

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 602

OMB Control Numbers Under the Paperwork Reduction Act

CFR Correction

In Title 26 of the Code of Federal Regulations, parts 600 to end, revised as of April 1, 2001, on page 155, § 602.101 is amended by removing the entry for “31.6051–1T” following the entry for “1.6050S–2T”.

[FR Doc. 01–55516 Filed 8–17–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 40, 44, 46, 70, and 290

[T.D. ATF–464]

RIN 1512–AC47

Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax; Recodification of Regulations (2001R–58P)

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

ACTION: Final rule (Treasury decision).

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is recodifying the regulations pertaining to the exportation of tobacco products and cigarette papers and tubes, without payment of tax, or with drawback of tax. The purpose of this recodification is to reissue the regulations in part 290 of title 27 of the Code of Federal Regulations (27 CFR part 290) as 27 CFR part 44. This change improves the organization of title 27.

DATES: This rule is effective on August 20, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, (202–927–9347) or e-mail at LMGesser@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

As a part of the continuing efforts to reorganize the part numbering system of title 27 CFR, ATF is removing part 290, in its entirety, and is recodifying the

regulations as 27 CFR part 44. This change improves the organization of title 27 CFR.

DERIVATION TABLE FOR PART 44

The Requirements of Sec.:	Are derived from Sec.:
Subpart A	
44.1	290.1
44.2	290.2
Subpart B	
44.11	290.11
Subpart Ba	
44.31	290.31
44.32	290.32
44.33	290.33
44.34	290.34
44.35	290.35
44.36	290.36
Subpart C	
44.61	290.61
44.61a	290.61a
44.62	290.62
44.63	290.63
44.64	290.64
44.65	290.65
44.66	290.66
44.67	290.67
44.68	290.68
44.69	290.69
44.70	290.70
44.71	290.71
44.72	290.72
44.73	290.73
Subpart D	
44.81	290.81
44.82	290.82
44.83	290.83
44.84	290.84
44.85	290.85
44.86	290.86
44.87	290.87
44.88	290.88
44.89	290.89
44.90	290.90
44.91	290.91
44.92	290.92
44.93	290.93
Subpart E	
44.101	290.101
44.102	290.102
44.103	290.103
44.104	290.104
44.105	290.105
44.106	290.106
44.107	290.107
44.108	290.108
44.109	290.109
44.110	290.110
44.111	290.111
44.112	290.112

DERIVATION TABLE FOR PART 44—Continued

The Requirements of Sec.:	Are derived from Sec.:
Subpart F	
44.121	290.121
44.122	290.122
44.123	290.123
44.124	290.124
44.125	290.125
44.126	290.126
44.127	290.127
44.128	290.128
44.129	290.129
Subpart G	
44.141	290.141
44.142	290.142
44.143	290.143
44.144	290.144
44.145	290.145
44.146	290.146
44.147	290.147
44.148	290.148
44.149	290.149
44.150	290.150
44.151	290.151
44.152	290.152
44.153	290.153
44.154	290.154
Subpart H	
44.161	290.161
44.162	290.162
Subpart I [Reserved]	
Subpart J	
44.181	290.181
44.182	290.182
44.183	290.183
44.184	290.184
44.185	290.185
44.186	290.186
44.187	290.187
44.188	290.188
44.189	290.189
44.190	290.190
44.191	290.191
44.192	290.192
44.193	290.193
44.194	290.194
44.195	290.195
44.196	290.196
44.196a	290.196a
44.197	290.197
44.198	290.198
44.199	290.199
44.200	290.200
44.201	290.201
44.202	290.202
44.203	290.203
44.204	290.204
44.205	290.205
44.206	290.206
44.207	290.207
44.207a	290.207a
44.208	290.208
44.209	290.209

DERIVATION TABLE FOR PART 44—
Continued

The Requirements of Sec.:	Are derived from Sec.:
44.210	290.210
44.211	290.211
44.212	290.212
44.213	290.213
Subpart K	
44.221	290.221
44.222	290.222
44.223	290.223
44.224	290.224
44.225	290.225
44.226	290.226
44.227	290.227
44.228	290.228
44.229	290.229
44.230	290.230
44.231	290.231
44.232	290.232
Subpart L	
44.241	290.241
44.242	290.242
44.243	290.243
44.244	290.244
44.245	290.245
44.246	290.246
44.247	290.247
44.248	290.248
44.249	290.249
44.250	290.250
44.251	290.251
44.252	290.252
44.253	290.253
44.254	290.254
44.255	290.255
44.256	290.256
44.257	290.257
44.258	290.258
44.259	290.259
44.260	290.260
44.261	290.261
44.262	290.262
44.263	290.263
44.264	290.264
44.264a	290.264a
44.265	290.265
44.266	290.266
44.267	290.267

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 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 new or revised recordkeeping or reporting requirements.

Regulatory Flexibility Act

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

this final rule to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

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 analysis required by this Executive Order.

Administrative Procedure Act

Because this final rule merely makes technical amendments to improve the clarity and organization of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly, because this final rule makes no substantive changes and is merely the recodification of existing regulations, good cause is found that it is unnecessary to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects*27 CFR Part 40*

Cigars and cigarettes, Claims, Electronic funds transfers, Excise taxes, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco.

