

such relabeling is done under Customs supervision and in compliance with Customs requirements, and the effect of such relabeling is not to remove from the label or container any product identification code placed on the label or container by the producer for tracing purposes. As provided in § 5.51, bottled distilled spirits shall not be released from Customs custody for consumption without a certificate of label approval.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Par. 7. The authority citation for 27 CFR Part 7 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 8. Section 7.20 is amended by revising paragraph (c), and adding new paragraph (d) and (e) to read as follows:

§ 7.20 General.

* * * * *

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

(2) *Approval procedure.* (i) The regional director (compliance) may, upon written application, permit additional labeling or relabeling of malt beverages 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 malt beverages, and the name and address of the person by whom they will be relabeled. In addition, the person desiring to relabel the malt beverages 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 bottle, after removal from customs custody, or prior to or after removal from bonded premises, 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 product.

(d) *Customs bonded warehouses.* Imported malt beverages held in a Customs bonded warehouse may be relabeled without permission from ATF, as long as such relabeling is done under the supervision of Customs officers, in compliance with all applicable Customs requirements, and the effect of the relabeling is not to remove from the container or label any product identification code placed on the container or label by the producer for tracing purposes. As provided in § 7.31, no imported malt beverages in containers shall be released from Customs custody for consumption without a certificate of label approval.

(e) *Foreign trade zones.* (1) Domestic malt beverages which have been withdrawn without payment of tax for deposit in a foreign trade zone pending exportation may be relabeled without permission from ATF as long as such relabeling is done under the supervision of Customs officers, in compliance with all applicable Customs requirements, and the effect of the relabeling is not to remove from the container or label any markings required by Part 25 of this chapter or any product identification code placed on the container or label by the producer for tracing purposes.

(2) Imported malt beverages which have been entered into a foreign trade zone may be relabeled without receiving prior permission from ATF, as long as such relabeling is done under Customs supervision and in compliance with Customs requirements, and the effect of such relabeling is not to remove from the label or container any product identification code placed on the label or container by the producer for tracing purposes. As provided in § 7.31, no imported malt beverages in containers shall be released from Customs custody for consumption without a certificate of label approval.

Par. 9. Section 7.60 is revised to read as follows:

§ 7.60 Exports.

With the exception of the regulations at § 7.20(c), (d) and (e), the regulations in this part shall not apply to malt beverages exported in bond.

Dated: September 9, 1994.

John W. Magaw,
Director.

Approved: September 28, 1994.

John P. Simpson,
Deputy Assistant Secretary, (Enforcement).
[FR Doc. 95-138 Filed 1-3-95; 8:45 am]

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Fiscal Service

31 CFR Part 209

RIN 1510-AA30

Payment to Financial Institutions for Credit to Accounts of Employees and Beneficiaries

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to remove part 209 from title 31. This part governs the regular remittance to financial institutions of Federal payments which are for credit to the accounts of employees and beneficiaries. Regulations implemented July 1, 1994, require that financial institutions receive Government ACH transactions through electronic means. This regulatory change to 31 CFR part 210 made a separate part 209 regarding checks unnecessary. In addition, proposed revisions to 31 CFR part 210, Federal Government Participation in the Automated Clearing House, make substantive changes that supersede the savings allotment provisions of part 209, because savings allotment and recurring benefit payments formerly under the terms of part 209 are made by the ACH method under the terms of part 210.

DATES: Comments must be received on or before February 3, 1995.

ADDRESSES: Comments may be mailed to the Cash Management Policy and Planning Division, Financial Management Service, U.S. Department of the Treasury, Room 420, Liberty Center, 401 14th Street, SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT: John Galligan (202) 874-6657 (Director, Cash Management Policy and Planning Division).

SUPPLEMENTARY INFORMATION:

Background

This amendment removes part 209 from title 31 of the Code of Federal Regulations. This action renders moot the two recently proposed amendments to part 209. On December 4, 1992, the Financial Management Service

published a Notice of Proposed Rulemaking revising 31 CFR part 209 (57 FR 57400). That notice invited comments for a 30 day period ending January 4, 1993. No comments were received. A review of part 209 conducted independently of the formal notice and comment procedure determined that an additional revision to the language of part 209, not included in the December 4, 1992, notice, was necessary. Thus a Supplemental Proposed Rule was published on August 4, 1993 (58 FR 41449). That notice invited comments for a 30 day period ending September 3, 1993. No comments were received.

