

the Agency has identified \$146,336 in direct costs arising from salary and benefits and an additional \$9,180 in allocable indirect costs attributable to the processing of extension, change of category, and reinstatement requests. Based upon direct and indirect costs of \$155,516 and 786 extension, change of category, and reinstatement requests per year, the Agency has determined that the per unit cost of processing such requests is \$198 and adopts this amount as the fee to be collected for the future processing of extension, change of category, and reinstatement requests. The Agency has also identified that \$92,402 in direct costs from salary and benefits and \$5,760 in allocable indirect costs are allocable to its processing of program designation requests. Based upon direct and indirect costs of \$98,162 and 126 requests for program designation, the agency has determined that the per unit cost of processing a program designation request is \$779 and adopts this amount as the fee to be collected for future processing of program designation requests. Finally, the agency has examined the number of man-hours devoted to the processing of non-routine "expedited" or "urgent" requests for the Form IAP-66 and has determined that 127.5% of one full time equivalent position at the program staff assistant level is allocable to the processing of such requests. The Agency has determined that \$57,775 in direct costs from salary and benefits and \$4,950 in indirect costs are allocable to the processing of non-routine "expedited" or "urgent" requests for the Form IAP-66 submitted by designated sponsors. Based upon direct and indirect costs of \$62,725 and 1,461 such requests, the Agency has determined that the per unit cost of processing a non-routine request for the Form IAP-66 is \$43 and adopts this amount as the fee to be collected for future processing of non-routine requests for the Form IAP-66 submitted by designated sponsors. All fees are non-refundable.

Public Comment

The Agency invites comments from the public on this interim final rule notwithstanding the fact that it is under no legal requirement to do so. The designation of exchange visitor sponsors and the administration of the Exchange Visitor Program are deemed to be foreign affairs functions of the United States Government. The Administrative Procedures Act, 5 U.S.C. 553(a)(1)(1989) specifically exempts such functions from the rulemaking requirements of the Act.

The Agency will accept comments regarding this rule until November 30,

1999. In accordance with 5 U.S.C. 605(b), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of E.O. 12291, nor does it have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 nor is it considered an economically significant regulatory action as defined by E.O. 12866. This rule does not impose any new reporting or record keeping requirements.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: September 21, 1999.

Les Jin,

General Counsel.

Accordingly, 22 CFR part 514 is amended as follows:

PART 514—EXCHANGE VISITOR PROGRAM

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(j), 1182, 1258; 22 U.S.C. 1431-1442, 2451-2460; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR 1977 Comp. p. 200; E.O. 12048 43 FR 13361, 3 CFR, 1978 Comp. p. 168; USIA Delegation Order no. 85-5 (50 FR 27393).

Subpart H—Fees

2. Section 514.90 is revised to read as follows:

§ 514.90 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 9701 shall be submitted as directed by the Agency and shall be in the amount prescribed by law or regulation. Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency and shall be made payable to the "United States Information Agency." A charge of \$25.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. If an applicant is residing outside the United States at the time of application, remittance may be made by bank international money order or foreign draft drawn on an institution in the United States and payable to the United States information Agency in United States currency.

(b) *Amounts of fees.* The following fees are prescribed:

Request for waiver review and recommendation—\$136
Request for program extension—\$198
Request for change of program category—\$198
Request for reinstatement—\$198
Request for program designation—\$779
Request for non-routine handling of an IAP-66 Form request—\$43.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 24

[T.D. ATF-418 Re: T.D. ATF-398, Notice No. 859 and Notice No. 869]

RIN 1512-AB71

Hard Cider; Postponement of Labeling Compliance Date (97-2523)

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

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule postpones the mandatory date for the labeling of hard cider. In the Proposed Rules section of this **Federal Register**, ATF is also issuing a notice of proposed rulemaking inviting comments on proposed changes to the label requirements for hard cider for a 60-day period following the publication of the notice.

DATES: *Effective date:* This document is effective retroactive to February 17, 1999.

Compliance date: Compliance with the hard cider labeling requirements in 27 CFR 4.21 and 24.257 is not mandatory until September 27, 2000.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW, Washington, DC 20226; (202) 927-8230; or mdruhfh@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) issued a temporary rule to implement various sections of the Taxpayer Relief Act of 1997, Public Law 105-34 ("the Act"). Section 908 of the Act amended the Internal Revenue Code of 1986 (IRC) to create a new excise tax category for hard cider. The temporary rule, T.D. ATF-398 (63 FR 44779) included rules for labeling hard cider. On the same

day, ATF issued a notice of proposed rulemaking, Notice No. 859 (63 FR 44819), inviting comments on this temporary rule for a 60 day period. In response to requests from the industry, ATF reopened the comment period for an additional 30 days on November 6, 1998, by Notice No. 869 (63 FR 59921).

ATF received 45 comments in response to these notices. Two comments addressed the issue of semi-generic wine designations (also covered in the temporary rule and notices), and all the rest concerned the hard cider rules. All the comments will be discussed in a future final rule, but ATF has identified one area, labeling of hard cider, where comments indicate the temporary rule as originally issued imposes an unintended and unnecessary burden. By this document, we are postponing the compliance date for the hard cider labeling rules (originally February 17, 1999), so that we can develop alternative labeling rules. The temporary rule and the specific comments are discussed in detail in the notice of proposed rulemaking published in this issue of the **Federal Register**.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) relating to a final regulatory flexibility analysis do not apply to this rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Pursuant to 26 U.S.C. 7805(f), this temporary rule will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Executive Order 12866

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

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new collection of information is contained in this Treasury decision.

Administrative Procedure Act

This document merely defers a compliance date for labeling rules for hard cider while ATF considers alternative labeling requirements. In view of the immediate need to inform the industry of this action, it is found to

be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Drafting Information: The principal author of this document is Marjorie Ruhf, of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Therefore, pursuant to the authority set forth in 26 U.S.C. 5368 and 27 U.S.C. 205(e), ATF is postponing the compliance date with respect to the use of the term "hard cider" set forth in 27 CFR 4.21(e)(5) and 24.257(a)(3)(iii) and (iv) to September 27, 2000.

Dated: June 16, 1999.

John W. Magaw,
Director.

Dated: August 13, 1999.

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-167]

RIN 2115-AA97

Security Zone: Presidential Visit and United Nations General Assembly, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary security zones in the waters of the East River, New York. This action is necessary to

protect the Port of New York/New Jersey, President Clinton, and approximately 80 visiting Heads of State, against terrorism, sabotage or other subversive acts and incidents of a similar nature during the President's visit to New York City and the United Nations General Assembly meeting. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: This rule is effective from 9 a.m. on Monday, September 20, 1999, until 7 p.m. on Friday, October 1, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date that specific information on the President's visit to New York City and Secret Service requirements for the United Nations General Assembly meeting were made available to the Coast Guard, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to the public interest as immediate action is needed to protect the Port of New York/New Jersey, the President, and visiting Heads of State.

Background and Purpose

These security zones, requested by the United States Secret Service, are needed to ensure the security of the Port of New York/New Jersey, the President, and visiting Heads of State, while attending the annual United Nations General Assembly meeting in midtown Manhattan, New York. The General Assembly meeting will be held at the United Nations building on East 43rd Street. There is a significant national security interest in protecting the President and safeguarding the international relations of the United States and the visiting Heads of State. These security zones will safeguard the