

§ 250.173 Claims for drawback.

(a) *General.* Persons bringing eligible articles into the United States from Puerto Rico must file claim for drawback on ATF Form 2635 (5620.8). Upon finding that the claimant has satisfied the requirements of this subpart, the appropriate ATF officer must allow the drawback of taxes at a rate of \$1 less than the lesser of \$10.50 a proof gallon or the rate specified in 26 U.S.C. 5001(a).

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§ 250.193 [Amended]

Par. 21. The last sentence of § 250.193(b) is amended by removing the phrase “regional director (compliance) of the consignee’s region” and adding, in substitution, the words “appropriate ATF officer”.

§ 250.197 [Amended]

Par. 22. Section 250.197 is amended by removing the phrase “regional director (compliance) of each region in which a consignee’s distilled spirits plant is located” and adding, in substitution, the words “appropriate ATF officer”.

Par. 23. Section 250.199f(c) is revised to read as follows:

§ 250.199f Consignee premises.

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(c) *Distribution of forms.* The proprietor shall keep and send copies according to the instructions on the form.

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Par. 24. Section 250.224 is revised to read as follows:

§ 250.224 Filing and disposition of formulas.

Formulas required by this subpart must be submitted, and disposed of, in accordance with the instructions on the prescribed ATF form. The applicant shall maintain copies of approved formulas available for examination by insular agents.

Par. 25. Section 250.275(a) is revised to read as follows:

§ 250.275 Filing.

(a) All records and reports required by this part will be maintained separately, by transaction or reporting date, at the importer’s place of business. The appropriate ATF officer may, pursuant to an application, authorize files, or an individual file, to be maintained at another business location under the control of the importer, if the alternative location does not cause undue inconvenience to appropriate ATF or Customs officers desiring to examine the

files or delay in the timely submission of documents.

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Par. 26. The first sentence of § 250.276 is revised to read as follows:

§ 250.276 Retention.

All records required by this part, documents or copies of documents supporting these records, and file copies of reports required by this part shall be retained for not less than three years, and during this period shall be available, during business hours, for inspection and copying by appropriate ATF or customs officers. * * *

Par. 27. The undesignated heading preceding § 250.277 is removed.

§ 250.277 [Removed]

Par. 28. Section 250.277 is removed and reserved.

Par. 29. Section 250.308 is amended:

- By removing in paragraph (a) the preceding comma and the words “, but references therein to a regional director (compliance) shall apply, for purposes of this part to the Chief, Puerto Rico Operations”; and

- By revising paragraph (b) to read as follows:

§ 250.308 Bonds.

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(b) *Approval required.* No person bringing eligible articles into the United States from the Virgin Islands may file monthly claims for drawback under the provisions of this subpart until a bond on ATF Form 5154.3 has been approved.

Par. 30. Section 250.309 is amended by:

- Revising paragraph (a) to read as set forth below; and

- Removing the phrase “with the Chief, Puerto Rico Operations,” from the first sentence of paragraph (d).

§ 250.309 Claims for drawback.

(a) *General.* Persons bringing eligible articles into the United States from the Virgin Islands must file claim for drawback on ATF Form 2635 (5620.8). Upon finding that the claimant has satisfied the requirements of this subpart, the appropriate ATF officer must allow the drawback of taxes at a rate of \$1 less than the lesser of \$10.50 a proof gallon or the rate specified in 26 U.S.C. 5001(a).

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§ 250.314 [Amended]

Par. 31. Section 250.314 is amended by:

- Removing the phrase “to the Director” in the second sentence in paragraph (a).

- Removing the phrase “from the Director” in the third sentence in paragraph (a).

- Removing the word “Director’s” and adding, in substitution, the words “appropriate ATF officer’s” in the third sentence in paragraph (b).

Par. 32. Section 250.318 is revised to read as follows:

§ 250.318 Liquor bottles denied entry.

Filled liquor bottles not conforming to the provisions of this subpart shall be denied entry into the United States: *Provided*, That, upon letterhead application, in triplicate, the appropriate ATF officer may, in nonrecurring cases, authorize the release from customs custody of distilled spirits in bottles, except those coming under the provisions of § 250.316, which, through unintentional error, do not conform to the provisions of this subpart, if such officer finds that such release will not afford jeopardy to the revenue.

§ 250.331 [Amended]

Par. 33. Section 250.331 is further amended by:

- Removing from the first sentence of paragraph (a) the words “regional director (compliance) of the region in which his place of business is located” and adding, in substitution, the words “appropriate ATF officer”.

- Removing the second sentence of paragraph (b).

Signed: March 14, 2001.

Bradley A. Buckles,

Director.

Approved: March 28, 2001.

Timothy E. Skud,

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

[FR Doc. 01–10673 Filed 4–30–01; 8:45 am]

BILLING CODE 4810–31–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2202**Rules of Ethics and Conduct of Review Commission Employees**

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule.

