

requiring companies to keep plant records until the facilities are permanently removed from service and retired from the accounting records. This revision recognizes that it is possible for companies to maintain plant records for shorter or longer periods than 25 years. The Commission, therefore, denies EEI's request for a reduction of the retention period for schedule item 8(b)(1).

## 2. Revision of New § 125.2(i)

Section 125.2(i) of the final rule requires public utilities and licensees to assure that supporting cost information is available for services performed by or for associated or affiliated companies, including detailed information regarding the nature of the transaction, the amounts involved, and the accounts used to record the transaction. EEI continues to be concerned that the language in this section could be interpreted to expand the Commission's authority to records of utility affiliates in general, instead of just to records that relate to utility-affiliate transactions. EEI stated that the Commission's clarification provided in the preamble of the final rule was "very useful and informative," and that the "clarification is valuable because it reduces . . . ambiguity" and "reflects the 'utility-affiliate' focus of the records to be maintained." However, EEI's concern is that the clarification provided in the preamble should be incorporated into the regulatory text at § 125.2(i), and requests that the text be amended to include the clarification. EEI proposed the following revision to § 125.2(i):

Public utilities and licensees must assure the availability of records, *to be retained by the originating entity*, of services performed by a utility or licensee for associated or affiliated companies *and vice versa*, with supporting cost information for the periods indicated in section 125.3 as necessary, *as they pertain to the cost of the services performed*.

The Commission believes that EEI's suggested revision to the regulatory language in § 125.2(i) is unnecessary. We find that EEI's suggested revision, in fact, deletes clarifying language identifying the kind of information public utilities and licensees must retain. The regulatory text in the final rule clearly states the Commission's needs related to records retention for transactions between utilities and affiliates. The Commission, therefore, denies the request for this revision.

## IV. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all

interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.fed.us>) and in FERC's Public Reference Room during normal business hours (8:30 A.M. to 5:00 P.M. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission's Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208-2222 (e-mail to [Webmaster@ferc.fed.us](mailto:Webmaster@ferc.fed.us)) or the Public Reference Room at (202) 208-1371 (e-mail to [public.referenceroom@ferc.fed.us](mailto:public.referenceroom@ferc.fed.us)).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

By the Commission.

**Linwood A. Watson, Jr.**,

*Acting Secretary.*

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Parts 4, 9, 24, 70 and 275

[T.D. ATF-432]

RIN 1512-AC25

#### Technical Amendments

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

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** This Treasury decision makes technical amendments and corrects typographical errors in various regulations of the ATF. All changes are to provide clarity and uniformity throughout the regulations.

**DATES:** Effective November 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Nancy Kern, Regulations Division, (202) 927-8210, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) administers regulations published in title 27, Code of Federal Regulations. These regulations are updated April 1 of each year to incorporate new or revised regulations that were published by ATF in the **Federal Register** during the preceding year. ATF identified several amendments that are needed to provide clarity and uniformity to the regulations in 27 CFR.

These amendments do not make any substantive changes and are only intended to improve the clarity of title 27.

##### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR 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 rule because no notice of proposed rulemaking is necessary.

##### 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 corrections 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), or subject to the effective date limitation in section 553(d).

**Drafting Information**

The author of this document in Nancy Kern, Regulations 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.

27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas. 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.

27 CFR Part 70

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Bankruptcy, Claims, Disaster assistance, Excise taxes, Firearms and ammunition, Government employees, Law enforcement, Law enforcement officers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Customs duties and inspections, Electronic fund transfers, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

**Authority and Issuance**

Accordingly, for the reason set out in the preamble, Title 27, Code of Federal Regulations is amended as follows:

**PART 4—LABELING AND ADVERTISING OF WINE**

**Paragraph 1.** The authority citation for part 4 continues to read as follows:

**Authority:** 17 U.S.C. 205

**Par. 2.** In § 4.21, revise the cross reference at the end of the section to read as follows:

**§ 4.21 The standards of identity.**

\* \* \* \* \*

Cross Reference: For regulations relating to the use of spirits in wine, see part 24 of this chapter.

