

Approved: March 25, 1999.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Donald C. Lubick,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 99-8638 Filed 4-8-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-411]

RIN: 1512-AB82

Technical Amendments (98R-376P)

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

ACTION: Final rule, Treasury decision.

SUMMARY: This Treasury decision changes the titles "Regional Director (Compliance)" to "Director of Industry Operations" and "Chief, Firearms and Explosives Licensing Center" to "Chief, National Licensing Center." It also replaces the term "region" with "division" and the term "regional counsel" with "Assistant Chief Counsel and Division Counsel." Finally, the decision replaces the words "local ATF office (compliance)" with "local ATF office." The changes are to provide clarity and uniformity throughout Title 27 Code of Federal Regulations (CFR).

DATES: Effective April 9, 1999.

FOR FURTHER INFORMATION CONTACT:

Marsha D. Baker, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 927-8230.

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) administers regulations published in chapter I of Title 27 CFR. Upon reviewing Title 27, ATF determined that the regulations in part 178 should be revised to reflect the ATF field structure reorganization that established Directors of Industry Operations in place of Regional directors (compliance), Chief, National Licensing Center in place of Chief, Firearms and Explosives Licensing Center, and Assistant Chief Counsels and Division Counsels in place of Regional Counsels. The reorganization also replaces regions with divisions.

These amendments do not make any substantive changes and are only intended to make Title 27 consistent with the agency's reorganization.

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 there are no recordkeeping or reporting requirements.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this final rule because no notice of proposed rulemaking is required.

Executive Order 12866

This final rule is not subject to the requirements of Executive Order 12866 because the regulations make nonsubstantive technical corrections to previously published regulations.

Administrative Procedure Act

Because this final rule merely makes technical amendments to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b).

Drafting Information: The principal author of this document is Marsha D. Baker, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR 178

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation.

Authority and Issuance

For the reasons discussed in the preamble, ATF amends 27 CFR Part 178 as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Paragraph 1. The authority citation for Part 178 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921-930; 44 U.S.C. 3504 (h).

Par. 2. Section 178.11 is amended by removing the title in the definition "Chief, Firearms and Explosives Licensing Center" and adding in its place "Chief, National Licensing Center," by removing the definitions "Regional director (compliance)" and "Region," and by adding the definitions "Director of Industry Operations" and "Division" to read as follows:

§ 178.11 Meaning of terms.

* * * * *

Director of Industry Operations. The principal ATF official in a Field Operations division responsible for administering regulations in this part.

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Division. A Bureau of Alcohol, Tobacco and Firearms Division.

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Par. 3. Remove the words "Regional director (compliance)" each place it appears and add, in place thereof, the words "Director of Industry Operations" in the following sections:

- (a) Section 178.22(a)(3) and (b);
- (b) Section 178.25;
- (c) Section 178.35;
- (d) Section 178.47(c) and (d);
- (e) Section 178.52(b);
- (f) Section 178.71;
- (g) Section 178.72;
- (h) Section 178.73;
- (i) Section 178.74;
- (j) Section 178.76;
- (k) Section 178.78;
- (l) Section 178.111(b)(1) and (c);
- (m) Section 178.115(a);
- (n) Section 178.122(c);
- (o) Section 178.123(c);
- (p) Section 178.124(i);
- (q) Section 178.125(h);
- (r) Section 178.126;
- (s) Section 178.130(e);
- (t) Section 178.144(i)(4).

Par. 4. Remove the words "Chief, Firearms and Explosives Licensing Center" each place it appears and add, in place thereof, the words "Chief, National Licensing Center" in the following sections:

- (a) Section 178.41(b) and (c);
- (b) Section 178.45;
- (c) Section 178.47;
- (d) Section 178.48;
- (e) Section 178.52;
- (f) Section 178.53;
- (g) Section 178.54;
- (h) Section 178.56(b);
- (i) Section 178.57(a);
- (j) Section 178.60;
- (k) Section 178.95;
- (l) Section 178.127.

