required to receive prior approval from ATF, as long as the distilled spirits products are relabeled in accordance with an approved label.

The proposed amendments would eliminate the requirement to receive approval from the regional director prior to relabeling wine and malt beverages. Instead, any persons who wished to relabel wine, malt beverages, or distilled spirits would be required to notify the Director, in writing, of their intent to relabel. This letterhead notice must be accompanied by duplicate copies of the old and new labels, together with a written statement of the reasons for relabeling, the quantity and location of the product to be relabeled, and the name and address of the person conducting the relabeling activities.

ATF believes that the proposed amendment will eliminate the inconsistencies in the current regulations, while still enabling the tracing of products in the event of a safety hazard or a compliance issue. Since the requirement for prior approval is being eliminated, the proposed amendments will provide that the notice should be sent to the Director, rather than the regional director. This proposal will increase efficiency in the Bureau's tracing of labels, since copies of certificates of label approval are maintained at Bureau headquarters.

As previously noted, the proposed regulations will provide that ATF does not need to be notified of the relabeling of alcoholic beverage products in Customs bonded warehouses or foreign trade zones, as long as all other requirements are met.

Miscellaneous

ATF is also proposing to add to section 7.20 a provision which is already found in slightly different forms in sections 4.30 and 5.31. This provision authorizes, without any notice requirement, the addition of a label identifying the wholesale or retail distributor, or identifying the purchaser or consumer, as long as the label contains no reference whatever to the characteristics of the product. The proposed regulations will standardize this provision for wines, distilled spirits, and malt beverages. Furthermore, the notice procedure in all three sections is also standardized for the sake of consistency. Although the current regulations in sections 4.30 and 7.20 do not specifically condition approval for relabeling on the existence of a certificate of label approval for the new labels, such a policy has always been enforced by ATF. The proposed regulations will require submission of

evidence of label approval for label changes.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant impact on a substantial number of small entities. This notice requests comments on a proposal to make it unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand or label on wine, distilled spirits, or malt beverages held for sale in interstate or foreign commerce or after shipment therein, including products held in a foreign trade zone or Customs bonded warehouse, if the effect of such action is to remove mandatory information required by ATF regulations, or to remove a product identification code placed on the label or container by the producer for tracing purposes. The proposal would also impose a notice requirement on the relabeling of distilled spirits, wine, and malt beverages, while eliminating the prior approval requirement previously imposed by the wine and malt beverage regulations. This proposal does not mandate new labeling requirements, but merely protects and preserves mandatory information already required under the regulations, and product identification codes which a producer voluntarily chooses to put on the product. Thus, the proposal should not have a significant economic impact on a substantial number of small entities.

Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected: (1) To have significant secondary or incidental effects on a substantial number of small entities, or (2) to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paperwork Reduction Act

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 1980, 44 U.S.C. 3504(h).

Comments on the collection of information should be directed to the

Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to: Reports Management Officer, Information Programs Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226.

The collections of information in this regulation are in 27 CFR 4.30, 5.31, and 7.20. These sections require that persons who wish to alter approved labels must notify ATF. This information is required by the Bureau of Alcohol, Tobacco and Firearms to ensure that alterations of labels are done in compliance with the regulations. The likely respondents are businesses or other for-profit institutions, including small businesses or organizations. This information collection requirement is included in OMB Control Number 1512–0092, which covers the relabeling of distilled spirits, wines, and beer. The estimated total number of label approvals issued annually under Control Number 1512-0092 is 54,601. Based on an estimated average time of 30 minutes to complete the application for label approval, the total annual burden associated with Control Number 1512–0092 is 27,300 hours. We estimate that ATF will receive about 180 notices of intent to relabel distilled spirits, wines, and malt beverages every year.

The amendments proposed in this document will not change the estimated number of 54,601 responses, because any person wanting to relabel an alcoholic beverage product is already required to obtain a certificate of label approval. The requirement for filing a notice with the Director will not change the estimated average time of 30 minutes to complete the application for a certificate of label approval, because only about 180 of the 54,601 responses will involve relabeling. The additional time required for those 180 responses is not significant enough to affect the estimated average time of 30 minutes to complete the application for label approval. Thus, the total burden estimate associated with Control Number 1512-0092 is not affected by the amendments proposed in this document.

Public Participation

ATF requests comments from all interested persons concerning the amendments proposed by this notice. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same