27 CFR Part 44

Aircraft, Armed forces, Cigars and cigarettes, Claims, Customs duties and inspection, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Vessels, Warehouses.

27 CFR Part 46

Cigars and cigarettes, Claims, Excise taxes, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

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 290

Aircraft, Armed forces, Cigars and cigarettes, Claims, Customs duties and

inspection, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Vessels, Warehouses.

Authority and Issuance

ATF is amending title 27 of the Code of Federal Regulations, chapter 1, as follows:

PART 40—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Paragraph 1. The authority citation for 27 CFR part 40 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 40.44, 40.233, 40.235, 40.451, and 40.454 [Amended]

Par. 2. Remove the reference to “part 290,” each place it appears, and add, in substitution, a reference to “part 44” in the following places:

- Section 40.44;
- Section 40.233;
- Section 40.235;
- Section 40.451; and
- Section 40.454.

PART 46—MISCELLANEOUS REGULATIONS RELATING TO TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Par. 3. The authority citation for 27 CFR part 46 continues to read as follows:

Authority: 18 U.S.C. 2341–2346, 26 U.S.C. 5708, 5751, 5761–5763, 6001, 6601, 6621, 6622, 7212, 7342, 7602, 7606, 7805, 44 U.S.C. 3504(h), 49 U.S.C. 782, unless otherwise noted.

Par. 4. Under the paragraph entitled “CROSS REFERENCE,” remove the reference to “part 290” and add, in its place, a reference to “part 44.”

§ 46.255 [Amended]

Par. 5. Amend paragraphs (b) and (c) in § 46.255 by removing the reference to “part 290” and adding, in its place, a reference to “part 44.”

PART 70—PROCEDURE AND ADMINISTRATION

Par. 6. 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.

§§ 70.431, 70.432, and 70.462 [Amended]

Par. 7. Remove the reference to “part 290” and add, in its place, a reference to “part 44” in the following places:

- a. Section 70.431(b)(5);
- b. Section 70.432(d); and
- c. Section 70.462.

PART 290—EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

Par. 8. The authority citation for 27 CFR part 290 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5754, 6061, 6065, 6151, 6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

PART 290—[REDESIGNATED AS PART 44]

Par. 9. Transfer 27 CFR part 290 from subchapter M to subchapter B and redesignate as 27 CFR part 44.

PART 44—EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

Par. 10. The authority citation for the newly redesignated 27 CFR part 44 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5754, 6061, 6065, 6151, 6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 11. Amend the newly redesignated part 44 as follows:

AMENDMENT TABLE FOR PART 44—Continued

Amend section:	By removing the reference to:	And adding in its place:
44.62	290.207	44.207
44.62	290.263	44.263
44.63	290.62	44.62
44.67(a)	290.66	44.66
44.82	290.93	44.93
44.83	290.82	44.82
44.84	290.82	44.82
44.85	290.82	44.82
44.86	290.88	44.88
44.87	290.83	44.83
44.88	290.82	44.82
44.88	290.86	44.86
44.93	290.142	44.142
44.102	290.85	44.85
44.104	290.144	44.144
44.104	290.88	44.88
44.104	290.126	44.126
44.105	290.88	44.88
44.105	290.146	44.146
44.105	290.151	44.151
44.105	290.144	44.144
44.107	290.146	44.146
44.107	290.151	44.151
44.108	290.126	44.126
44.110	290.146	44.146
44.110	290.151	44.151
44.111	290.88	44.88
44.112	290.111	44.111
44.112	290.126	44.126
44.112	290.89	44.89
44.123	290.86	44.86
44.123	290.124	44.124
44.123	290.125	44.125
44.124	290.123	44.123
44.144	290.93	44.93
44.161	290.146	44.146
44.161	290.151	44.151
44.200	290.147	44.147
44.205(d)	290.72	44.72
44.222	290.224	44.224
44.223	290.121	44.121
44.223	290.122	44.122
44.224	290.222	44.222
44.225	290.224	44.224
44.226	290.224	44.224
44.230	290.228	44.228
44.243	290.121	44.121
44.243	290.122	44.122
44.244	290.243	44.243
44.244	290.245	44.245
44.244	290.246	44.246
44.245	290.244	44.244
44.264	290.200	44.200
44.266	290.201	44.201

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA–119–FOR]

Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is approving, with two exceptions, an amendment to the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The program amendment consists of changes to the Virginia Surface Mining Reclamation Regulations concerning letters of credit. The amendment is intended to revise the Virginia program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: August 20, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (540) 523–4303.

SUPPLEMENTARY INFORMATION:

- I. Background on the Virginia Program.
- II. Submission of the Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Virginia Program

Section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act. * * *” and “rules and regulations consistent with regulations issued by the Secretary” pursuant to SMCRA. 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Virginia program on December 15, 1981. You can find background information on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of

AMENDMENT TABLE FOR PART 44

Amend section:	By removing the reference to:	And adding in its place:
44.31(a)	290.32	44.32
44.32(b)	290.31	44.31
44.33(b)(3)	290.34	44.34
44.33(c)(2)	290.142	44.142
44.35(a)	290.33(c)(2)	44.33(c)(2)

Signed: May 24, 2001.

Bradley A. Buckles,

Director.

Approved: June 11, 2001.

Timothy E. Skud,

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

[FR Doc. 01–20906 Filed 8–17–01; 8:45 am]

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