Since then, other actions have occurred which make 31 CFR part 209 obsolete. First, regulations implemented July 1, 1994, require that financial institutions receive Government ACH transactions through electronic means. (58 FR 21634). This regulatory change to 31 CFR part 210 made a separate part 209 regarding checks unnecessary. Second, revisions have been proposed for 31 CFR part 210, which define the responsibilities and liabilities of the Federal Government, Federal Reserve Banks, financial institutions, receivers, and originators doing business with the Government through the ACH system (59 FR 50112). The 3 revisions proposed for part 210 supersede the savings allotment provisions of part 209 because savings allotment and recurring benefit payments formerly made under the terms of part 209 are made by the ACH method under the terms of part 210.

Rulemaking Analysis

Treasury has determined that this regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, a regulatory assessment is not required. It is hereby certified that this revision will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The included changes are expected to result in improvements to the ACH process with advantages to institutions and recipients.

List of Subjects in 31 CFR Part 209

Automated Clearing House, Banks, Banking, Electronic funds transfer, Federal Reserve Banks, Financial institution, Government employees, Wages.

Accordingly, Part 209 of Title 31 of the Code of Federal Regulations is proposed to be removed.

Dated: October 5, 1994.

Russell D. Morris,

Commissioner.

[FR Doc. 95-53 Filed 1-3-95; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 169a

[DoD Instruction 4100.33]

Commercial Activities Program Procedures

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Proposed rule.

SUMMARY: This part proposes to remove the requirement to place every DoD employee in a comparable position prior to converting a function with 10 full time equivalents or less to contract and adjust minor administrative corrections. It also proposes to establish procedures and criteria for use by DoD Components to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources.

DATES: Comments must be received on or before March 6, 1995.

ADDRESSES: Send comments to the Office of the Assistant Secretary of Defense (Economic Security), Installations, 3300 Defense Pentagon, Room 3E808, Washington, DC 20301-3300.

FOR FURTHER INFORMATION CONTACT: Earl DeHart, Program Manager, 400 Army/Navy Drive, Suite 206, Arlington, Virginia 22202-2884, telephone (703) 604-5806.

SUPPLEMENTARY INFORMATION: On July 1, 1992, the Department of Defense published an amendment to 32 CFR part 169a in the **Federal Register** (57 FR 29207) bringing DoD guidance on commercial activities up-to-date. Comments will be available for public inspection by request. Because of the anticipated number of comments, the Department of Defense does not plan to acknowledge or respond to individual comments. However, the Department of Defense will respond to comments in the Supplementary Information of the final rule of this document. It has been certified that this proposed rule is not a significant regulation action.

The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy,

productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; planned by another agency;

(2) Create a serious inconsistency or otherwise interfere with an action taken or

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Further, it has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because the Services and Department agencies administering the rule will show a reduction in administrative costs and other burdens resulting from the simplification and clarification of direct conversion policies when this proposed rule is issued as a final rule. Finally, it has been certified that this proposed rule does not impose any additional reporting or record keeping requirements prohibited under the Paperwork Reduction Act of 1980.

List of Subjects in 32 CFR Part 169a

Armed forces, Government procurement.

Accordingly, 32 CFR Part 169a is proposed to be amended as follows:

PART 169a—COMMERCIAL ACTIVITIES PROGRAM PROCEDURES

1. The authority citation for Part 169a continues to read as follows:

Authority: 5 U.S.C. 301 and 552.

2. Section 169a.21 is proposed to be amended in paragraph (a) by removing "DD-P&L 1540" and adding in its place "DD-A&T(A) 1540", in paragraph (b) by removing "DD-P&L 1542" and adding in its place "DD-A&T(Q) 1542", in paragraph (c)(3) by removing "ASD(P&L)" adding in its place "ASD(ES)", by revising paragraph (c) introductory text, and by adding a sentence at the end of paragraph (c)(2) to read as follows:

§ 169a.21 Reporting requirements.

* * * * *

(c) Congressional Data Reports on CA (Report Control Symbol DD-A&T(A&AR) 1949) and Reports on savings on Costs from Increased Use of DoD Civilian Personnel (Report Control Symbol DD-A&T(AR) 1950). To insure consistent application of the requirements stated in 10 U.S.C. 2461 and 2463, the following guidance is provided: