

**DEPARTMENT OF THE TREASURY****Alcohol and Tobacco Tax and Trade Bureau****27 CFR Part 73**

[Docket No. TTB–2014–0004; T.D. TTB–119A; Re: T.D. TTB–119]

RIN 1513–AB97

**Electronic Submission of Forms, the Finished Products Records for Distilled Spirits Plants, and Closures on Certain Distilled Spirits Products; Correction****AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.**ACTION:** Direct final rule; Treasury decision; Correction.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) recently published a direct final rule amending its regulations regarding the electronic submission of forms and other documents. Among other provisions, those amendments added a new section providing that any requirement in the TTB regulations to submit a form to another agency may be met by the electronic submission of the form to the other agency, as long as that agency provides for and authorizes the electronic submission of the form. This final rule corrects those recent amendments by amending the definition of the term “form” to encompass all documents required by the TTB regulations to be submitted to any other agency, as well as to TTB, and by inserting a cross reference to that definition in the new section on the electronic submission of forms to other agencies.

**DATES:** Effective September 3, 2014.**FOR FURTHER INFORMATION CONTACT:** Michael D. Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, at 202–453–1039, ext. 135.**SUPPLEMENTARY INFORMATION:****Recent Amendments to 27 CFR Part 73**

The electronic submission of forms to the Alcohol and Tobacco Tax and Trade Bureau (TTB) is governed by the regulations in 27 CFR Part 73, Electronic Signatures; Electronic Submission of Forms. Part 73 sets forth the conditions under which TTB allows current and prospective industry members to submit forms to TTB or to other agencies electronically, and to use electronic signatures or digital signatures to sign those forms, in lieu of submitting paper documents with handwritten signatures.

When first issued in 2003, part 73 did not address the electronic submission to other agencies of forms that are required by the TTB regulations to be submitted to those agencies (see T.D. TTB–5, 68 FR 58600, October 10, 2003). To address this issue, as well as several other regulatory issues, TTB published T.D. TTB–119 in the **Federal Register** on March 27, 2014, at 79 FR 17029. The regulatory amendments made by T.D. TTB–119 became effective on April 28, 2014.

Among other regulatory changes, T.D. TTB–119 amended 27 CFR 73.1(a)(2) to state that part 73 sets forth the conditions under which TTB allows the electronic submission of certain forms to other agencies, where applicable, in addition to the conditions for the electronic submission of certain forms to TTB. To accomplish this purpose, T.D. TTB–119 added new subpart D, “Electronic Filing of Documents with Other Agencies,” to part 73, which consisted of one new section, § 73.40. This new section provides that any requirement in the TTB regulations to submit a form to another agency may be satisfied by submitting the form electronically to that agency, as long as the agency provides for and authorizes the electronic submission of that form and the submitter satisfies any registration or related requirement of that agency for this electronic submission.

A full discussion of the amendments made by T.D. TTB–119, including TTB’s authority to issue regulations under the Internal Revenue Code of 1986, as amended (26 U.S.C.), and the Federal Alcohol Administration Act (27 U.S.C. 201 *et seq.*), may be found in the preamble to that final rule.

**Need for Correction of T.D. TTB–119**

In part 73, the term “form” is defined in § 73.3 to mean “all documents required by 27 CFR, chapter I, to be submitted to TTB.” In T.D. TTB–119, when adding a provision allowing the electronic submission of forms required by the TTB regulations to be submitted to other agencies, TTB inadvertently neglected to amend this definition to include documents required by 27 CFR chapter I to be submitted to other agencies. Therefore, TTB is correcting the definition of the term “form” in § 73.3 in order to clarify that, when used in part 73, the term “form” includes all documents required by 27 CFR chapter I to be submitted to TTB or to any other agency. In addition, TTB is amending new § 73.40 to add a cross reference to the amended definition of “form” in § 73.3 in order to clarify that the provisions of § 73.40 regarding the

electronic submission of forms to other agencies apply to all documents required by the TTB regulations to be submitted to other agencies, not just official TTB forms (documents issued by TTB that bear an Office of Management and Budget control number).

These corrections are merely clarifying in nature and do not change any existing regulatory or recordkeeping requirement.

