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- This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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FEDERAL REGISTER, VOL. 38, NO. 225—MONDAY, NOVEMBER 25, 1973
subdivision, or passed upon the value, if any, of the property.

"It is unlawful for anyone to make, or cause to be made to any prospective purchaser, any representation contrary to the foregoing or any representations which differ from the Statements in this Property Report. If any such representations are made, please notify the Office of Interstate Land Sales Registration at the following address:

Office of Interstate Land Sales Registration, HUD Building, 461 Seventh Street SW, Washington, D.C. 20410."

The fifth and sixth paragraphs of the disclaimer shall be combined into one paragraph which shall appear as follows:

"Inspect the property and read all documents. Seek professional advice. Unless you receive this Property Report prior to or at the time you enter into a contract, you may void the contract by notice to the seller."

The last paragraph of that section is deleted and the following language is inserted in lieu thereof:

IMPORTANT: READ CAREFULLY

Name of subdivision:

By signing this receipt you acknowledge that you have received a copy of the Property Report prepared pursuant to the Federal Regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development. Received by:

[ ]

Street Address

[ ]

City State ZIP

Notwithstanding your signature by which you acknowledge that you have received the Property Report you still have other important rights under the Interstate Land Sales Full Disclosure Act.

The page containing the above disclaimer shall be a separate page and shall be prepared in the format required by §1710.110, Part B 2, 4, 5, and 6."

§1716.120 [Amended]

11. In §1710.120, first line, the word "filling" is changed to read "filling" (38 FR 23890).

12. In §1710.120, section I, State Filing, the words "set forth in §1710.105 for Part I." are changed to read "set forth in §1710.105 for the hearing to the formal Part I." (38 FR 23890).

PART 1720—FORMAL PROCEDURES AND RULES OF PRACTICE

§1720.40, §1720.300 and §1720.530 [Amended]

1. In §1720.40 (b), fifth line, the words "by law" shall be changed to read "by law." (38 FR 23390)

2. In §1720.300, third line, the words "wearing brief" are changed to read "wearing brief" (38 FR 23397).


George K. Bernstein

Interstate Land Sales Administrator.

[FR Doc. 73-2497 Filed 11-23-73; 8:15 am]

PART 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

CHAPTER II—PROCEDURES AND PRACTICES (T.D. ATT-4)

PART 70—PROCEDURE AND ADMINISTRATION

The following regulations are hereby prescribed, as Part 70 of Title 27 of the Code of Federal Regulations (a portion of the CFR devoted exclusively to alcohol, tobacco, firearms, and explosives matters, as administered and enforced by the Bureau of Alcohol, Tobacco and Firearms). These regulations, which were formerly included in 28 CFR Part 301 (a portion of the CFR currently devoted to both Internal Revenue and Bureau of Alcohol, Tobacco and Firearms matters), are set forth in the present and administrative rules of the Bureau relating to: the issuance and enforcement of summons; examination of books, accounts and records of taxpayers; examination of books, accounts and records of taxpayers' agents; examination of books, accounts and records of taxpayers' agents and persons; and the authority of officers of the Bureau. At a later date additional provisions, based on those in 28 CFR Part 301 which still have application to Bureau activities, will be published in 28 CFR Part 70.

1. The regulations in this part supersede that portion of 28 CFR Part 301 under the center footnote of "Discovery of Liability and Enforcement of Title" by aligning §361.7501 through 361.7555, to the extent that it is applied to laws formerly administered by the Bureau of Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service and as of July 1, 1971, administered by the Bureau of Alcohol, Tobacco, and Firearms, under Treasury Department Order No. 221.

2. These regulations shall not affect any act done or any liability incurred or accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on November 26, 1973.

Sec.

70.1 General.

70.11 Meaning of terms.

Subpart A—Definitions

70.21 Centers of regions for taxable persons and objects.

70.22 Examination of books and records.

70.23 Service of summons.

70.24 Enforcement of summons.

70.25 Time and place of examination.

70.26 Entry of premises for examination of taxable objects.

70.27 Examination of records and objects.

70.30 Authority of enforcement officers of the Bureau.

70.35 Authority to administer oaths and certify.

70.36 Authority to issue and execute warrants.

70.37 Authority to issue and execute search warrants.

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70.99 Authority to issue and execute search warrants.
necessary. Whenever any Bureau officer, having demanded admittance, and having declared his name and office, is not admitted to such premises by the proprietor or other person having charge thereof, no at all times, use such force as is necessary for him to gain entry to such premises.

(c) Authority to break up grounds. Any officer of the Bureau, and any person acting in his aid, may break up the ground on any part of a distilled spirits plant, or any other premises where spirits are produced or rectified, or any ground adjoining or near to such plant or premises, or any wall or partition thereof, or breaking through any wall or fence, to search for any pipe, cork, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading from such wall or fence, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cork, or to determine whether such pipe or other conveyance conveys any spirits, malt, or any beverage, or any liquor, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(68a Stat. 902, 72 Stat. 1597 (26 U.S.C. 7606, 8202).)

