

## Subpart D – Administrative Matters

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS—  
CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

### **Delegation of Authority--Delegation of Administrator's Authorities in 27 CFR Part 44**

#### **27 CFR Part 44**

[T.D. ATF-480]

**RIN 1512-AC36**

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

**ACTION:** Treasury decision, final rule.

**SUMMARY:** This final rule places most ATF authorities contained in its Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax regulations with the “appropriate ATF officer”. Consequently, this final rule removes the definitions of, and references to, specific officers subordinate to the Director and the word “region.” This final rule also requires that persons file documents required by these regulations with the “appropriate ATF officer” or in accordance with the instructions on the ATF form. Concurrently with this Treasury Decision, ATF Order 1130.31 is being issued and will be made available as specified in this rule. Through this order, the Director has delegated most of the authorities to the

appropriate ATF officers and specified the ATF officers with whom applications, notices and other reports, which are not ATF forms, are filed. In addition, this final rule makes a few corrections and miscellaneous changes.

**EFFECTIVE DATE:** This rule is effective May 8, 2002.

#### **FOR FURTHER INFORMATION**

**CONTACT:** Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (telephone 202-927-8210 or e-mail to [alctob@atfhq.atf.treas.gov](mailto:alctob@atfhq.atf.treas.gov)).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

##### *Delegations of Authority*

Pursuant to Treasury Order 120-01 (formerly 221), dated June 6, 1972, 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 chapter 52 of the Internal Revenue Code of 1986 (IRC). The Director has subsequently redelegated certain of these authorities to appropriate subordinate officers by way of various means, including by 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 such provisions, 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 44 that were previously delegated and places those authorities with the “appropriate ATF officer.” Most of 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 1130.31, Delegation of the Director’s Authorities in 27 CFR Part 44, 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 44 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 44 to provide that the 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 1130.31. These changes will facilitate the identification of the officer with whom forms and other required submissions are filed.

This final rule also makes various technical amendments to Subpart A—Scope of Regulations of 27 CFR part 44. Specifically, § 44.3 is added to recognize the authority of the Director to delegate regulatory authorities for all of part 44 and identifies ATF Order 1130.31 as the instrument reflecting such delegations. Also, § 44.2 is amended to provide that the instructions for an ATF form identify the ATF officer with whom it must be filed.

ATF has made or will make similar changes in delegations to all other parts of Title 27 of the Code of Federal Regulations through separate rulemakings.

#### *Inventory Provisions*

This final rule eliminates all references to an ATF region, which were comprised of certain States for ATF administrative purposes. As a result, we have eliminated § 44.110 and part of § 44.146 which required an export warehouse proprietor to take an inventory of tobacco products when a factory moves from one region to another. Besides the fact that ATF is no longer organized by regions, ATF may require a manufacturer to take an inventory of tobacco products at any time under the provisions of § 44.145. Such times may include any change in the location of a factory. Consequently, ATF does not believe that such a specific requirement is presently needed to protect the revenue.

*Corrections And Miscellaneous Changes*

Throughout 27 CFR part 44, we have revised the numbers relating to ATF forms to reflect the correct numbers as shown on the following table:

<b>Form Number</b>	<b>Revised Form Number</b>
1534	5000.8
2093	2093 (5200.3)
2098	2098 (5200.16)
2103	2103 (5220.5)
2104	2104 (5200.15)
2105	2105 (5000.7)
2148	2148 (5200.17)
2149	5200.14

In § 44.143(a) we have removed what an export warehouse proprietor must report on ATF Form 5220.3 and with whom it must be filed. This ATF form specifies what an export warehouse proprietor must report and contains instructions for filing.

In § 44.243 we have removed the last sentence. This sentence referred to bond form 2100 which no longer exists and to a regulation that was eliminated over 40 years ago.

We have amended §§ 44.222 and 44.224 to remove references to stamps denoting the payment of tax. Since 1959 (Treasury Decision 6832, 24 FR 4225), we have not required the use of such stamps on tobacco products. In the past, the use of such stamps on tobacco products evidenced the payment of Federal excise tax under section 5701 Title 26 of the United States Code. These two sections involved the destruction of the stamps

when a claim for allowance of drawback was filed.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1995, Pub. L. 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 Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

## **List of Subjects in 27 CFR Part 44**

Administrative practice and procedure, Aircraft, Armed forces, Authority delegations, Cigars and cigarettes, Claims, Customs duties and inspection, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco, Transportation, Vessels, Warehouses.

## **Authority and Issuance**

For the reasons set forth in the preamble, title 27, Code of Federal Regulations is amended as follows:

### **PART 44--[Amended]**

**Paragraph 1.** The authority citation for part 44 continues to read as follows:

**Authority:** 26 U.S.C. 5142, 5143, 5146, 5701, 5703-5705, 5711-5713, 5721-5723, 5731, 5741, 5751, 5753, 5754, 6061, 6065, 6151, 6402, 6404,

6806, 7011, 7212, 7342, 7606, 7805, 31 U.S.C. 9301, 9303, 9304, 9306.

**Par. 2.** Amend § 44.2 by:

a. Removing the word “Director” and adding, in substitution, the words “appropriate ATF officer” in the first sentence of paragraph (a).

b. Adding a sentence at the end of paragraph (a) and revising paragraph (b) to read as follows:

### **§ 44.2 Forms prescribed.**

(a) \* \* \* The form will be filed in accordance with the instructions for 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>).

\* \* \* \* \*

**Par. 3.** Add § 44.3 to read as follows:

### **§ 44.3 Delegations of the Director.**

Most of the authorities of the Director contained in this part are delegated to appropriate ATF officers. These ATF officers are specified in ATF Order 1130.31, Delegation of the Director's Authorities in Part 44. ATF delegation orders, such as ATF Order 1130.31, are available from the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950, or from the ATF web site (<http://www.atf.treas.gov>).

**Par. 4.** Amend § 44.11 by:

a. Removing the definitions of "Associate Director (Compliance Operations)", "ATF officer", "Region", and "Regional Director (compliance)"; and

b. Adding the definition of "Appropriate ATF officer" to read as follows:

**§ 44.11 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 1130.31, Delegation of the Director's Authorities in 27 CFR Part 44, Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax.

\* \* \* \* \*

**§§ 44.35, 44.70, 44.71, 44.142, 44.143, 44.145, 44.147, 44.150, 44.199, 44.201, 44.225, 44.257, 44.266 and 44.267 [Amended]**

**Par. 5.** Add the word "appropriate" before the words "ATF officer" or "ATF officers" each place they appear in the following places:

- a. Section 44.35(c);
- b. The heading and text of § 44.70;
- c. Section 44.71;
- d. The last sentence of § 44.142(e);
- e. Section 44.143(b);
- f. Section 44.145;
- g. The last sentence of § 44.147;
- h. Section 44.150;
- i. The second sentence of § 44.199;
- j. The last sentence of § 44.201;

- k. Section 44.225;
  - l. The second sentence of § 44.257;
  - m. The last sentence of § 44.266;
- and
- n. The last sentence of § 44.267.