**Par. 3.** Section 4.25a(e)(2) is revised to read as follows:

**§ 4.25a Appellations of origin.**

\* \* \* \* \*

(e) \* \* \*

(2) *Establishment of American viticultural areas.* Petitions for establishment of American viticultural areas may be made to the Director by any interested party, pursuant to the provisions of § 70.701(c) of this title. The petition may be in the form of a letter, and should contain the following information referred to in § 9.3(b) of this title.

\* \* \* \* \*

**PART 9—AMERICAN VITICULTURAL AREAS**

**Par. 4.** The authority citation for part 9 continues to read as follows:

**Authority:** 27 U.S.C. 205.

**Par. 5.** In § 9.3, revise the section heading and paragraphs (a) and (b)(3) to read as follows:

**§ 9.3 Relation to parts 4 and 70 of this chapter.**

(a) Procedure. In accordance with §§ 4.25a(e)(2) and 70.701(c) of this chapter, the Director shall receive petitions to establish American viticultural areas and shall use the informal rulemaking process, under 5 U.S.C. 553, in establishing viticultural areas in this part.

(b) \* \* \*

(3) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

\* \* \* \* \*

**PART 24—WINE**

**Par. 6.** The authority citation for part 24 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5081,

5111–5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

**Par. 7.** In § 24.265, remove the word “bail” and add the word “bailee” in place thereof.

**PART 70—PROCEDURE AND ADMINISTRATION**

**Par. 8.** The authority citation for part 70 continues to read as follows:

**Authority:** 5 U.S.C. 301 and 552; 26 U.S.C.

4181, 4182, 5146, 5203, 5207, 5275, 5367, 5415, 5504, 5555, 5684(a), 5741, 5761(b), 5802, 6020, 6021, 6064, 6102, 6155, 6159, 6201, 6203, 6204, 6301, 6303, 6311, 6313, 6314, 6321, 6323, 6325, 6326, 6331–6343, 6401–6404, 6407, 6416, 6423, 6501–6503, 6511, 6513, 6514, 6532, 6601, 6602, 6611, 6621, 6622, 6651, 6653, 6656–6658, 6665, 6671, 6672, 6701, 6723, 6801, 6862, 6863, 6901, 7011, 7101, 7102, 7121, 7122, 7207, 7209, 7214, 7304, 7401, 7403, 7406, 7423, 7424, 7425, 7426, 7429, 7430, 7432, 7502, 7503, 7505, 7506, 7513, 7601–7606, 7608–7610, 7622, 7623, 7653, 7805.

**Par. 9.** In § 70.411, revise paragraph (c)(2) to read as follows:

**§ 70.411 Imposition of taxes, qualification requirements, and regulations.**

\* \* \* \* \*

(c) \* \* \*

(2) *Miscellaneous liquor transactions.* Part 170 of 27 CFR contains miscellaneous regulations relative to the manufacture, removal, and use of stills and condensers, and to the notice, registration, and recordkeeping requirements therefor.

\* \* \* \* \*

**Par. 10.** Remove the reference “§ 71.26(h)” each place it appears and add, in its place, the reference “§ 70.802(g)” in the following places; (a) § 70.701(a)(3)(iv); and (b) § 70.701(b).

**PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES**

**Par. 10a.** The authority citation for part 275 continues to read as follows:

**Authority:** 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

**Par. 11.** In § 275.105, revise the first sentence to read as follows:

**§ 275.105 Prepayment of tax.**

To prepay, in Puerto Rico, the internal revenue tax imposed by 26 U.S.C.

7652(a), on tobacco products and cigarette paper and tubes of Puerto Rican manufacture which are to be shipped to the United States, the shipper shall file, or cause to be filed, with the Chief, Puerto Rico Operations, a tax return, ATF Form 5000.25, in duplicate, with full remittance of tax which will become due on such tobacco products and cigarette papers and tubes.\* \* \*

Signed: October 16, 2000.

**Bradley A. Buckles,**  
Director.

Approved: October 25, 2000.