§ 70.27 Examination of records and objects.

Any officer of the Bureau may enter during business hours, the premises of any regulated establishment for the purpose of inspecting and examining any records, articles, or other objects required to be kept by the regulations issued pursuant thereto, or under 26 U.S.C. Chapter 40 or 44, or 26 U.S.C. Chapter 51, 52, or 53, or regulations issued pursuant thereto.


§ 70.28 Authority of enforcement officers of the Bureau.

Any special agent or other officer of the Bureau, in whatever term designated, whom the Director may authorize, shall have the powers and duties with the charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws administered and enforced by the Bureau pertaining to commodities subject to regulation by the Bureau, the enforcement of which such officers are responsible, may perform the following functions:

(a) Carry firearms; carry and serve search warrants and arrest warrants, and serve subpoenas and summonses issued under authority of the United States; and

(b) Execute and serve search warrants and arrest warrants, and serve subpoenas and summonses issued under authority of the United States; and

(c) In respect to the performance of such duty, make arrests without warrant for any offense against the United States committed in the presence of any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed, or is committing, such felony; and

(d) In respect to the performance of such duty, make seizures of property subject to forfeiture to the United States.


GENERAL POWERS AND DUTIES

§ 70.35 Authority to administer oaths and certify.

The officers and employees of the Bureau designated in paragraphs (a) and (b) of § 70.32 are authorized to administer such oaths or affirmations and to certify to such papers as may be necessary under the laws of the United States administered by the Bureau, the Federal Alcoholic Administration Act, or regulations issued thereunder, except that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. The authority to administer oaths and to certify may be redelegated only by the Assistant Director, Office of Inspection, or his designate, to officers and employees under their jurisdiction.

(68a Stat. 904 (26 U.S.C. 7602).)

§ 70.36 Rewards for information relating to violations of tax laws administered by the Bureau.

(a) In general. A regional director may approve such reward as he deems suitable for information that leads to the detection and punishment of any person guilty of violating any tax law administered by the Bureau or committing the same. The rewards provided for by 26 U.S.C. 7623 are limited in their aggregate to the sum appropriated therefore and shall be paid only in cases not otherwise provided for by law.

(b) Eligibility to file claim for reward.—(1) In general. Any person, other than certain present or former federal employees (see subparagraph (2) of this paragraph), who submits, in the manner set forth in paragraph (d) of this section, information relating to the violation of tax laws administered and enforced by the Bureau, is eligible to file a claim for reward under 28 U.S.C. 7623.

(2) Federal employees. No person who was an officer or employee of the Bureau or of the Department of the Treasury at the time he came into possession of information relating to violations of tax laws administered by the Bureau, or at the time he transmitted such information, shall be eligible for reward under 28 U.S.C. 7623 and this section.

(c) Other federal employees, or former federal employees, is eligible to file a claim for reward if the information submitted came to his knowledge through a source other than in the course of his official duties.

(3) Deceased informal. A claim for reward may be filed by an executor, administrator, or other representative on behalf of a deceased informant if, prior to his death, the informant was eligible to file a claim for reward under 26 U.S.C. 7623 and this section.

(4) Information may be verified by the Bureau, with certification by the Director, Director, Office of the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

(68a Stat. 904 (26 U.S.C. 7623).)

§ 70.41 Shipments to the United States.

For regulations under 28 U.S.C. 7623, see 26 CFR Part 250 relating to liquors and articles from Puerto Rico and the
RULES AND REGULATIONS

Subpart A—Scope
§ 70.1 General.
This part sets forth the procedural and administrative rules of the Bureau of Alcohol, Tobacco and Firearms for the issuance and enforcement of summonses, examination of books of account and witnesses, administration of oaths, entry of premises for examination of taxable objects, granting of rewards for information, canvass of regions for taxable objects and persons, and authority of officers of the Bureau.

Subpart B—Definitions
§ 70.11 Meaning of terms.
When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms “person,” “including,” and “other,” do not exclude things not enumerated which are in the same general class.


Director. The Director, Bureau of Alcohol, Tobacco and Firearms.

Regional Director. A Regional Director who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol and Firearms.


Subpart C—Discovery of Liability and Enforcement of Laws

EXAMINATION AND INSPECTION
§ 70.21 Canvas of regions for taxable persons and objects.
Each regional director shall, to the extent he deems practicable, cause officers or employees under his supervision and control to proceed from time to time, through his region and inquire after and concerning all persons therein who may be liable to pay any tax imposed under the act, and all persons owning or having the care and management of any objects with respect to which such tax is imposed.

(89A Stat. 591 (26 U.S.C. 7601).)

