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 apply for permission to 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 collected requirement is included in OMB Control Number 1512-0092, which covers the requirement to obtain prior approval from ATF for all labels on distilled spirits, wines, and beer. This requirement for prior approval of labels is mandated by statute (27 U.S.C. 205(e)).

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 receives about 180 applications for permission 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 obtaining prior approval from the regional 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 estimated 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 consideration if it is practical to do so. but assurance of consideration cannot be given except as to comments received or or before the closing date. ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed amendments to the regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, if a public hearing is necessary.

#### Disclosure

Copies of this notice and the written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226

## Drafting Information

The principal author of this document is Daniel J. Hiland, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms.

# List of Subjects

## 27 CFR Part 4

Advertising, Consumer Protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and Containers, Wine.

#### 27 CFR Part 5

Advertising, Consumer Protection, Customs duties and inspection, Imports, Liquors, Packaging and containers.

# 27 CFR Part 7

Advertising, Consumer Protection, Customs duties and inspection, Imports, Labeling.

### **Issuance**

Title 27, Chapter I, is proposed to be amended as follows:

# PART 4—LABELING AND ADVERTISING OF WINE

**Paragraph 1.** The authority citation for 27 CFR Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

**Par. 2.** Section 4.30(b) is revised, and new paragraphs (c) and (d) are added to read as follows:

#### § 4.30 General.

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(b) Alteration of labels. (1) it shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon wine held for sale in interstate or foreign commerce or after shipment therein, including wine held in Customs bonded warehouses or foreign trade zones, except as authorized by Federal law, or as provided for in this section.

(2) Approval procedure. (i) The regional director (compliance) may, upon written application, permit additional labeling or relabeling of wine in containers for purposes of compliance with the requirements of this subpart or of State law. Permission to relabel shall not be given if the effect of the relabeling is to remove from the container or label a product identification code placed on the container or label by the producer for tracing purposes. For purposes of this section, the term "product identification code" includes any numbers, letters, symbols, dates, or other codes placed on the label or container by which the producer may be able to trace a product back to a particular production lot or batch, bottling line, or date of removal.

(ii) Application for permission to relabel shall be accompanied by two complete sets of the old labels and two complete sets of any proposed new labels, together with a statement of the reasons for relabeling, the quantity and the location of the wine, and the name and address of the person by whom the wine will be relabeled. In addition, the person desiring to relabel the wine must provide evidence that the proposed new labels are covered by a certificate of label approval, ATF F 5100.31.

(3) Labels identifying wholesale or retail distributor. There may be added to the container, after removal from customs custody, or prior to or after removal from the premises where bottled or packed, without application for permission to relabel, a label identifying the wholesale or retail distributor thereof or identifying the purchaser or consumer, and containing no references whatever to the characteristics of the products.