**Inapplicability of Prior Notice and Comment Procedures and Delayed Effective Date Requirement**

TTB is issuing this final rule without prior notice and opportunity for public comment in accordance with sections 553(b)(A) and (B) of the Administrative Procedure Act (5 U.S.C. 553(b)(A) and (B)). These provisions authorize an agency to issue a rule without prior notice and comment when it issues rules of agency procedure or when an agency for good cause finds that prior notice and public comment procedures are unnecessary. Because the amendments contained in this final rule merely make technical corrections to existing procedural regulations in order to clarify the application of those provisions to documents submitted electronically to other agencies, and because these corrections do not change TTB’s interpretation of any regulation or the requirements of any recordkeeping provision, TTB has determined that the 5 U.S.C. 553(b) prior notice and public comment requirement does not apply to this final rule.

Because this final rule merely makes technical corrections to existing regulations to clarify the application of those provisions to documents submitted electronically to other agencies and does not change TTB’s interpretation of any regulation or the requirements of any recordkeeping provision, TTB finds good cause under 5 U.S.C. 553(d)(3) to dispense with the effective date limitation in 5 U.S.C. 553(d).

**Drafting Information**

Michael D. Hoover of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, drafted this document.

**List of Subjects in 27 CFR Part 73**

Electronic filing, Reporting and recordkeeping requirements.

**Amendments to the Regulations**

For the reasons set forth in the preamble, TTB is correcting 27 CFR chapter I, part 73 as follows:

**PART 73—Electronic Signatures; Electronic Submission of Forms**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 26 U.S.C. 6011(f), 6061(b), 7502(c); 44 U.S.C. 3504 Note.

**§ 73.3 [Amended]**

■ 2. In § 73.3, the definition of the term “Form(s)” is amended by adding the words “or any other agency” before the period at the end of the definition.

**§ 73.40 [Amended]**

■ 3. In § 73.40, the first sentence is amended by adding the parenthetical phrase “(as that term is defined in § 73.3)” after the words “to submit a form”.

Dated: August 25, 2014.

**John J. Manfreda,**

*Administrator.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG–2014–0658]

RIN 1625–AA00

**Safety Zone: Urban Shield 2014, South San Francisco Bay, Oakland, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of South San Francisco Bay in Oakland, CA in support of the Urban Shield maritime training exercises. This safety zone is established to ensure the safety of the exercise participants and mariners transiting the area. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

**DATES:** This rule is effective on September 6 and 7, 2014. This rule will be enforced from 8 a.m. to 7 p.m. on September 6 and 7, 2014.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG–2014–0658. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click

“SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@uscg.mil). If you have questions on viewing the docket, call Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:****Table of Acronyms**

DHS Department of Homeland Security

FR Federal Register

NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.”

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received the information about the event on July 12, 2014, and the event would occur before the rulemaking process would be completed. Law enforcement officers will be conducting maritime interdiction operations that require freedom of movement in a defined area. The safety zone is necessary to provide for the safety of the law enforcement officers participating in the training exercises as well as provide for the safety of vessels transiting near the training area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

**B. Basis and Purpose**

The legal basis for the proposed rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security

Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

The Alameda County Fire Department will host Urban Shield 2014 on September 6 and 7, 2014 in the navigable waters of South San Francisco Bay in Oakland, CA. The safety zone is issued to establish a temporary restricted area on the waters surrounding the training exercise. This restricted area is necessary to provide freedom of movement for law enforcement officers conducting maritime interdiction training and to ensure the safety of mariners transiting the area.

**C. Discussion of the Final Rule**

The Coast Guard will enforce a safety zone in navigable waters around the Urban Shield maritime training exercises. The Urban Shield 2014 Safety Zone establishes a temporary restricted area on the water within an area connecting the following points: 37°41'57" N, 122°13'17" W; 37°41'49" N, 122°17'42" W; 37°40'16" N, 122°17'42" W; 37°40'27" N, 122°14'49" W; thence back to the point of origin (NAD 83). This safety zone will be enforced from 8 a.m. until 7 p.m. on September 6 and 7, 2014. At the conclusion of the training exercises the safety zone shall terminate.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the training exercise. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep vessels a safe distance away from the vicinity of the training exercise to ensure the safety of law enforcement officers conducting training and other mariners transiting the area.

**D. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

**1. Regulatory Planning and Review**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and