

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 270, 275, 290, 295 and 296

[Notice No. 889]

RIN 1512-AB92

Implementation of Public Law 105-33, Section 9302, relating to the Imposition of Permit Requirements on the Manufacture of Roll-Your-Own Tobacco (98R-370P)

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

ACTION: Notice of proposed rulemaking cross-referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations to implement section 9302 of the Balanced Budget Act of 1997. The new law enacted new permit requirements for manufacturers of roll-your-own tobacco. In addition, the temporary rule corrects the title to 27 CFR part 270, renumbers certain forms to reflect the current ATF numbering system, and removes references to forms that were previously made obsolete. Clarifying changes are made to parts 270, 275, 290, 295, and 296. In this notice of proposed rulemaking, ATF invites comments on the temporary rule.

DATES: Written comments must be received on or before February 22, 2000.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, PO Box 50221, Washington, DC 20091-0221. (Attention: Notice Number 889). See the Public Participation section of this notice for alternative means of commenting.

FOR FURTHER INFORMATION CONTACT: Jackie White, Regulations Division, 650 Massachusetts Avenue, NW, Washington, DC 20226; (202) 927-8210 or alcohol/tobacco@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

1. Temporary Regulations

The temporary regulations in this issue of the Federal Register amend the regulations in 27 CFR parts 270, 275, 290, 295, and 296. For the text of the temporary regulations see T.D. ATF-424, published in the Rules and Regulations section of this issue of the Federal Register.

2. Public Participation

Who May Comment on This Notice?

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practicable to do so. However assurance of consideration cannot be given except as to comments received on or before the closing date.

Will ATF Keep My Comments Confidential?

ATF cannot recognize any material in comments as confidential. Comments may be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comment. We may also disclose the name of any person who submits a comment.

Can I Review Comments Received?

Yes. You may view and copy written comments on this project during normal business hours in the ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC 20226, telephone (202) 927-8480. For information on filing a Freedom of Information Act request for a copy of the comments, please refer to the internet address <http://www.atf.treas.gov/about/foia/foia.htm>.

How Do I Send Facsimile Comments?

You may submit comments of not more than three pages of facsimile transmission to (202) 927-8525. Facsimile comments must:

- Be legible
- Be 8 1/2" x 11" in size
- Contain a legible written signature
- Be not more than three pages

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

How Do I Send Electronic Mail (e-mail) Comments?

You may submit comments by e-mail by sending the comments to nprm.notice@atfhq.atf.treas.gov. You must follow these instructions.

E-mail comments must:

- <bullet> Contain your name, mailing address, and e-mail address
- <bullet> Reference this notice number
- <bullet> Be legible when printed on not more than three pages 8 1/2" x 11" in size.

We will not acknowledge receipt of e-mail. We will treat e-mail as originals.

How Do I Send Comments to the ATF Internet Web Site?

Comments may be submitted electronically using ATF's web site. You may comment on this proposed notice by using the form provided through ATF's web site. You can reach this notice and the comment form through the address <http://www.atf.treas.gov/core/tobacco/rules/rules.htm>.

Can I Request a Public Hearing?

If you desire the opportunity to comment orally at a public hearing on this proposed regulation, you must submit a request in writing to the Director within the 60-day comment period. The Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

3. Regulatory Analyses and Notices

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

How Does the Regulatory Flexibility Act Apply to This Proposed Rule?

These proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute. Pursuant to 26 U.S.C. 7805(f), this proposed regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Does the Paperwork Reduction Act Apply to This Proposed Rule?

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection(s) of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF), Office of Information and Regulatory Affairs, Washington, D.C., 20503, with copies to the Chief, Document Services

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Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information;

How the quality, utility, and clarity of the information to be collected may be enhanced; and

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information

technology.

The collection of information in this proposed regulation is in 27 CFR 270.182, 270.183, 270.216b, 275.72b, and 295.45b. This information is required to ensure proper excise payment of taxes on roll-your-own tobacco products. This information will be used to determine whether or not such excise taxes have been properly paid. The collection of information is mandatory. The likely respondents include small businesses or organizations.

Estimated total annual reporting and/or recordkeeping burden under control numbers 1512-358 and 1512-502 for the first year is 385 hours for initiating and obtaining required permits. For subsequent years, the total annual reporting and/or recordkeeping burden under 1512-0358 is 1,650 hours and under 1512-0502 the burden is 1 hour. Estimated average annual burden hours per respondent and/or recordkeeper under 1512-0358 is 150 hours; and under 1512-0502 the burden is 1 hour. The estimated number of respondents and/or recordkeepers are 11.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

4. Drafting Information

The principal author of this document is Jackie White, Regulations Division, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of ATF and the Treasury Department participated in developing the document.

Signed: August 13, 1999.

John W. Magaw,
Director.

Approved: October 27, 1999.

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

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