

AA88, [49 FR 30742]. This rule proposed alternative ways to consolidate and simplify several consumer protection notices displayed by carriers on counter signs.

*Comments:* The Department received comments from certain members of the Air Transport Association of America, the travel industry, and the U.S. Office of Consumer Affairs.

*Reason for withdrawal:* Since publication of the NPRM, the increased use of information technology has resulted in many changes in the airline industry. Because of these substantial changes, this rulemaking is no longer necessary.

5. Rules of Practice in Board Proceedings; Fees and Charges for Special Services; and Statements of General Policy, NPRM published on October 5, 1984, under Docket No. 42497, RIN 2105-AA82, [49 FR 39337]. This rule proposed to revise requirements and procedures for applying for exemptions under section 416(b) of the Federal Aviation Act.

*Comments:* According to the document receipt ledger, no comments were received on this NPRM.

*Reason for withdrawal:* The Department included most of the proposed provisions from this NPRM in a rule that transferred CAB rules to DOT (50 FR 451, January 1, 1985). Therefore, this NPRM is no longer necessary and is withdrawn.

6. Tariffs; Baggage Liability Notices in International Air Transportation, NPRM published on December 18, 1984, under Docket No. 41690, RIN 2105-AA84, [49 FR 49111]. The NPRM was based on a petition for rulemaking to amend the regulations to clarify that carriers may have some liability for fragile or perishable articles.

*Comments:* The Department received comments from the International Air Transport Association and the Air Traffic Conference of America.

*Reason for withdrawal:* Since publication of the NPRM, the purpose of the proposal has been overtaken by changes to other Department rules, which makes this rulemaking unnecessary.

7. Price Advertising, NPRM published on July 26, 1989, under Docket No. 46410, RIN 2105-AB50, [54 FR 31052]. This rule proposed to amend the price advertising requirements to codify long-standing enforcement policy.

*Comments:* The Department received comments from the airline, travel, and advertising industries, State and local governments, and various consumer groups. A few of the comments urged the Department to adopt the proposals in the NPRM. Comments from State and

local agencies expressed concern about the preemptive effects of the NPRM. Other comments stated that the proposals supported unfair and deceptive practices by the airlines.

*Reason for withdrawal:* Since issuance of the NPRM, the substance of the proposed rule has been covered in numerous DOT enforcement orders, which provide guidance to the industry. Additionally, significant changes in marketing and ticket distribution systems, particularly use of the Internet, have rendered the NPRM inappropriate.

8. Procedures for Transportation Workplace Drug Testing Programs, NPRM published on July 13, 1990, under Docket No. 45928, RIN 2105-AB71, [54 FR 28782]. This rule proposed to amend requirements specifying who may receive negative drug test results.

*Reason for withdrawal:* The issues raised in this NPRM pertaining to who receives negative drug test results and the comments received on it were addressed in a final rule entitled Procedures for Transportation Workplace Drug and Alcohol Testing Program, under Docket OST-99-6578, published December 19, 2000, 65 FR 79462.

9. Transportation for Individuals with Disabilities, NPRM published on June 20, 1994, under Docket No. 49602, RIN 2105-AC06, [59 FR 31818]. This rule proposed to amend the Department's rules implementing the Americans with Disabilities Act (ADA) by adopting revised accessibility guidelines issued by the Architectural and Transportation Barriers Compliance Board.

*Reason for withdrawal:* The Department has published a more recent notice of proposed rulemaking entitled Americans with Disabilities Act Accessibility Standards, under Docket No. OST-2000-7703, published August 8, 2000, 65 FR 48444, and intends to consider the issues raised in the 1994 NPRM and comments received on the proposal in this 2000 NPRM.

10. Amendments to Pre-Employment Alcohol Testing Requirements, NPRM published on May 9, 1996, under Docket No. OST-96-1333, RIN 2105-AC50, [61 FR 21149]. This rule proposed a change to pre-employment alcohol testing provisions to harmonize the regulations with the OMNIBUS Transportation Employee Testing Act of 1991 by making pre-employment testing voluntary for employers.

*Reason for withdrawal:* The pre-employment alcohol testing requirements and the comments received on the NPRM were addressed in a final rule entitled Procedures for Transportation Workplace Drug and

Alcohol Testing Program, under Docket OST-99-6578, published December 19, 2000, 65 FR 79462.

While the Department is withdrawing the above-mentioned NPRMs and removing them from the semi-annual Regulatory Agenda, if it is determined that future action is needed, the Department will open new rulemakings.

Issued in Washington, DC on September 24, 2002.

**Norman Y. Mineta,**

*Secretary of Transportation.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 25

[REG-123345-01]

RIN 1545-AY91

#### Net Gift Treatment Under Section 2519

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document cancels the public hearing on proposed regulations relating to net gift treatment under section 2519 of the Internal Revenue Code.