**Par. 6.** In the sixth sentence of § 44.62 remove the words "regional director (compliance) for the region from which the articles were shipped" and add, in substitution, the words "appropriate ATF officer".

**Par. 7.** Remove the first sentence of § 44.66 and add, in substitution, two sentences to read as follows:

**§ 44.66 Relief from liability for tax.**

A manufacturer of tobacco products or cigarette papers and tubes or an export warehouse proprietor is relieved of the liability for tax on tobacco products, or cigarette papers or tubes upon providing evidence satisfactory to the appropriate ATF officer of exportation or proper delivery. The evidence must comply with this part.

\* \* \*

\* \* \* \* \*

**§§ 44.72, 44.73 and 44.184 [Amended]**

**Par. 8.** Remove the words "Director" and add, in substitution, the words "appropriate ATF officer" each place they appear in the following places:

- a. The introductory text of § 44.72 and the fifth, sixth and seventh sentences of § 44.72(c);
- b. The introductory text of § 44.73 and the fourth and last sentence of § 44.73(c); and
- c. Section 44.184.

**§§ 44.72 and 44.73 [Amended]**

**Par. 9.** Remove the words "do so, in triplicate, to the regional director (compliance) for transmittal to the Director" and add, in substitution, the words "the appropriate ATF officer" in the following places:

- a. The third sentence of § 44.72(c); and
- b. The fifth sentence of § 44.73(c).

**Par. 10.** Revise the first sentence of § 44.82 to read as follows:

**§ 44.82 Application for permit.**

Every person, before commencing business as an export warehouse proprietor, must apply on ATF Form 2093 (5200.3) and obtain the permit provided for in § 44.93. \* \* \*

\* \* \* \* \*

**§§ 44.83 and 44.84 [Amended]**

**Par. 11.** Remove the words "same regional director (compliance)" each place they appear and add, in substitution, the words "appropriate ATF officer" in the following places:

- a. The last sentence of § 44.83; and
- b. The last sentence of § 44.84.

**Par. 12.** In the first sentence of § 44.86 add the numbers and parentheses "(5220.5)" after the numbers "2103".

**Par. 13.** In the last sentence of § 44.87 remove the number and the words "1534 and furnished to the regional director (compliance) and add, in substitution, the number and words

"5000.8 in accordance with its instructions."

**§§ 44.91, 44.92, 40.104, 44.105, 44.106, 44.112, 44.121, 44.123, 44.124, 44.125, 44.127, 44.129, 44.153, 44.154, 44.161, 44.162, 44.210, 44.213, 44.223, 44.226, 44.228, 44.230, 44.231, 44.232, 44.242, 44.244, 44.245 and 44.246 [Amended]**

**Par. 14.** Remove the words "regional director (compliance)" and add, in substitution, the words "appropriate ATF officer" each place they appear in the following places:

- a. Section 44.91;
- b. Section 44.92;
- c. The last sentence of § 40.104;
- d. Section 44.105;
- e. Section 44.106;
- f. Section 44.112;
- g. Section 44.121(b);
- h. Section 44.123;
- i. Section 44.124;
- j. Section 44.125;
- k. Section 44.127;
- l. Section 44.129(a);
- m. The second sentence of § 44.153;
- n. The first sentence of § 44.154;
- o. Section 44.161;
- p. Section 44.162;
- q. Section 44.210;
- r. The first sentence of § 44.213;
- s. Section 44.223;
- t. The last sentence of § 44.226;
- u. Section 44.228;
- v. The last sentence of § 44.230;
- w. Section 44.231;
- x. Section 44.232;
- y. Section 44.242;
- z. Section 44.244;
- aa. Section 44.245; and
- bb. Section 44.246.

**Par. 15.** Revise § 44.93 to read as follows:

**§ 44.93 Issuance of permit.**

After the application for permit, bond, and supporting documents, as required under this part, has been approved, the appropriate ATF officer will issue a permit to the export warehouse proprietor. The proprietor must keep such permit at the export warehouse and make it available for inspection by an appropriate ATF officer.

**§§ 44.101, 44.102, 44.103, 44.108, 44.109 and 44.111. [Amended]**

**Par. 16.** Add the numbers and parentheses "(5200.16)" after the number "2098" each place they appear in the following places:

- a. Section 44.101;
- b. Section 44.102;
- c. Section 44.103;
- d. Section 44.108;
- e. Section 44.109; and
- f. Section 44.111.

**§ 44.108 Change in location. [Amended]**

**Par. 17.** Section 44.108 is amended by:

- a. Revising the heading to read as set forth above; and
- b. Removing the words "within the same region" and the words and punctuation ", to the regional director (compliance)".

**§ 44.110 [Removed and reserved]**

**Par. 18.** Remove and reserve § 44.110.

**§ 44.124 [Amended]**

**Par. 19.** In the first sentence of § 44.124 remove the word "administrator".

**§ 44.126 [Amended]**

**Par. 20.** In § 44.126, add the numbers and parentheses "(5000.7)" after the number "2105".

**§ 44.143 [Amended]**

**Par. 21.** In § 44.143, remove the last sentence of paragraph (a) and remove paragraphs (a)(1) and (2).

**§ 44.144 [Amended]**

**Par. 22.** In § 44.144, remove the words "as indicated thereon by the regional director (compliance)".

**§ 44.146 [Amended]**

**Par. 23.** In § 44.146, remove the words and punctuation ", changes his location to another region,".

**§ 44.147 [Amended]**

**Par. 24.** In the first sentence of § 44.147, remove the words and punctuation ", to the regional director (compliance),".

**§ 44.152 [Amended]**

**Par. 25.** Amend § 44.152 by:

- a. In the second sentence removing the words " regional director (compliance) for the region in which the warehouse is located" and adding, in substitution, the words "appropriate ATF officer"; and

b. Revising the third and remaining sentences to read as follows:

**§ 44.152 Claim for remission of tax liability.**

\* \* \*. If the proprietor wishes to be relieved of the tax liability, the proprietor must prepare and file a claim on ATF Form 5620.8. The nature, date, place, and extent of the loss or destruction must be stated in such claim. The claim must be accompanied by such evidence as is necessary to establish to the satisfaction of the appropriate ATF officer that the claim is valid. When the appropriate ATF officer has acted on the claim, such officer will return a copy of ATF Form 5620.8 to the proprietor as notice of such action. The proprietor must keep the copy of ATF Form 5620.8 for 3 years following the close of the calendar year in which the claim is filed.

\* \* \* \* \*

**§§ 44.153 and 44.243 [Amended]**

**Par. 26.** Remove the words "with the regional director (compliance)" in each of the following places:

- a. The first sentence of § 44.153; and
- b. The first sentence of § 44.243.