**John P. Simpson,**

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

[FR Doc. 00-29409 Filed 11-15-00; 8:45 am]

BILLING CODE 4810-13-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MA-081-7211a; A-1-FRL-6897-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** We are converting our limited approval under the Clean Air Act of the Commonwealth of Massachusetts State Implementation Plan (SIP) revision for an enhanced vehicle inspection and maintenance program to a full approval. In our limited approval, we said Massachusetts needed to submit revisions to its SIP to address four sections of EPA's enhanced I/M regulation for full approval. We have determined that on October 20, 2000 Massachusetts submitted revisions that meet all of the conditions for full approval. Additionally, we are also approving an interim level of emission reduction credit for the inspection and maintenance program that can be utilized by Massachusetts in attainment planning. The intent of this action is to convert our limited approval of Massachusetts' enhanced vehicle I/M program SIP to a full approval and to approve an interim level of emission reduction credit for attainment planning purposes.

**DATES:** This direct final rule is effective on January 16, 2001 without further notice, unless EPA receives relevant adverse comment by December 18,

2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA-New England, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M-1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:**  
Peter Hagerty, (617) 918-1049.

#### **SUPPLEMENTARY INFORMATION:**

This Supplementary Information section is organized as follows:

- I. What action is EPA taking today?
- II. What Massachusetts SIP revision is the topic of this action?
- III. What were the requirements for full approval of the Massachusetts inspection and maintenance program?
- IV. How did Massachusetts fulfill these requirements for full approval?
- V. What action did EPA take to defer sanctions in Massachusetts?
- VI. What credit may Massachusetts assume in the interim until the correlation study is complete?
- VII. EPA Action
- VIII. Administrative Requirements

#### **I. What Action Is EPA Taking Today?**

In this action, we are converting our limited approval of Massachusetts' enhanced motor vehicle inspection and maintenance (I/M) SIP to a full approval.

We are also approving Massachusetts to use ASM credits for future planning purposes until the correlation study to compare IM240 with the Massachusetts 31 second test (MA31 test) is completed. Note: The full approval of the Massachusetts I/M program is based on the ability of the program to achieve the low-enhanced performance standard, and EPA has already determined that the program meets the low-enhanced standard in its limited approval of the program.

#### **II. What Massachusetts SIP Revision Is the Topic of This Action?**

This notice deals with a revision to the State of Massachusetts' Clean Air Act SIP submitted by Massachusetts on October 20, 2000 for certain program elements necessary to complete the I/M program. Today we are acting only upon this October 20, 1999 submittal to determine that Massachusetts submitted revisions meeting all of the conditions necessary to convert the limited approval of the enhanced I/M plan to a full approval. In so doing we are not reopening our final rulemaking granting limited approval of the Massachusetts enhanced I/M SIP submitted on May 14, 1999 and approved at 40 CFR 52.1120(c)(122).

#### **III. What Were the Requirements for Full Approval of the Massachusetts Inspection and Maintenance Program?**

Approval of Massachusetts' I/M program SIP required submission of information to meet the requirements of the following sections of EPA's I/M regulations: Network type and program evaluation—40 CFR 51.353; Quality control—40 CFR 51.359; Quality assurance—40 CFR 51.363; and On-road testing—40 CFR 51.371.

#### **IV. How Did Massachusetts Fulfill These Requirements for Full Approval?**

On October 20, 2000, Massachusetts submitted revisions to its enhanced I/M SIP to EPA in order to meet the conditions for full approval. The following is a description of the measures which Massachusetts has submitted to meet each of the deficient areas described in the limited approval approved at 40 CFR 52.1120(c)(122).

1. *Network type and program evaluation—40 CFR 51.353*—As part of its October 20, 2000 submittal, Massachusetts submitted a document entitled "Program Evaluation Plans For the Enhanced Inspection and Maintenance Program," dated October 2000. The Program Evaluation Plans contained a final "MA31-to-IM240 Correlation Study." The protocol for the correlation study was developed with EPA input and is acceptable to establish final emission reduction credit for the Massachusetts I/M program. A task assignment has been signed by Massachusetts to gather data to conduct the study described in the protocol. A copy of that task assignment was included in the October 20, 2000 submittal.

The Program Evaluation Plans, dated October 2000, also contained a "Phase 2 Program Evaluation Plan for the Massachusetts I&M Program." The