§ 70.22 Examination of books and witnesses.
(a) In general. For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any tax imposed under 26 U.S.C. Subtitle E (including any interest, additional amounts, additional tax, or civil penalty) or the liability at law or in equity of any transferee or fiduciary of any person in respect of any such tax, or collecting any such liability, any authorized officer or employee of the Bureau may examine any books, papers, records or other data which may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant to such inquiry.

(b) Summonses. For the purposes described in paragraph (a) of this section the officers and employees of the Bureau designated in paragraph (c) of this section are authorized to summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of accounts containing entries relating to the business of the person liable for tax or required to perform the act, or any person deemed properly to appear before a designated officer or employee of the Bureau at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry. The officers and employees designated in paragraph (c) of this section may designate any other employee of the Bureau as the individual before whom a person summoned pursuant to 26 U.S.C. 7602 shall appear. Any such other employee, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons. The authority to issue a summons may not be re-delegated.

(89A Stat. 591, as amended (26 U.S.C. 7602).)

§ 70.23 Service of summonses.
(a) In general. A summons issued under 26 U.S.C. 7602 shall be served by an attested copy delivered in hand to the person named or left at his last and usual place of abode. The certificate of service signed by the person serving the summons shall be evidence of the facts stated in the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

(b) Persons who may serve summonses. The following officers and employees of the Bureau are authorized to serve a summons issued under 26 U.S.C. 7602:
(1) The officers and employees designated in paragraph (c) of § 70.22; and
(2) Any regional directors, chiefs, field operatives; area supervisors and inspectors, Regulatory Enforcement; inspectors, Office of Inspection; and all special agents, Criminal Enforcement.

The authority to serve a summons may be re-delegated only by the Assistant Director, Office of Inspection, and regional directors of officers and employees under their jurisdiction.

(89A Stat. 592, as amended; (26 U.S.C. 7603).)

§ 70.25 Enforcement of summonses.
(a) In general. Whenever any person summoned under 26 U.S.C. 7602 neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, application may be made to the judge of the district court or to a U.S. magistrate for the district within which the person so summoned resides or is found for an attachment against him as for a contempt.

(b) Persons who may apply for an attachment. The officers and employees of the Bureau designated in paragraph (c) of § 70.22 are authorized to apply for an attachment as provided in paragraph (a) of this section. The authority to apply for an attachment for the enforcement of a summons may not be re-delegated.

(89A Stat. 592, as amended (26 U.S.C. 7604).)

§ 70.26 Time and place of examination.
(a) Time and place. The time and place of examination prescribed under the provisions of 26 U.S.C. 7602 shall be such time and place as may be fixed by an officer or employee of the Bureau and as are reasonable under the circumstances. The date fixed for appearance before an officer or employee of the Bureau shall not be less than 10 days from the date of the summons.

(b) Restrictions on examination of taxpayer. No taxpayer shall be subjected to unnecessary examination or investigations, and only one inspection of a taxpayer’s books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless an authorized Internal revenue or Bureau officer, after investigation, notifies the taxpayer in writing that an additional inspection is necessary.

(89A Stat. 592, as amended (26 U.S.C. 7605).)

§ 70.26 Entry of premises for examination of taxable objects.
(a) General. Any officer of the Bureau may enter in the daytime any building or place where any articles or objects subject to tax are made, produced, or kept, so far as it may be necessary for the purpose of examining said articles or objects and also enter at night such building or place, while open, for a similar purpose.

(b) Distilled spirits plants. Any officer of the Bureau may, at all times, as well by night as by day, enter in the daytime any building or place where any articles or objects subject to tax are made, produced, or kept, so far as it may be necessary for the purpose of examining said articles or objects and also enter at night such building or place, while open, for a similar purpose.
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Virgin Islands; and 28 CFR Part 275 relating to cigars, cigarettes, and cigarette papers and tubes. (88A Stat. 907, as amended (28 U.S.C. 7652) )
"§ 70.42 Shipments from the United States."

For regulations under 26 U.S.C. 7653, see 26 CFR Part 120 relating to stills; 26 CFR Part 252 relating to transportation of liquor; and 26 CFR Part 250, relating to exportation of cigars, cigarettes, and cigarette papers and tubes. (88A Stat. 908, as amended; (28 U.S.C. 7653).)

Because this Treasury decision merely recites the portion of 26 CFR Part 301 entitled "Discovery of Liability and Enforcement of Title" into 26 CFR Part 70, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on November 23, 1972.

[FR Doc. 72-24990 Filed 11-23-72; 8:48 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD 72-1843]

PART 1—GENERAL PROVISIONS

Delegation of Authority

The purpose of this amendment to the regulations that concern delegation of authority is to delegate from the Commandant, U.S. Coast Guard, the authority to take final agency action under 46 CFR Subparts 137.25, 137.30, and 137.35, with respect to all matters except petitions and appeals in cases in which an order of revocation has been issued.