**Par. 27.** Revise the third sentence of § 44.154 to read as follows:

**§ 44.154 Claim for refund of tax.**

\* \* \*. The claim must be filed on ATF Form 5620.8 and supported by such evidence as is necessary to establish to the satisfaction of the

appropriate ATF officer that the claim is valid. \* \* \*

\* \* \* \* \*

**Par. 28.** In the first sentence of § 44.199 remove the words "regional director (compliance) for the region in which is located the factory or warehouse from which the shipment is removed" and add, in substitution, the words "appropriate ATF officer".

**§§ 44.200, 44.201, 44.202, 44.203, 44.204, 44.205, 44.206, 44.207, 44.207a, 44.208, 44.212 and 44.213 [Amended]**

**Par. 29.** Remove the words "his regional director (compliance)" and add, in substitution, the words "the appropriate ATF officer" each place it occurs in the following places:

- a. The second sentence of § 44.200;
- b. The second sentence of § 44.201;
- c. The last sentence of § 44.202;
- d. The last sentence of § 44.203;
- e. The last sentence of § 44.204;
- f. Section 44.205(b)(3);
- g. The last sentence of § 44.206;
- h. The third sentence of § 44.207;
- i. The last sentence of § 44.207a;
- j. The last sentence of § 44.208;
- k. The first sentence of § 44.209;
- l. The last sentence of § 44.212; and
- m. The last sentence of § 44.213.

**§ 44.212 [Amended]**

**Par. 30.** In the last sentence of § 44.212 remove the word "he" and add, in substitution, the words "such officer".

**§§ 44.213 and 44.226 [Amended]**

**Par. 31.** Remove the words "an ATF officer" or "the ATF officer" and



add, 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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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".

**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".

**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,".

**Par. 38.** Amend § 44.243 by:

a. In the first sentence of add the numbers and parentheses "(5200.15) after the numbers "2104"; and

b. Removing the last sentence.

**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,**

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

(Filed with the Office of the Federal Register on 5-7-02 at 8:45 a.m. as FR Doc. 02-11258; published in the Federal Register on 5-8-02 at 67 FR 30799.)

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TITLE 27—ALCOHOL, TOBACCO  
PRODUCTS AND FIREARMS—  
CHAPTER I—BUREAU OF  
ALCOHOL, TOBACCO AND  
FIREARMS, DEPARTMENT OF THE  
TREASURY

**Importation of Distilled Spirits,  
Wines, and Beer; Recodification of  
Regulations (2000R-247P)**

**27 CFR Parts 4, 5, 7, 19, 20, 22, 24,  
25, 26, 27, 70, and 251**

**[T.D. ATF-479]**

**RIN 1512-AC47**

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

**ACTION:** Final Rule (Treasury decision).

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is recodifying the regulations pertaining to the importation of distilled spirits, wines, and beer. The purpose of this recodification is to reissue the regulations in part 251 of title 27 of the Code of Federal Regulations (27 CFR part 251) as 27 CFR part 27. This change improves the organization of title 27.

**DATES:** This rule is effective on May 8, 2002.

**FOR FURTHER INFORMATION**

**CONTACT:** Jennifer Berry, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 111 W. Huron Street, Room 219, Buffalo, New York, (716) 434-8039.

**SUPPLEMENTARY INFORMATION:**

**Background**

As a part of continuing efforts to reorganize the part numbering system of title 27 CFR, ATF is removing part 251, Importation of Distilled Spirits, Wines, and Beers, in its entirety, and is recodifying the regulations as 27 CFR part 27. This change improves the organization of title 27 CFR. ATF intends to update and clarify the regulations in this part, but believes that such revisions would be best undertaken at a later time through a notice of proposed rulemaking with public comment.

**Derivation Table for Part 27**

<b>Requirements of:</b>	<b>Are derived from:</b>
<i>Sec.</i>	<i>Sec.</i>
Subpart A	
27.1	251.1
27.2	251.2
27.3	251.3
Subpart B	
27.11	251.11
Subpart C	
27.30	251.30
27.31	251.31
Subpart D	
27.40	251.40
Subpart E	
27.41	251.41
27.42	251.42
27.42a	251.42a
27.43	251.43
27.44	251.44
27.45	251.45
27.46	251.46
27.48	251.48
27.48a	251.48a
27.49	251.49
Subpart E	
27.55	251.55
27.56	251.56
27.57	251.57
27.58	251.58
27.59	251.59
27.60	251.60
27.61	251.61
27.62	251.62
27.74	251.74
27.75	251.75

27.76	251.76
27.77	251.77
Subparts F – G [ Reserved]	
Subpart H	
27.120	251.120
27.121	251.121
Subpart I	
27.133	251.133
27.134	251.134
27.136	251.136
27.137	251.137
27.138	251.138
27.139	251.139
Subparts J – K [Reserved]	
Subpart L	
27.171	251.171
27.172	251.172
27.173	251.173
27.174	251.174
27.175	251.175
Subpart M	
27.181	251.181
27.182	251.182
27.183	251.183
27.184	251.184
27.185	251.185
Subpart N	
27.201	251.201
27.202	251.202
27.204	251.204
27.206	251.206
27.207	251.207
27.208	251.208
27.209	251.209
Subpart O	
27.221	251.221

### **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 under the Administrative Procedure Act (5 U.S.C. 553), the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply. We sent a copy of this final rule to the Chief Counsel for Advocacy of the Small Business Administration for comment in accordance with 26 U.S.C. 7805(f); we received no comments.

### **Executive Order 12866**

This final rule is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

### **Administrative Procedure Act**

Because this final rule merely makes technical amendments to improve the clarity and organization of the regulations, it is unnecessary to issue this final rule with notice and public comment procedure under 5 U.S.C. 553(b). Similarly, because this final rule makes no substantial changes and is merely the recodification of existing regulations, good cause is found that 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 Jennifer Berry, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

### **List of Subjects**

#### *27 CFR Part 4*

Advertising, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Trade practices, Wine.

#### *27 CFR Part 5*

Advertising, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Trade practices.

#### *27 CFR Part 7*

Advertising, Beer, Customs duties and inspection, Imports, Labeling, Reporting and recordkeeping requirements, Trade practices.

#### *27 CFR Part 19*

Caribbean Basin initiative, Claims, Electronic funds transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Surety bonds, Vinegar, Virgin Islands, Warehouses.

#### *27 CFR Part 20*

Alcohol and alcoholic beverages, Claims, Cosmetics, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Surety bonds.

#### *27 CFR Part 22*

Administrative practice and procedure, Alcohol and alcoholic beverages, Excise taxes, Reporting and recordkeeping requirements, Surety bonds.

#### *27 CFR Part 24*

Administrative practice and procedure, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Vinegar, Warehouses, Wine.

