoing, good cause would not exist; thus, for example, claimant's missing the deadline due to mere inattentiveness to the program's deadlines would not be sufficient to establish good cause.

The amended rule will not alter any existing regulatory deadlines, nor will it impose any new deadlines (or any burden whatsoever) on claimants, but instead merely will operate to relieve an administrative restriction, in the existing rule, on claim filing (such rule having been promulgated largely for the administrative convenience of OVC, which has found it, over the course of four years of program administration, to be unnecessary). This rule is being published in interim-final form, effective immediately, as there are presently ITVERP claims before OVC that might otherwise be unnecessarily denied or delayed.

#### III. Regulatory Requirements

##### *Executive Order 12866—Regulatory Planning and Review*

This regulation has been drafted in accordance with Exec. Order No. 12866, section 1(b), 58 FR 51, 735 (Sept. 30, 1993), Principles of Regulation. OJP has determined that this regulation is not a "significant regulatory action" under Executive Order No. 12866. Nevertheless, this regulation has been reviewed, in accordance with the general principles of Executive Order No. 12866, by the Office of Management and Budget.

##### *Administrative Procedure Act*

OVC's implementation of this rule as an interim-final rule, with provision for post-promulgation public comment, is based on findings of good cause pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B) and (d)). This minor rule amendment merely alleviates a procedural restriction on