SUMMARY: The Commission hereby eliminates its rules for the ethics and conduct of Commission employees. The ethics and conduct of Commission employees are now governed by rules issued by the Office of Government Ethics (OGE) subsequent to the

Commission's adoption of its rules. Eliminating the Commission's separate rules will prevent confusion in the administration of the Commission's program for ensuring that its employees comply with the accepted standards for ethical conduct.

DATES: Effective May 1, 2001.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, One Lafayette Center, 1120 20th St., N.W. 9th Floor, Washington, D.C. 20036-3457, phone 202-606-5410.

SUPPLEMENTARY INFORMATION: Rules for the ethical conduct of employees including Commission employees have been promulgated by the OGE at 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch. The OGE has advised the Commission that these rules supersede 29 CFR Part 2202.

List of Subjects in 29 CFR Part 2202

Conflict of interests.

For the reasons stated, the Occupational Safety and Health Review Commission under the authority of 29 U.S.C. 661(g) amends Title 29, Chapter XX of the Code of Federal Regulations as follows:

PART 2202—[REMOVED AND RESERVED]

1. Part 2202 is removed and reserved.

Dated: April 25, 2001.

Earl R. Ohman, Jr.,
General Counsel.

[FR Doc. 01-10767 Filed 4-30-01; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 173

[USCG-1999-6094]

RIN 2115-AF87

Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Coast Guard raises the threshold of property damage for reports of accidents involving recreational vessels when damage to vessels and other property totals \$2,000 or more in any one accident or—this represents a change from the Notice of Proposed Rulemaking—when a collision occurs involving two or more vessels,

regardless of the amount of damage to property. The higher threshold better accounts for the rising cost of repairs to recreational vessels. This Final Rule will reduce the number of reports of accidents for minor or cosmetic damage, help us maintain statistics for future years comparable to those for past ones, and reduce the burden of paperwork on the public to report such incidents.

DATES: This final rule is effective July 2, 2001.

ADDRESSES: Comments and materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-1999-6094 and are available for inspection or copying at the Docket Management Facility, U. S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Bruce Schmidt, Project Manager, Office of Boating Safety, Program Management Division, Coast Guard, by e-mail at bschmidt@comdt.uscg.mil or by telephone at 202-267-0955.

If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

You may obtain a copy of this rule by calling the U. S. Coast Guard Infoline at 1-800-368-5647 or by accessing either the Web Site for the Office of Boating Safety, at <http://www.uscgboating.org>, or the Internet Site for the Docket Management Facility, at <http://dms.dot.gov>.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On June 20, 2000, we published a Notice of Proposed Rulemaking (NPRM) entitled Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels (65 FR 38229). We received 17 letters commenting on the proposed rule. No public hearing was requested and none was held.

Regulatory Authority and History

46 U.S.C. 6101 requires the Secretary (who has delegated the authority to the Commandant) to prescribe rules on the reporting of "marine casualties." We use that authority to describe different types of marine casualties, including those involving certain amounts of property damage, that various parties must

report. 33 CFR Part 173, Subpart C, contains the rules applicable to recreational vessels.

In 1972, the threshold of property damage for reports of accidents involving recreational vessels was \$100. (This was the original threshold.) In 1979, the effects of inflation on the original threshold dictated that we raise the threshold to \$200. The purpose of this adjustment was to reduce the number of reports filed for minor incidents.

Even the threshold of \$200, however, eventually resulted in the submission of an excessive number of reports of accidents on minor incidents. This trend increased the reporting burden on the boating public, and the administrative burden on both the States and the Coast Guard. On February 6, 1989, to reduce these burdens, we published a Final Rule (54 FR 5608) raising the threshold to \$500. As it had been in 1979, the effect of inflation on repair costs was the basis for this change.

The formula described in the preamble of the Final Rule of 1989 rested on a methodology allowing us to adjust the threshold annually by applying a deflator based on the Gross National Product (GNP) to account for inflation. In that preamble, we also stated our intent to review the threshold annually and, if necessary, adjust the threshold in law each time it rose by another \$100.

How We Developed the New Methodology for Adjusting the Threshold

After analyzing the formula described in the preamble of the Final Rule of 1989, we determined that further adjustments both in the threshold and in the methodology used to determine it were necessary. Non-safety-related accident reports continued even after the threshold rose to \$500 in 1989. We now believe both that the threshold was too low and that the methodology itself was amiss. An inflation index based on the GNP and applied to a base-year value of \$500 yields a threshold for 2001 still low enough for the reporting of too many damages that are merely cosmetic. We decided that it is necessary to adjust the base-year value of the threshold to reach the level only where damage due to accidents implicates safety.

The National Association of State Boating Law Administrators (NASBLA) is a professional association consisting of officials of States, commonwealths, and provinces responsible for administering or enforcing the boating laws of those bodies. Within NASBLA,