#### *27 CFR Part 25*

Beer, Claims, Electronic funds transfers, Excise taxes, Exports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Surety bonds.

#### *27 CFR Part 26*

Alcohol and alcoholic beverages, Caribbean Basin initiative, Claims, Customs duties and inspection, Electronic funds transfers, Excise taxes, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Virgin Islands, Warehouses.

*27 CFR Part 27*

Alcohol and alcoholic beverages, Beer, Cosmetics, Customs duties and inspection, Electronic funds transfers, Excise taxes, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Wine.

*27 CFR Part 70*

Administrative practice and procedure, Claims, Excise taxes, Freedom of information, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surety bonds.

*27 CFR Part 251*

Alcohol and alcoholic beverages, Beer, Cosmetics, Customs duties and inspection, Electronic funds transfers, Excise taxes, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Wine.

**Authority and Issuance**

For the reasons set forth in the preamble, ATF is amending chapter 1 of title 27 of the Code of Federal Regulations as follows:

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

**Par. 1.** The authority citation for 27 CFR part 4 continues to read as follows:

**Authority:** 27 U.S.C. 205, unless otherwise noted.

**Par. 2.** Under the table of contents section entitled "CROSS REFERENCES," remove the reference

to "27 CFR Part 251 – Importation of Distilled Spirits, Wines and Beer" and add, in part number order, a reference to "27 CFR Part 27 – Importation of Distilled Spirits, Wines and Beer".

**PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS**

**Par. 3.** The authority citation for 27 CFR part 5 continues to read as follows:

**Authority:** 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

**§ 5.2 [Amended]**

**Par. 4.** Amend § 5.2 by removing the reference to "27 CFR Part 251 -- Importation of Distilled Spirits, Wines and Beer" and adding, in part number order, a reference to "27 CFR Part 27 -- Importation of Distilled Spirits, Wines and Beer".

**PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES**

**Par. 5.** The authority citation for 27 CFR part 7 continues to read as follows:

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

**§7.4 [Amended]**

**Par. 6.** Amend § 7.4 by removing the reference to "27 CFR Part 251 -- Importation of Distilled Spirits, Wines and Beer" and adding, in part number order, a reference to "27 CFR Part 27 -- Importation of Distilled Spirits, Wines and Beer".

**PART 19—DISTILLED SPIRITS PLANTS**

**Par. 7.** The authority citation for 27 CFR part 19 continues to read as follows:

**Authority:** 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004-5006, 5008, 5010, 5041, 5061, 5062, 5066, 5081, 5101, 5111-5113, 5142, 5143, 5146, 5171-5173, 5175, 5176, 5178-5181, 5201-5204, 5206, 5207, 5211-5215, 5221-5223, 5231, 5232, 5235, 5236, 5241-5243, 5271, 5273, 5301, 5311-5313, 5362, 5370, 5373, 5501-5505, 5551-5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 6806, 7011, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

**§ 19.3 [Amended]**

**Par. 8.** Amend § 19.3 by removing the reference to "27 CFR part 251 -- Importation of Distilled Spirits, Wine, and Beer" and adding, in part number order, a reference to "27 CFR part 27 -- Importation of Distilled Spirits, Wine, and Beer".

**§ 19.524 [Amended]**

**Par. 9.** Amend paragraphs (a)(1), (b)(1) and (b)(3) of § 19.524 by removing the reference to "parts 26 and 251" and adding, in its place, a reference to "parts 26 and 27".

**§ 19.538 [Amended]**

**Par. 10.** Amend § 19.538(a)(1)(iii) by removing the reference to "part 251" and adding, in its place, a reference to "part 27".

**PART 20—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM**

**Par. 11.** The authority citation for 27 CFR part 20 continues to read as follows:

**Authority:** 26 U.S.C. 5001, 5206, 5214, 5271-5275, 5311, 5552, 5555, 5607, 6065, 7805.

**§ 20.3 [Amended]**

**Par. 12.** Amend § 20.3 by removing the reference to "27 CFR Part 251—Importation of Distilled Spirits, Wines and Beer" and adding, in part number order, a reference to "27 CFR Part 27—Importation of Distilled Spirits, Wines and Beer".

**PART 22—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL**

**Par. 13.** The authority citation for 27 CFR part 22 continues to read as follows:

**Authority:** 26 U.S.C. 5001, 5121, 5142, 5143, 5146, 5206, 5214, 5271-5276, 5311, 5552, 5555, 6056, 6061, 6065, 6109, 6151, 6806, 7011, 7805; 31 U.S.C. 9304, 9306.

**§ 22.3 [Amended]**

**Par. 14.** Amend § 22.3 by removing the reference to "27 CFR Part 251 -- Importation of Distilled Spirits, Wines and Beer" and adding, in part number order, a reference to "27 CFR Part 27 -- Importation of Distilled Spirits, Wines and Beer".

**§ 22.171 [Amended]**

**Par. 15.** Amend § 22.171(b) by removing the reference to "part 251" and adding, in its place, a reference to "part 27".

## **PART 24—WINE**

**Par. 16.** The authority citation for 27 CFR 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.

### **§ 24.4 [Amended]**

**Par. 17.** Amend § 24.4 by removing the reference to "27 CFR Part 251 -- Importation of Distilled Spirits, Wines and Beer" and adding, in part number order, a reference to "27 CFR Part 27 -- Importation of Distilled Spirits, Wines and Beer".

### **§ 24.272 [Amended]**

**Par. 18.** Amend paragraphs (a)(1), (b)(1), and (b)(3) in § 24.272, by removing the reference to "parts 26 and 251" and adding, in its place, a reference to "parts 26 and 27".

## **PART 25—BEER**

**Par. 19.** The authority citation for 27 CFR part 25 continues to read as follows:

**Authority:** 19 U.S.C. 81c; 26 U.S.C. 5002, 5051-5054, 5056, 5061, 5091, 5111, 5113, 5142, 5143, 5146, 5222, 5401-5403, 5411-5417, 5551, 5552, 5555, 5556, 5671, 5673, 5684, 6011, 6061, 6065, 6091, 6109, 6151,

6301, 6302, 6311, 6313, 6402, 6651, 6656, 6676, 6806, 7011, 7342, 7606, 7805; 31 U.S.C. 9301, 9303-9308.

### **§ 25.165 [Amended]**

**Par. 20.** Amend paragraphs (a)(1), (b)(1), and (b)(3) of § 25.165 by removing the reference to "parts 26 and 251" and adding, in its place, a reference to "parts 26 and 27".

## **PART 26—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS**

**Par. 21.** The authority citation for 27 CFR part 26 continues to read as follows:

**Authority:** 19 U.S.C. 81c; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5061, 5081, 5111, 5112, 5114, 5121, 5122, 5124, 5131-5134, 5141, 5146, 5207, 5232, 5271, 5276, 5301, 5314, 5555, 6001, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 27 U.S.C. 203, 205; 31 U.S.C. 9301, 9303, 9304, 9306.