**DATES:** The public hearing originally scheduled for Tuesday, October 15, 2002 at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Guy R. Traynor in the Regulations Unit, Associate Chief Counsel (Income Tax & Accounting), at (202) 622-7180 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Monday, July 22, 2002 (67 FR 47755), announced that a public hearing was scheduled for October 15, 2002 at 10 a.m., in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20044. The subject of the public hearing is proposed regulations under section 2519 of the Internal Revenue Code. The deadline for submitting outlines and requests to speak at the hearing for these proposed regulations expired on September 24, 2002.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be

addressed. As of September 26, 2002, no one has requested to speak. Therefore, the public hearing scheduled for October 15, 2002, is cancelled.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Associate Chief Counsel (Income Tax & Accounting).*

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 4

[Notice No. 953]

RIN 1512-AC63

#### Amelioration of Fruit and Agricultural Wines; Technical Amendments (2001R-197P)

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms proposes to correct an error in the wine labeling regulations regarding the amelioration of fruit (non-grape) and agricultural wines. The Bureau is also making a number of technical corrections to the wine labeling regulations.

**DATES:** Written comments must be received by December 2, 2002.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 953). See the "Public Participation" section of this notice for alternative means of commenting.

Copies of the proposed regulation, background materials, and any written comments received will be available for public inspection during normal business hours at the ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Berry, Bureau of Alcohol, Tobacco and Firearms, Regulations Division, 111 W. Huron Street, Room 219, Buffalo, NY 14202-2301; telephone 716-434-8039.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Alcohol, Tobacco and Firearms administers regulations published in chapter I of title 27 CFR. In a recent review of part 4 of this chapter, Labeling and Advertising of Wine, ATF noted an error at § 4.22(b)(5)

regarding the amelioration of fruit (non-grape) and agricultural wines. We propose to correct this error, and make several other technical amendments to the regulations in part 4.

##### Amelioration Error

The regulations at § 4.22(b)(5) state that fruit (non-grape) and agricultural wines may be treated with sugar or water in excess of the quantities prescribed for their standards of identity without ATF viewing such treatment as an alteration of class and type, if, among other conditions, "the content of natural acid is not less than 7.5 parts per thousand." [Italics added.] This limitation of 7.5 parts per thousand is incorrect. Pursuant to 26 U.S.C. 5383 and 5384, the correct minimum acid level should be 7.69 parts per thousand. This level is correctly stated in § 24.178(b)(3) as 7.69 grams per liter. "Grams per liter" is equivalent to "parts per thousand." In order to make these regulations accurate and consistent, we are amending the minimum acid limitation in § 4.22(b)(5) to 7.69 grams per liter.

##### Technical Amendments

ATF has identified a typographical error at § 4.21(h)(2), the standard of identity for imitation and substandard or other than standard wine. The phrase "other than standard wine" has been omitted from this section. The corrected regulation will read as follows:

(2) "Substandard wine" or "other than standard wine" shall bear as a part of its designation the words "substandard" or "other than standard," \* \* \*. [Addition in italics.] We have also identified two technical errors at § 4.30(a). Both the first and second sentences of this section use the word "article" to refer to regulatory subparts. "Article" was the term used for subparts when the wine labeling regulations were written in 1935. Later revisions replaced "article" with "subpart," but these two instances were overlooked. We propose to correct this oversight.

We also propose to remove three obsolete sections from part 4. All three have been replaced with newer sections, and their requirements have been obsolete for years.

- § 4.25, Appellation of origin, obsolete since January 1, 1983, has been replaced with § 4.25a.
- § 4.35, Name and address, obsolete since July 28, 1994, has been replaced with § 4.35a.
- § 4.72, Standards of fill, obsolete since January 1, 1979, has been replaced with § 4.73.

We are assigning the old numbers to the newer sections to improve the organization of part 4. We believe that removing these obsolete sections will make it much easier for readers to find current requirements.

##### Public Participation

ATF requests comments from all interested parties on the proposals contained in this notice. We specifically request comments on the clarity of this proposed rule and how it may be made easier to understand.

##### What Is a Comment?

In order for a submission to be considered a "comment," it must clearly indicate a position for or against the proposed rule or some part of it or must express neutrality about the proposed rule. Comments that use reasoning, logic, and, if applicable, good science to explain the commentator's position are most persuasive in the formation of a final rule.

To be eligible for consideration, comments must:

- Contain your name and mailing address;
- Reference this notice number;
- Be legible and written in language generally acceptable for public disclosure;
- Contain a legible, written signature if submitted by U.S. mail or fax; and
- Contain your e-mail address if submitted by e-mail.

To ensure that the public is able to access our office equipment, comments submitted by fax must be no more than five pages in length when printed on 8½" by 11" paper. Comments submitted by U.S. mail or e-mail may be any length.

##### How May I Submit Comments?

*By U.S. mail:* You may send written comments by mail to the address shown above in the **ADDRESSES** section of this notice.

*By fax:* You may submit comments by facsimile transmission to 716-434-8041. We will treat faxed transmissions as originals.

*By e-mail:* You may submit comments by e-mail by sending the comments to [nprm@atfhq.atf.treas.gov](mailto:nprm@atfhq.atf.treas.gov). We will treat e-mailed transmissions as originals.

*By online form:* You may also submit comments using the comment form provided with the online copy of the proposed rule on the ATF Web site at <http://www.atf.treas.gov/alcohol/rules/index.htm>. We will treat comments submitted via the Web site as originals.

##### How Does ATF Use the Comments?

We will carefully consider all comments that we receive on or before