In a document that appears on page 32448 of this issue of the Federal Register, the Commandant delegates to the Commandant's authority to take final agency action under 46 CFR Subparts 137.25, 137.30, and 137.35, except on a petition or appeal in a case in which an order of revocation has been issued.

In a document that appears on page 32448 of this issue of the Federal Register, amendments are made to 26 CFR 1.10, 1.20, 1.23, 1.25, 137.01-5, and 137.02-1 to reflect the delegation made in this document.

Since the amendment in this document concerns rules of agency procedure, it is exempt from rulemaking procedures by 5 U.S.C. 553(b). Since the amendment does not place an additional burden on any person, it may be made effective in less than 30 days.

In consideration of the foregoing, Part 1 of Title 33, Code of Federal Regulations, is amended as follows:

1. By adding a new section § 1.01-40, to follow § 1.01-30, to read as follows:

§ 1.01-40 Delegation to the Vice Commandant.

The Commandant delegates to the Vice Commandant authority to take final agency action under 46 CFR Subparts 137.25, 137.30, and 137.35 on each petition to reopen a hearing and on each appeal from a decision of an administrative law judge, except on a petition or appeal in a case in which an order of revocation has been issued. This delegation does not prevent the Vice Commandant from acting as Commandant, as prescribed in 14 U.S.C. 47(a), for all purposes of 46 CFR Subparts 137.25, 137.30, and 137.35.

Effective date. This amendment shall become effective on November 23, 1973.


C. DeWeese, Admiral, U.S. Coast Guard Commandant.

[FR Doc. 72-24990 Filed 11-23-73; 8:48 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGD 72-1873]

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Delegation of Authority

The purpose of these amendments to the regulations concerned with the suspension and revocation proceedings is to take cognizance of the Vice Commandant's authority to take final agency action under 46 CFR Subparts 137.25, 137.30, and 137.35, with respect to all matters except petitions and appeals in cases in which an order of revocation has been issued.

In a document that appears on page 32448 of this issue of the Federal Register, the Commandant delegates to the Commandant's authority to take final agency action on each petition to reopen a hearing or an appeal from a decision of an administrative law judge, under the authority of 46 CFR Subparts 137.25, 137.30, and 137.35, except on a petition or appeal in a case in which an order of revocation has been issued.

In a document that appears on page 32448 of this issue of the Federal Register, amendments are made to 26 CFR 1.10, 1.20, 1.23, 1.25, 137.01-5, and 137.02-1 to reflect the delegation made in this document.

Since the amendment in this document concerns rules of agency procedure, it is exempt from rulemaking procedures by 5 U.S.C. 553(b). Since the amendment does not place an additional burden on any person, it may be made effective in less than 30 days.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations is amended as follows:

1. By revising § 1.10 to read as follows:

§ 1.10 Suspension and revocation proceedings.

(a) The Commandant takes final agency action on suspending and revocation proceedings concerned with revocation.

(b) The Commandant in 33 CFR 1.01-40 delegates authority to the Vice Commandant to take final agency action under Subparts 137.25, 137.30, and 137.35 of this chapter on each proceeding except on a petition or appeal in a case in which an order of revocation has been issued.

(c) The Commandant assigns to his staff a Chief Administrative Judge who is an administrative law judge appointed under 5 U.S.C. 5105 and whose assignment is to:

(1) Act as advisor and special assistant to the Commandant on matters concerning the administration of hearings conducted under 46 U.S.C. 230 and 230b;

(2) Conduct hearings under 46 U.S.C. 230 and 230b;

(3) Train new administrative law judges assigned to conduct hearings under 46 U.S.C. 230 and 230b;

(4) Review written decisions and orders of each administrative law judge assigned to conduct a hearing under 46 U.S.C. 230 and 230b; and

(5) Act as advisor to the Chief Counsel in preparation of the final action on proceedings conducted under Subparts 137.25, 137.30, and 137.35 of this chapter.

(d) The Chief Counsel of the Coast Guard, under the general direction and supervision of the Commandant, U.S. Coast Guard:

(1) Acts as an advisor and as a special assistant to the Commandant in matters of law; and

(2) Prepares for the consideration of the Commandant or the Vice Commandant, as appropriate, proposed decisions on cases on appeal or review in suspension and revocation proceedings.

§ 1.20 [Amended]

2. By amending § 1.20 as follows:

a. By revoking the second sentence in paragraph (c) (1) (ii).

b. By revoking the sixth and last sentence in paragraph (d) (2).

§ 1.23 [Amended]

3. By amending § 1.23(b) by adding the words, "with the authority to redelegate and authorize successive delegations," to follow the words "Commandant, U.S. Coast Guard," in the second sentence.

4. By revising § 1.25(b) to read as follows:

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