### **§ 26.112a [Amended]**

**Par. 22.** Amend § 26.112a as follows:

a. In paragraphs (a)(1), (b)(1) and (b)(3), remove the reference to "parts 19 and 251" and add, in its place, a reference to "parts 19 and 27".

b. In paragraphs (a)(1), (b)(1) and (b)(3), remove the reference to "parts 240 and 251" and add, in its place, a reference to "parts 24 and 27".

c. In paragraph (b)(1) and (b)(3), remove the reference to "parts 245 and



251” and add, in its place, a reference to “parts 25 and 27”.

d. In paragraph (a)(1), remove the reference to “parts 25 and 251” and add, in its place, a reference to “parts 25 and 27”.

#### **§ 26.267 [Amended]**

**Par. 23.** Amend paragraph (a) of § 26.267 as follows:

a. Remove the reference to “parts 19 and 251” and add, in its place, a reference to “parts 19 and 27”.

b. Remove the reference to “parts 240 and 251” and add, in its place, a reference to “parts 24 and 27”.

c. Remove the reference to “parts 25 and 251” and add, in its place, a reference to “parts 25 and 27”.

#### **PART 70—PROCEDURE AND ADMINISTRATION**

**Par. 24.** The authority citation for 27 CFR 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.

#### **§ 70.411 [Amended]**

**Par. 25.** Amend § 70.411(c)(27) by removing the reference to “part 251” and adding, in its place, a reference to “part 27”.

#### **PART 251-IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER**

**Par. 26.** The authority citation for 27 CFR part 251 continues to read as follows:

**Authority:** 5 U.S.C. 552(a), 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805.

#### **Part 251 [Redesignated as Part 27]**

**Par. 27.** Transfer 27 CFR part 251 from subchapter M to subchapter A and redesignate as 27 CFR part 27.

#### **PART 27—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER**

**Par. 28.** The authority citation for the newly redesignated 27 CFR part 27 continues to read as follows:

**Authority:** 5 U.S.C. 552(a), 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805.

**Par. 29.** Amend the newly redesignated part 27 as follows:

**Amendment Table for Part 27**

<b>Amend section:</b>	<b>By removing the reference to:</b>	<b>And adding in its place:</b>
27.3	Part 251	Part 27
27.11, definition of "Appropriate ATF officer"	Part 251	Part 27
27.31	251.30	27.30
27.40(c)	251.40a	27.41
27.44	251.43	27.43
27.74 (three times)	251.49	27.49
27.74	251.75	27.75
27.76(c)(3)	251.40a	27.41
27.77(a)	251.76(c)	27.76(c)
27.77(b)(1)	251.76(b)(1)	27.76(b)(1)
27.77(b)(2)	251.76(b)(2)	27.76(b)(2)
27.77(b)(3)(iii)	251.40a	27.41
27.77(d)	251.76(d)	27.76(d)
27.120	251.133	27.133
27.120	251.134	27.134
27.133	251.134	27.134
27.138 (Introductory text)	251.172	27.172
27.172	251.138	27.138
27.172	251.139	27.139
27.185(b)	251.139	27.139
27.208	251.206	27.206

Signed: February 2, 2002.

**Bradley A. Buckles,**

*Director.*

(Filed with the Office of the Federal Register on 5-7-02 at 8:45 a.m. as FR Doc 02-11257; published in the Federal Register on 5-8-02 at 67 FR 30796.)

Approved: April 9, 2002.

**Timothy E. Skud,**

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

TITLE 27—ALCOHOL, TOBACCO  
PRODUCTS AND FIREARMS—  
CHAPTER I—BUREAU OF  
ALCOHOL, TOBACCO AND  
FIREARMS, DEPARTMENT OF THE  
TREASURY

**Delegation of Authority--Delegation  
of Administrator's Authority in 27  
CFR Part 252**

**27 CFR Part 252**

[T.D. ATF-477]

**RIN: 1512-AC44**

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

**ACTION:** Treasury decision, final  
rule.

**SUMMARY:** This final rule places  
ATF authorities concerning the  
exportation of liquors with the  
“appropriate ATF officer” and requires  
that persons file documents required  
with the “appropriate ATF officer” or in  
accordance with the instructions for the  
ATF form. Also, this final rule removes  
the definitions of, and references to,  
specific officers subordinate to the  
Director and the word “region” in  
reference to ATF. Concurrently with  
this Treasury Decision, ATF Order  
1130.27 is being issued and will be  
available to the public as specified in  
this rule. Through this order, the  
Director has delegated all of the  
authorities concerning the exportation  
of liquors 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:** This rule is  
effective April 15, 2002.

**FOR FURTHER INFORMATION  
CONTACT:** Robert Ruhf, Regulations  
Division, Bureau of Alcohol, Tobacco  
and Firearms, 650 Massachusetts  
Avenue NW., Room 5003, Washington,  
DC 20226 (telephone 202-927-8210 or  
e-mail to *alctob@atfhq.atf.treas.gov*).

**SUPPLEMENTARY  
INFORMATION:**

**Background**

Pursuant to Treasury Order 120-01  
(formerly 221), dated June 6, 1972, 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 chapter 51 of the  
Internal Revenue Code of 1986 (IRC)  
and the Federal Alcohol Administration  
(FAA) Act. The Director has subse-  
quently delegated certain of these  
authorities to appropriate subordinate  
officers by way of various means,  
including by regulation, ATF delegation  
orders, regional directives, or similar  
delegation documents. As a result, to  
ascertain which particular officer is  
authorized to perform a particular func-  
tion under chapter 51 of the IRC or the  
FAA Act, each of these various dele-  
gation 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 exacer-

bate 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 252 that were previously delegated and places those authorities with the “appropriate ATF officer.” Most of 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 1130.27, Delegation of the Director’s Authorities in 27 CFR Part 252, Exportation of Liquors, 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 252 into one delegation instrument. This action both simplifies the process for determining which 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 specific ATF officer with whom an ATF form is filed. This action is taken because ATF forms will indicate the officer with whom they must be filed. Similarly, this final rule also amends part 252 to provide that the 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 1130.27. These changes will help identify the officer with whom forms and other required submissions are filed.

This final rule also makes various technical amendments to Subpart A—Scope of 27 CFR Part 252. First, a new § 252.4 is added to recognize the authority of the Director to delegate regulatory authorities in part 252 and to identify ATF Order 1130.27 as the instrument reflecting such delegations. Second, § 252.2 is amended to provide that the instructions for an ATF form identify the ATF officer with whom it must be filed.

ATF has made or will make similar changes in delegations to all other parts of Title 27 of the Code of Federal Regulations through separate rulemakings.