Par. 5. Remove the word "region" each place it appears in § 178.127 and add, in place thereof, the word "division."

Par. 6. Remove the words "regional counsel" each place they appear in section 178.76 and add, in place thereof, the words "Assistant Chief Counsel or Division Counsel."

Par. 7. Remove the words "local ATF office (compliance)" each place it appears in section 178.130(e) and add, in place thereof, the words "local ATF office."

Signed: February 8, 1999.

John W. Magaw,
Director.

Approved: March 12, 1999.

John P. Simpson,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970129015-9082-10; I.D.
031997B]

RIN 0648-A184

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Partial Stay

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Final rule; partial stay.

SUMMARY: On February 16, 1999, NMFS issued a final rule implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP). This document stays the provisions concerning gear marking requirements for all fisheries regulated by the ALWTRP (published on February 16, 1999) until November 1, 1999. The remainder of 50 CFR 229.32 is not changed.

DATES: In regulations published at 64 FR 7529 (February 16, 1999), paragraphs § 229.32 (b), (c)(3)(ii), (c)(4)(ii), (c)(5)(ii), (d)(2)(ii), (d)(3)(ii), (d)(4)(ii), (d)(5)(ii),

and (f)(2) are stayed until November 1, 1999.

FOR FURTHER INFORMATION CONTACT:
Douglas Beach, NMFS, Northeast
Region, 978-281-9254; Katherine Wang,
NMFS, Southeast Region, 727-570-5312;
or Gregory Silber, NMFS, Office of
Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Background

On February 16, 1999, NMFS published a final rule (64 FR 7529) implementing the ALWTRP. The effective date given in the regulatory text of 64 FR 7529 pertaining to gear marking of all fisheries regulated by the ALWTRP was April 1, 1999. It was generally noted in the Response to Comments portion of the final rule (64 FR 7544) that, although gear marking is an important data gathering device, the proposed scheme published in the Interim Final Rule on July 22, 1997 (62 FR 39157), was not likely to be as effective as expected. NMFS also stated in the final rule (64 FR 7545) that, as requested in other comments, that the Gear Advisory Group (GAG) and the Atlantic Large Whale Take Reduction Team (ALWTRT) would be tasked with reviewing the current scheme, and if recommendations were provided, NMFS would modify the scheme.

The GAG met in October 1998, and the ALWTRT met on February 8-10, 1999. The ALWTRT discussed the gear marking scheme in detail and recommended by consensus (NMFS members abstaining) that NMFS suspend the implementation of the gear marking requirement until November 1, 1999, or until a better system is designed. The ALWTRT recommended a specific course of action be followed to provide an appropriate gear marking scheme that could be implemented by

NMFS by November 1, 1999. They asked that the GAG be reconvened quickly to design a better system for approval by the ALWTRT. The criteria established by the ALWTRT for an appropriate gear marking system were: (1) the system should identify the buoy lines by individual fishermen; (2) the system should apply to all waters affected by the plan; (3) it should be easily implemented by the affected fisheries; (4) to allow identification when the gear is not removed from a whale, the system should allow identification of gear type from a photograph; and (5) the system should allow identification of where the gear had been set.

The ALWTRT asked that, in order to minimize unnecessary confusion and expense for fishermen, the existing gear marking provision be stayed until November 1, 1999. This would assure that, should the GAG or ALWTRT not be able to reach a consensus on an appropriate gear marking scheme, the existing final rule gear marking scheme would remain in place. NMFS notes that the final rule comments on gear marking state that gear marking does not, by itself, reduce risk but provides important data for fine tuning the ALWTRP. Therefore, NMFS is staying the gear marking regulations for all fisheries affected by the ALWTRP so that the GAG and ALWTRT will have time to provide a more appropriate scheme to be implemented through the appropriate rulemaking process.

Dated: April 5, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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