

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 53**

[T.D. ATF-447]

RIN 1512-AC18

Manufacturers Excise Taxes—Firearms and Ammunition; Delegation of Authority**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.**ACTION:** Treasury decision, final rule.

SUMMARY: This final rule replaces all ATF authorities contained in regulations on “Manufacturers Excise Taxes—Firearms and Ammunition” with the “appropriate ATF officer” and requires that persons file documents required by those regulations with the “appropriate ATF officer” or in accordance with the instructions on the ATF form. Also, this final rule removes the definitions of, and references to, specific officers subordinate to the Director. Also, this final rule renumbers an ATF Form from ATF F 5300.29 to ATF F 5600.28. Concurrently with this Treasury Decision, ATF Order 1130.18 is being published. Through this order, the Director has delegated all of the authorities in these regulations to the appropriate ATF officers and specified the ATF officers with whom applications, notices and other reports, which are not ATF forms, are filed.

EFFECTIVE DATE: April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202-927-9347) or e-mail at LMGesser@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:**Background**

Pursuant to Treasury Order 120-03, dated November 5, 1990, the Secretary of the Treasury delegated to the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF), the authority to enforce, among other laws, the provisions of sections 4181 and 4182 of chapter 32 of the Internal Revenue Code (IRC) of 1986. The Director has subsequently redelegated certain of these authorities to appropriate subordinate officers by various means, including regulation, ATF delegation orders, regional directives, or similar delegation documents. As a result, to ascertain what particular officer is authorized to perform a particular function under

chapter 32, each of these various delegation instruments must be consulted. Similarly, each time a delegation of authority is revoked or redelegated, each of the delegation documents must be reviewed and amended as necessary.

ATF has determined that this multiplicity of delegation instruments complicates and hinders the task of determining which ATF officer is authorized to perform a particular function. ATF also believes these multiple delegation instruments exacerbate the administrative burden associated with maintaining up-to-date delegations, resulting in an undue delay in reflecting current authorities.

Accordingly, this final rule rescinds all authorities of the Director in part 53 that were previously delegated and places those authorities with the “appropriate ATF officer.” The authorities of the Director that were not previously delegated are also placed with the “appropriate ATF officer.” Along with this final rule, ATF is publishing ATF Order 1130.18, Delegation Order—Delegation of the Director’s Authorities in part 53, Manufacturers Excise Taxes—Firearms and Ammunition, which delegates certain of these authorities to the appropriate organizational level. The effect of these changes is to consolidate all delegations of authority in part 53 into one delegation instrument. This action both simplifies the process for determining what ATF officer is authorized to perform a particular function and facilitates the updating of delegations in the future. As a result, delegations of authority will be reflected in a more timely and user-friendly manner.

In addition, this final rule also eliminates all references in the regulations that identify the ATF officer with whom an ATF form is filed. This is because ATF forms will indicate the officer with whom they must be filed. Similarly, this final rule also amends part 53 to provide that submission of documents other than ATF forms (such as letterhead applications, notices and reports) must be filed with the “appropriate ATF officer” identified in ATF Order 1130.18. These changes will facilitate the identification of the officer with whom forms and other required submissions are filed.

This final rule also amends Subpart C—Administrative and Miscellaneous Provisions, of 27 CFR part 53. Specifically, a new § 53.20 is added to recognize authorities in part 53 and to identify ATF Order 1130.18 as the instrument reflecting such delegations. Also § 53.21 is amended to provide that

the instructions for an ATF form identify the ATF officer with whom it must be filed.

This rule also amends all references to ATF F 5300.29, Application for Extension of Time for Payment of Tax, to indicate the renumbering of this form to ATF Form 5600.38.

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 part 1320, do not apply to this final rule because there are no new or revised recordkeeping or reporting requirements.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. A copy of this final rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because it will 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; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (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.

Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes 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). Similarly it is unnecessary to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Lisa Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 53

Administrative practice and procedure, Arms and munitions, Authority delegations, Excise taxes, Exports, Imports, Penalties, Reporting and recordkeeping requirements.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 53—MANUFACTURERS EXCISE TAXES—FIREARMS AND AMMUNITION

Paragraph 1. The authority citation for part 53 continues to read as follows:

Authority: 26 U.S.C. 4181, 4182, 4216–4219, 4221–4223, 4225, 6001, 6011, 6020, 6021, 6061, 6071, 6081, 6091, 6101–6104, 6109, 6151, 6155, 6161, 6301–6303, 6311, 6402, 6404, 6416, 7502.