### **Corrections and Miscellaneous Changes**

In the definition of “district director of customs” in 27 CFR § 252.11 we have removed the repetition of the word “district”.

In four sections of part 252, we are correcting references of “part 240” to “part 24.”

Throughout 27 CFR part 252, we are revising ATF form numbers to reflect the correct numbers as shown on the following table:

<b>Form Number</b>	<b>Revised Form Number</b>
700	5120.36
1582-A	1582-A (5120.24)
1582-B	1582-B (5130.6)
1689	1689 (5130.12)
2177	2177 (5110.58)
2605	2605 (5120.20)
2635	2635 (5620.8)
2734	2734 (5100.25)
2735	2735 (5100.30)
2736	2736 (5100.12)

2737	2737 (5110.67)
2738	2738 (5110.68)

We are removing § 252.195a since any claims filed for drawback on spirits tax determined before January 1, 1980, should have been filed.

**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 Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

**List of Subjects in 27 CFR Part 252**

Administrative practice and procedure, Aircraft, Alcohol and alcoholic beverages, Armed forces, Authority delegations (Government agencies), Beer, Claims, Excise taxes, Exports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Transportation, Vessels, Warehouses, Wine.

**Authority and Issuance**

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

**PART 252--EXPORTATION OF LIQUORS**

**Paragraph 1.** The authority citation for part 252 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805; 27 U.S.C. 203, 205; 44 U.S.C. 3504(h).

**§§ 252.2 and 252.20 [Amended]**

**Par. 2.** Remove the words "Director" each place it appears and add, in substitution, the words "appropriate ATF officer" in the following places:

- a. Section 252.2(a); and
- b. Section 252.20(a)(2) introductory text, (a)(3) and (a)(4).

**Par. 3.** Amend § 252.2 by adding a sentence at the end of paragraph (a) and revising paragraph (b) to read as follows:

**§ 252.2 Forms prescribed.**

- (a) \* \* \*. The form will be filed in accordance with the instructions for 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/>).

**Par. 4.** In Subpart A—Scope, a new § 252.4 is added as follows:

**§ 252.4 Delegations of the Director.**

Most of the regulatory authorities of the Director contained in this part 252

are delegated to appropriate ATF officers. These ATF officers are specified in ATF Order 1130.27, Delegation of the Director's Authorities in this Part 252, Exportation of Liquors. ATF delegation orders, such as ATF Order 1130.27, 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. 5. Section 252.11 is amended by:**

- a. Removing the definitions of "ATF officer", "Region", and "Regional Director (compliance)"; and
- b. Adding a new definition of "Appropriate ATF officer" and revising the definitions of "Bonded wine cellar" and removing "District district director of customs" and adding in its place a definition of "District director of customs" to read as follows:

**§ 252.11 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 1130.27, Delegation of the Director's Authorities in 27 CFR Part 252, Exportation of Liquors.

\* \* \* \* \*

*Bonded wine cellar.* Premises established under part 24 of this chapter for the production, blending, cellar treatment, storage, bottling, packaging, or repackaging of untaxed wine.

\* \* \* \* \*

*District director of customs.* The district director of customs at a headquarters port of the district (except the district of New York, NY), the area directors of customs in the district of New York, NY, and the port director at a port not designated as a headquarters port.

\* \* \* \* \*

**Par. 6.** Amend § 252.20 by revising the heading and first and second sentences of paragraph (a)(1) and revising paragraph (c) to read as follows:

**§ 252.20 Alternate methods or procedures and emergency variations from requirements.**

(a) Alternate methods or procedures—  
(1) Application. An exporter, after receiving approval from the appropriate ATF officer, may use an alternate method or procedure (including alternate construction or equipment) in lieu of a method or procedure prescribed by this part. An exporter wishing to use an alternate method or procedure may apply to the appropriate ATF officer. \* \* \*

\* \* \* \* \*

(c) *Withdrawal of approval.* If the appropriate ATF officer finds the revenue is jeopardized or the effective administration of this part is hindered by the approval, such ATF officer may withdraw approval for an alternate method or procedure or for an emergency variation from requirements, approved under paragraph (a) or (b) of this section.

**§§ 252.20, 252.22, 252.36, 252.37, 252.38, 252.43, 252.52a, 252.55, 252.56, 252.58, 252.62, 252.67, 252.70,**

**252.71, 252.72, 252.74, 252.96, 252.103, 252.117, 252.122, 252.123, 252.125, 252.131, 252.146, 252.147, 252.162, 252.171, 252.195b, 252.211, 252.218, 252.221, 252.226, 252.265, 252.266, 252.269, 252.275, 252.282, 252.285, 252.290, 252.301, 252.302, 252.303, 252.304, 252.310, 252.315, 252.316, 252.317, 252.320, 252.321, 252.331, 252.332, 252.333 and 252.335 [Amended]**

**Par. 7.** Remove the words "regional director (compliance)", "regional director's (compliance)", or "regional directors (compliance)" and add, in substitution, the words "appropriate ATF officer", "appropriate ATF officer's" or "appropriate ATF officers", respectively, each place it occurs in the following places:

- a. Section 252.20(b)(1), (b)(2) introductory text and (b)(3);
- b. The last two sentences of § 252.22;
- c. The undesignated paragraph of § 252.36;
- d. Section 252.37;
- e. Section 252.38;
- f. Section 252.43(a)(6) and (b)(3);
- g. Section 252.52a;
- h. Section 252.55;
- i. The introductory text of § 252.56;
- j. The last sentence of § 252.58(c);
- k. Section 252.62(b);
- l. Section 252.67;
- m. Section 252.70;
- n. Section 252.71;
- o. The second and third sentences of § 252.72;
- p. Section 252.74;
- q. Section 252.96;
- r. Section 252.103(b);
- s. The last sentence of § 252.117;
- t. Section 252.122(c) and (d);
- u. Section 252.123(b);
- v. Section 252.125;

- w. The last sentence of § 252.131;
- x. Section 252.146;
- y. The last sentence of § 252.147;
- z. The last sentence of § 252.162;
- aa. The last sentence of § 252.171;
- bb. Paragraphs (b) and (c) of § 252.195b;
- cc. The last sentence of § 252.211;
- dd. Section 252.218;
- ee. The last sentence of § 252.221;
- ff. Section 252.226;
- gg. The second sentence of § 252.265;
- hh. Section 252.266;
- ii. Section 252.269(c);
- jj. Section 252.275;
- kk. Section 252.282;
- ll. The third sentence of § 252.285;
- mm. The last sentence of the introductory text of § 252.290;
- nn. Section 252.301;
- oo. Section 252.302;
- pp. The last sentence of § 252.303;
- qq. Section 252.304;
- rr. Section 252.310;
- ss. Section 252.315;
- tt. Section 252.316;
- uu. The last sentence of § 252.317;
- vv. Section 252.320;
- ww. Section 252.321;
- xx. Section 252.331;
- yy. Section 252.332;
- zz. Section 252.333; and
- aaa. Section 252.335.

