

in substitution, the words “an appropriate ATF officer” or “the appropriate ATF officer”, respectively, each place they appear in the following places:

- a. In the first and third sentences of § 44.213;
- b. In the second sentence of § 44.226.

Par. 32. Revise § 44.222 to read as follows:

§ 44.222 Claim.

Claim for allowance of drawback of tax, under this subpart, must be filed on Form 5620.7. Such claim must be filed in sufficient time to permit the appropriate ATF officer to detail an appropriate ATF officer to inspect the articles and supervise the affixture of a label or notice bearing the legend “For Export With Drawback of Tax.” Upon receipt of a claim supported by satisfactory bond, as required by this subpart, an appropriate ATF officer will proceed to the place where the articles involved are held and there perform the functions required in § 44.224.

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§ 44.223 [Amended]

Par. 33. In the first sentence of § 44.223 add the numbers and parentheses “(5200.17)” after the numbers “2148”.

Par. 34. Revise § 40.224 to read as follows:

§ 44.224 Inspection by an appropriate ATF officer.

(a) *Examination.* An appropriate ATF officer will examine the tobacco products, and cigarette papers and tubes listed on ATF Form 5620.7. Such officer will verify the accuracy of the schedule of such articles on ATF Form 5620.7.

(b) *Label or notice.* If the tax on such articles has been paid by return, the appropriate ATF officer must be satisfied that the articles have in fact been taxpaid and each package bears the label or notice required by § 44.222.

(c) *Shipping containers.* The appropriate officer will supervise the packing of such articles in shipping containers. Each container must be numbered and have affixed to it the notice:

Drawback of tax claimed on contents. Sale, consumption, or use in U.S. prohibited.

(d) *Disposition of ATF Form 5620.7.* After the appropriate ATF officer completes the report of inspection on ATF Form 5620.7, such officer will return two copies to the claimant and send a copy to the ATF office listed on the form.

(e) *Release.* After executing the report of inspection on ATF Form 5620.7, the

appropriate ATF office will release the shipment to the claimant for delivery to the port of exportation.

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§ 44.227 [Amended]

Par. 35. In the last sentence of § 44.227 remove the words “regional director (compliance) for the region from which the articles were shipped” and add, in substitution, the words “appropriate ATF officer”.

§ 44.229 [Amended]

Par. 36. In the first sentence of § 44.229 remove the words “regional director (compliance) with whom the drawback claim and bond were filed” and add, in substitution, the words “appropriate ATF officer”.

§ 44.242 [Amended]

Par. 37. In the first sentence of § 44.242 remove the words and punctuation “, for the region in which is located the customs warehouse from which the cigars were withdrawn.”.

§ 44.243 [Amended]

Par. 38. Amend § 44.243 by:

- a. In the first sentence of § 44.243 add the numbers and parentheses “(5200.15)” after the numbers “2104”; and
- b. Removing the last sentence.

§ 44.257 [Amended]

Par. 39. In the first sentence of § 44.257 remove the words “regional director (compliance) for the region in which is located the customs warehouse from which the shipment is withdrawn” and add, in substitution, the words “appropriate ATF officer”.

§ 44.258, 44.259, 44.260, 44.261, 44.262, 44.263, 44.264, 44.264a, 44.265 and 44.267 [Amended]

Par. 40. Remove the words “regional director (compliance)” and add, in substitution, the words “ATF officer” in each of the following places:

- a. The last sentence of § 44.258;
- b. The last sentence of § 44.259;
- c. The last sentence of § 44.260;
- d. The last sentence of § 44.261;
- e. The last sentence of § 44.262;
- f. The third sentence of § 44.263;
- g. The last sentence of § 44.264;
- h. The last sentence of § 44.264a;
- i. The last sentence of § 44.265; and
- j. The first sentence of § 44.267.

Par. 41. In the last sentence of § 44.264 remove the number “2149” and add, in substitution, the number “5200.14”.

Signed: February 25, 2002.

Bradley A. Buckles,
Director.

Approved: March 28, 2002.

Timothy E. Skud,
Deputy Assistant Secretary
(Regulatory, Tariff, and Trade Enforcement).
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DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Chapter VI

Removal of CFR Chapter

Effective April 26, 1996, the Bureau of Mines was terminated by Public Law 104-99, 110 Stat. 32. Therefore, the **Office of the Federal Register** is removing the Bureau of Mines regulations pursuant to its authority to maintain an orderly system of codification under 44 U.S.C. 1510 and 1 CFR part 8.

Accordingly, 30 CFR is amended by removing parts 601-652 and vacating Chapter VI.

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS PORTER (DDG 78) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 8, 2002.

FOR FURTHER INFORMATION CONTACT:
Captain Richard T. Evans, JAGC, U.S.

Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE, Suite 3000, Washington Navy Yard, DC 20374-5066, Telephone number: (202) 685-5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS PORTER (DDG 78) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I,

paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions, and Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a

manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

2. Table Four, Paragraph 16 of § 706.2 is amended by revising the following entry for *USS PORTER*:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Obstruction angle relative ship's headings
USS PORTER	DDG 78	108.43 thru 112.50°.
*	*	*

3. Table Five of § 706.2 is amended by revising the following entry for *USS PORTER*:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained.
USS PORTER	DDG 78	X	X	X	14.4
*	*	*	*	*	*

Dated: February 8, 2002.

Richard T. Evans,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at

Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has determined that USS STETHEM (DDG 63) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 8, 2002.

FOR FURTHER INFORMATION CONTACT:
Captain Richard T. Evans, JAGC, U.S.