Par. 2. Section 53.11 is amended by removing the definitions of “ATF officer,” “Regional director (compliance),” and “Region” and by adding a new definition of “Appropriate ATF officer” to read as follows:

§ 53.11 Meaning of Terms.

* * * * *

Appropriate ATF Officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part by ATF Order 1130.18, Delegation Order—Delegation of the Director’s Authorities in 27 CFR part 53—Manufacturers Excise Taxes—Firearms and Ammunition.

* * * * *

Par. 3. A new § 53.20 is added in Subpart C to read as follows:

§ 53.20 Delegations of the Director.

All of the regulatory authorities of the Director contained in part 53 of the regulations are delegated to appropriate ATF officers. These ATF officers are specified in ATF Order 1130.18, Delegation Order—Delegation of the Director’s Authorities in 27 CFR part 53—Manufacturers Excise Taxes—Firearms and Ammunition. ATF delegation orders, such as ATF Order 1130.18, are available to any interested person by mailing a request to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF web site (<http://www.atf.treas.gov>).

Par. 4. Section 53.21 is amended by adding a sentence at the end of paragraph (a) and revising paragraph (b) to read as follows:

§ 53.21 Forms prescribed.

(a) * * * The form will be filed in accordance with the instructions on the form.

(b) Forms may be requested from the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF web site (<http://www.atf.treas.gov>).

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§§ 53.21, 53.23, 53.96, 53.115, and 53.172 [Amended]

Par. 5. Part 53 is further amended by removing the word “Director” each place it appears and adding, in its place, the words “appropriate ATF officer” in the following places:

- a. Section 53.21(a);
- b. Section 53.23(a);
- c. Section 53.96(b)(4);
- d. Paragraph (b) in § 53.115; and
- e. Section 53.172(a)(3)(ii)(A) and (a)(3)(ii)(B).

§ 53.22 [Amended]

Par. 6. Section § 53.22(a)(1) is amended by removing the words “internal revenue district office, internal revenue service center or ATF regional officer” and adding, in its place, the words “internal revenue district office or internal revenue service center.”

Par. 7. Revise § 53.23(b) to read as follows:

§ 53.23 Alternate methods or procedures.

* * * * *

(b) Where the taxpayer desires to employ an alternate method or procedure, a written application to do so must be submitted. The application must specifically describe the proposed alternate method or procedure and must set forth the reasons therefor. Alternate methods or procedures must not be employed until the appropriate ATF officer has approved the application. The taxpayer must, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever, in the judgment of the appropriate ATF officer, the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization.

§ 53.24 [Amended]

Par. 8. Amend § 53.24 as follows:

- a. In paragraph (a)(1) remove the words “an ATF officer,” and add, in its place, the words “appropriate ATF officers;” and
- b. In paragraph (d)(1) add the word “appropriate” before the words “ATF officers.”

§§ 53.92, 53.132, 53.133, 53.134, 53.142, 53.151, 53.155, 53.158, 53.159, 53.172, and 53.186 [Amended]

Par. 9. Part 53 is further amended by removing the words “regional director” and “Regional Director” each place they appear and adding, in their place, the words “appropriate ATF officer” in the following places:

- a. § 53.92(b)(2);
- b. Section 53.132(c)(2)(ii);
- c. Section 53.133(d)(3);
- d. Section 53.134(d)(2)(ii);
- e. Section 53.142(a);
- f. Section 53.151(b)(1) and (b)(2);
- g. Section 53.155 (a) and (b);
- h. Section 53.158(b)(3);
- i. Section 53.159(d)(1), and (d)(2);
- j. Section 53.172(b)(2)(iii); and
- k. Section 53.186(a)(introductory text) and (a)(4).

§ 53.136 [Amended]

Par. 10. Amend the first sentence of § 53.136(c)(2) by removing the words “and the regional director’s office that issued the registration number.”