**§§ 252.22, 252.36, 252.65, 252.214, 252.215, 252.218, 252.220, 252.220a, 252.250, 252.261, 252.264, 252.265, 252.267, 252.269, 252.275, 252.281, 252.290, 252.331 and 252.333 [Amended]**

**Par. 8.** Add the numbers and parentheses "(5120.24)" after the characters "1582-A" each place they occur in the following places:

- a. Section 252.22;

- b. Section 252.36(c);
- c. Section 252.65;
- d. Section 252.214;
- e. Section 252.215;
- f. Section 252.218;
- g. Section 252.220(b);
- h. Section 252.220a;
- i. Section 252.250(a)(4);
- j. Section 252.261;
- k. Section 252.264;
- l. Section 252.265;
- m. Section 252.267;
- n. Section 252.269(a), (b) and (c);
- o. Section 252.275;
- p. Section 252.281;
- q. Section 252.290 introductory text;
- r. Section 252.331; and
- s. Section 252.333.

**§§ 252.22, 252.36, 252.43, 252.222, 252.225, 252.226, 252.227, 252.261, 252.264, 252.265, 252.267, 252.269, 252.275, 252.282, 252.290, 252.295 and 252.333 [Amended]**

**Par. 9.** Add the numbers and parentheses "(5130.6)" after the characters "1582-B" each place they occur in the following places:

- a. Section 252.22;
- b. Section 252.36(c);
- c. Section 252.43(a)(1), (a)(2), (b)(1) and (b)(2);
- d. Section 252.222;
- e. Section 252.225 introductory text;
- f. Section 252.226;
- g. Section 252.227;
- h. Section 252.261;
- i. Section 252.264;
- j. Section 252.265;
- k. Section 252.267;
- l. Section 252.269(a) and (c);
- m. Section 252.275;
- n. Section 252.282;
- o. Section 252.290 introductory text;
- p. Section 252.295; and
- q. Section 252.333.



**§§ 252.22, 252.36, 252.43, 252.142, 252.146, 252.147, 252.261, 252.264, 252.265, 252.267, 252.269, 252.275, 252.282; 252.290, 252.295 and 252.320 [Amended]**

**Par. 10.** Add the numbers and parentheses "(5130.12)" after the numbers "1689" each place they occur in the following places:

- a. Section 252.22;
- b. Section 252.36(c);
- c. Section 252.43(a)(1), (a)(2), (b)(1) and (b)(2);
- d. Section 252.142;
- e. Section 252.146;
- f. Section 252.147;
- g. Section 252.261;
- h. Section 252.264;
- i. The last sentence of § 252.265;
- j. The third sentence of § 252.267;
- k. Section 252.269(a) and (c);
- l. Section 252.275;
- m. Section 252.282;
- n. Section 252.290 introductory text;
- o. Section 252.295; and
- p. Section 252.320(a).

**Par. 11.** In the seventh sentence of § 252.22 remove the words "to the regional director (compliance) designated thereon" and add, in substitution, the words "according to its instructions".

**Par. 12.** In the first sentence of § 252.23 remove the words "Assistant regional commissioners" and add, in substitution, the words "The appropriate ATF officer".

**§§ 252.35 and 252.36 [Amended]**

**Par. 13.** Remove the words "regional director (compliance) of the region in which the zone is located" and add, in substitution, the words

"appropriate ATF officer" each place they occur in the following places:

- a. Second sentence of § 252.35; and
- b. Introductory text of § 252.36.

**Par. 14.** In § 252.36(c) remove the words "claim number assigned thereto by the regional director (compliance)" and add, in substitution the words "ATF assigned claim number".

**§§ 252.45 and 252.104 [Amended]**

**Par. 15.** Add the word "appropriate" before the words "ATF officer" or "ATF officers" each place it appears in the following places:

- a. Section 252.45; and
- b. The second sentence of § 252.104;

**Par. 16.** Revise § 252.51 to read as follows:

**§ 252.51 General.**

Every person required by this part to file a bond or consent of surety must prepare and execute it on the prescribed form and file it in accordance with its instructions and the procedures of this part. The procedures in parts 19, 24 or 25 of this chapter govern bonds covering distilled spirits plants, bonded wine cellars and breweries, respectively.

**Par. 16.** In the first sentence of § 252.57 remove the words "regional director (compliance)" and add, in substitution, the words "appropriate ATF officer".

**Par. 17.** In § 252.59 remove the number "700" and add, in substitution

the number "5120.36" each place it appears.

**§§ 252.61, 252.62, 252.63 and 252.64 [Amended]**

**Par. 18.** Remove the words "with the regional director (compliance)" each place they occur in the following places:

- a. The first sentence of § 252.61;
- b. Section 252.62(a);
- c. Section 252.63; and
- d. The first two sentences of § 252.64(a).

**Par. 19.** In § 252.62(c) remove the words "for approval by the Director of Industry Operations (DIO)" and add, in substitution, the words "in accordance with its instructions".

**§§ 252.63, 252.70 and 252.73 [Amended]**

**Par. 20.** Add the numbers and parentheses "(5100.12)" after the numbers "2736" each place they appear in the following places:

- a. Section 252.63;
- b. Section 252.70; and
- c. Section 252.73(a).

**§§ 252.64, 252.71, 252.72 and 252.73 [Amended]**

**Par. 21.** Add the numbers and parentheses "(5110.67)" after the numbers "2737" each place they occur in the following places:

- a. Section 252.64;
- b. Section 252.71;
- c. Section 252.72; and
- d. Section 252.73(b).

**Par. 22.** In the last sentence of § 252.64(b) remove the words "for approval by the regional regulatory administrator" and add, in substitution, the words "in accordance with its instructions".

**Par. 23.** In the introductory text of § 252.65 remove the words "by the regional regulatory administrator" and the words "with the regional regulatory administrator".

**§§ 252.65, 252.71, 252.72, 252.73, 252.250 and 252.331 [Amended]**

**Par. 24.** Add the numbers and punctuation "(5110.68)" after the numbers "2738" each place they occur in the following places:

- a. Section 252.65;
- b. Section 252.71;
- c. Section 252.72;
- d. Section 252.73(b);
- e. Section 252.250 introductory text; and
- f. Section 252.331.

**§§ 252.70, and 252.73 [Amended]**

**Par. 25.** Add the numbers and parentheses "(5120.25)" after the numbers "2734" each place they occur in the following places:

- a. Section 252.70; and
- b. Section 252.73(a).

**§§ 252.71, 252.72 and 252.73 [Amended]**

**Par. 26.** Add the numbers and parentheses "(5100.30)" after the numbers "2735" each place they occur in the following places:

- a. Section 252.71;
- b. Section 252.72; and
- c. Section 252.73(b).

**Par. 27.** In the first sentence of § 252.72 remove the words "regional director (compliance) in whose office the bond is on file" and add, in substitution, the words "appropriate ATF officer".

**Par. 28.** In § 252.92(a) remove the phrase "to the regional director (compliance) of the region in which the distilled spirits plant is located" and add, in substitution, the words "in accordance with instructions for the form".

**Par. 29.** Amend § 252.104 by:

a. In the third sentence by removing the words "The issuing" and adding, in substitution, the words "Such"; and

b. In the third and fourth sentences adding the numbers and parentheses "(5110.58) after the numbers "2177".

**Par. 30.** In the introductory text of § 252.116 remove the words "regional director (compliance) for the region in which the plant is located" and add, in substitution the words "appropriate ATF officer".

**Par. 31.** Revise § 252.122(a) and (b) to read as follows:

**§ 252.122 Application or notice, ATF Form 5100.11.**

(a) Export, use on vessels and aircraft, transfer to a customs bonded warehouse, and transfer to a foreign-trade zone. Where the exporter is not the proprietor of the bonded wine cellar from which the wine is to be withdrawn, the exporter must make an application on ATF Form 5100.11 for approval of the withdrawal. Where the exporter is the proprietor of the bonded

wine cellar from which the wine is to be withdrawn, the exporter must, at the time of withdrawal of the wine, prepare a notice of the withdrawal and shipment on ATF Form 5100.11. ATF approval is not required if the exporter is the proprietor of the bonded wine cellar from which the wine is to be withdrawn.

(b) Manufacturing bonded warehouse. The proprietor of the manufacturing bonded warehouse must make an application on ATF Form 5100.11 to withdraw wine without payment of tax for transportation to and deposit in such warehouse before withdrawal of the wine.

\* \* \* \* \*

**Par. 32.** In § 252.123(b) remove the words "regional director (compliance)" and adding, in substitution the words "appropriate ATF officer".

**Par. 33.** In the introductory text of § 252.131 remove the words "regional director (compliance) for the region in which his premises are located" and add, in substitution the words "appropriate ATF officer".

**§ 252.133 [Amended]**

**Par. 34.** Amend § 252.133 by:

a. In the second sentence removing the words "regional director (compliance) of the region in which his premises are located" and adding, in substitution, the words "appropriate ATF officer"; and

b. In the last sentence removing the words "part 240" and adding, in substitution, the words "part 24".

**Par. 35.** Remove from § 252.152 the punctuation and words ", Upon removal of the denatured spirits from the bonded premises, a copy of the form shall be submitted to the regional director (compliance)."

**Par. 36.** Remove from the introductory text of § 252.161 the words "regional director (compliance) for the region in which his plant is located" and add, in substitution, the words "appropriate ATF officer".

**Par. 37.** Remove § 252.195a.

**§§ 252.198 and 252.220 [Amended]**

**Par. 38.** Remove the words "regional director (compliance) for the region in which the claim for drawback of tax was filed" and add, in substitution, the words "appropriate ATF officer" each place they appear in the following places:

- a. The introductory text of § 252.198; and
- b. The introductory text of § 252.220.

§§ 252.199 and 252.220a [Amended]

**Par. 39.** Remove the words "regional director (compliance) identified thereon" and add, in substitution the words "appropriate ATF officer" each place they appear in the following places:

- a. The last sentence of § 252.199; and
- b. The last sentence of § 252.220a.

**Par. 40.** Revise the heading, second, and third sentences of § 252.215 to read as follows:

**§ 252.215 Certificate of tax determination, Form 2605 (5120.20).**

\* \* \*. The appropriate ATF officer may require other evidence of tax payment whenever such officer deems it necessary. The exporter is responsible for securing Form 2605 (5120.20), properly executed, and submitting the original of such form with the claim.  
\* \* \*.

**Par. 41.** Add the numbers and parentheses "(5120.20)" after the number "2605" each place they occur in the following places:

- a. The first and last sentence of § 252.215;
- b. The last sentence of § 252.331; and
- c. The last sentence of § 252.333.

§§ 252.225 and 252.227 [Amended]

**Par. 42.** Remove the words "regional director (compliance) of his region" and add, in substitution the words "appropriate ATF officer" each place they appear in the following places:

- a. The introductory text of § 252.225; and
- b. The last sentence of § 252.227.

**Par. 43.** In § 252.247 remove the words "regional director (compliance)" and add, in substitution the words "ATF officer".

**§ 252.250 [Amended]**

**Par. 44.** Amend § 252.250 by:

- a. Removing the words "regional director (compliance) with whom the application, notice, or notice and claim

is filed" each place they appear and adding, in substitution, the words "appropriate ATF officer".

b. Removing the words "regional director (compliance) with whom the notice and claim is filed" in the second sentence of the introductory text and adding, in substitution, the words "appropriate ATF officer"<sup>2</sup>

**Par. 45.** In the second sentence of § 252.262 remove the words "regional director (compliance) of the region from which the shipment was made" and add, in substitution, the words "appropriate ATF officer".

**Par. 46.** In the first sentence of § 252.265 remove the words "regional director (compliance) within whose region the port of export is located" and add, in substitution, the words "appropriate ATF officer".

**Par. 47.** In the first sentence of § 252.268 remove the words "regional director (compliance) with whom the application, notice, or notice and claim is filed" and add, in substitution, the words "appropriate ATF officer".

**Par. 48.** In the last sentence of § 252.286 remove the words "to the regional regulatory administrator" and add, in substitution, the words "as required by the instructions on the form".

#### §§ 252.303 and 252.317 [Amended]

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<sup>2</sup> Text of Paragraph 44 reads as corrected by T.D. ATF 477a, filed with the Office of the Federal Register on 7-24-02 at 8:45 a.m. as FR Doc. 02-18553; and published in the Federal Register on 7-15-02 at 67 FR 48550.

**Par. 49.** Remove the words "with the regional director (compliance)," and add the numbers and parentheses "(5620.8)" after the numbers 2635 each place they occur from the following places:

- a. Introductory text of § 252.303; and
- b. Introductory text of § 252.317.

**Par. 50.** Amend § 252.334 by:

- a. Revising the first sentence to read as follows:

#### § 252.334 Credit allowance.

Where the credit relates to internal revenue taxes on beer that have been determined but not yet paid by the claimant, the appropriate ATF officer will notify the claimant in writing.  
\* \* \*

- b. In the third sentence removing the words "part 240" and adding, in substitution, the words "part 24".

Signed: February 4, 2002.

**Bradley A. Buckles,**

*Director.*

Approved: March 6, 2002.

**Timothy E. Skud,**

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

(Filed with the Office of the Federal Register on 4-12-02 at 8:45 a.m. as FR Doc 02-8869; published in the Federal Register on 4-15-02 at 67 FR 18086.)