§ 53.140 [Amended]

Par. 11. In paragraph (b) of § 53.140, remove the sentences which read as follows: “This form shall be filed with the regional director of ATF for the region in which the principal place of business of the applicant is located (or the applicant has no principal place of business in the United States, with the Director, ATF). Copies of the ATF Form 5300.28 may be obtained from any regional office.”

§ 53.156 [Amended]

Par. 12. Amend § 53.156 as follows:

- a. In paragraph (a)(1) remove the words “may apply to the regional director for an extension” and add, in its place, the words “may apply for an extension filing ATF Form 5600.38;”
- b. In the first sentence of paragraph (c), remove the words “ATF Form 5300.29” and add, in its place, the words “ATF Form 5600.38;” and
- c. In the third sentence of paragraph (c), remove the words “with the regional director shown on the form.”

§ 53.157 [Amended]

Par. 13. Remove the words “from the regional director” from § 53.157(f)(1).

§ 53.158 [Amended]

Par. 14. Amend § 53.158 as follows:

- a. In paragraph (b)(1) remove the words “regional director (compliance) of the ATF region in which taxes are paid” and add, in its place, the words “appropriate ATF officer;” and
- b. In paragraph (e) remove the words “regional director (compliance)” and

add, in its place, the words "appropriate ATF officer."

§ 53.159 [Amended]

Par. 15. Remove the words "from the regional director" from § 53.159(j)(1).

Signed: February 16, 2001.

Bradley A. Buckles,
Director.

Approved: March 13, 2001.

Timothy E. Skud,
Acting Deputy Assistant Secretary
(Regulatory, Tariff and Trade Enforcement).
[FR Doc. 01-9238 Filed 4-12-01; 8:45 am]
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 55, 70, and 270

[T.D. ATF-446a]

RIN 1512-AC37

Technical Amendment to Regulations; Correction

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

ACTION: Correcting amendments.

SUMMARY: This document contains correcting amendments to the Treasury decision, which was published in the **Federal Register** on March 27, 2001 (66 FR 16601), regarding technical amendments to Title 27, Code of Federal Regulations (CFR).

DATES: This rule is effective March 27, 2001.

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

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) published a document in the **Federal Register** of March 27, 2001 (66 FR 16601). Sections 55.128, 55.218, and 70.803(c) were erroneously revised. Also, the OMB numbers in §§ 270.165 and 270.165a were erroneously removed. This document corrects these errors.

Accordingly, 27 CFR part 55, 70, and 270 are corrected to make the following correcting amendments:

PART 55—COMMERCE IN EXPLOSIVES

1. The authority citation for part 55 continues to read as follows:

Authority: 18 U.S.C. 847.

2. The second sentence in § 55.128 is revised to read as follows:

§ 55.128 Discontinuance of business.

* * * Where discontinuance of the business or operations is absolute, the records required by this subpart must be delivered within 30 days following the business or operations discontinuance to any ATF office located in the region in which the business was located, or to the ATF Out-of-Business Records Center, Spring Mills Office Park, 882 T.J. Jackson Drive, Falling Waters, West Virginia 25419.

* * * * *

3. Section 55.218 is amended by adding the reference "(1.5 lbs.)" after "1½ lbs." in paragraph (3) to the Notes of the Table of Distances for Storage of Explosives.

PART 70—PROCEDURE AND ADMINISTRATION

4. On page 16602, in the **Federal Register** of March 27, 2001, remove amendatory instruction paragraph 7.

PART 270—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

5. The authority citation for part 270 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703-5705, 5711-5713, 5721-5723, 5731, 5741, 5751, 5753, 5761-5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

6. Section 270.165 is amended by adding the following at the end of the section to read as follows:

* * * * *

(Approved by Office of Management and Budget under control number 1512-0467)

7. Section 270.165a is amended by adding the following at the end of the section to read as follows:

* * * * *

(Approved by Office of Management and Budget under control number 1512-0457)

Signed: April 10, 2001.

Bradley A. Buckles,
Director.

[FR Doc. 01-9240 Filed 4-12-01; 8:45 am]
BILLING CODE 4810-31-P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in May 2001. Interest assumptions are also published on the PBGC's web site (<http://www.pbgc.gov>).

EFFECTIVE DATE: May 1, 2001.

FOR FURTHER INFORMATION CONTACT:

Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) a set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to part 4022).

Accordingly, this amendment (1) adds to Appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during May 2001, (2)