

consumers expressing their objections to the proposed regulations.

Accordingly, for the reasons stated above, we are withdrawing Notice No. 861.

#### Drafting Information

The author of this document is James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

This document is issued under the authority in 27 U.S.C. 205.

Signed: April 29, 1999.

**John W. Magaw,**  
Director.

Approved: June 4, 1999.

**Dennis M. O'Connell,**

Acting Deputy Assistant Secretary  
(Regulatory, Tariff and Trade Enforcement).  
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### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Parts 178 and 179

[Notice No. 877]

RIN 1512-AB84

#### Identification Markings Placed on Firearms (98R-341P)

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations to prescribe minimum height and depth requirements for identification markings placed on firearms by licensed importers and licensed manufacturers. Specifically, we are proposing a minimum height of  $\frac{3}{32}$  inch and a minimum depth of .005 inch for serial numbers and a minimum depth of .005 inch for all other required markings. We believe that such minimum standards are necessary to ensure that firearms are properly identified in accordance with the law. In addition, the proposed regulations, if adopted, will facilitate our ability to trace the origin of firearms used in crime.

**DATES:** Written comments must be received on or before September 21, 1999.

**ADDRESSES:** Send written comments to: Chief, Regulations Division; Bureau of Alcohol, Tobacco and Firearms; PO Box

50221; Washington, DC 20091-0221; ATTN: Notice No. 877.

#### FOR FURTHER INFORMATION CONTACT:

James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 923(i) of the Gun Control Act of 1968 (GCA), as amended (18 U.S.C. Chapter 44), requires licensed importers and licensed manufacturers to identify, by means of a serial number, each firearm imported or manufactured. The serial number must be engraved, cast, or stamped on the receiver or frame of the weapon in such manner as the Secretary of the Treasury prescribes by regulation. With respect to certain firearms subject to the National Firearms Act (e.g., machine guns), 26 U.S.C. 5842 requires each manufacturer and importer and anyone making a firearm to identify each firearm by a serial number. The serial number may not be readily removed, obliterated, or altered. Section 5842 also requires the firearm to be identified by the name of the manufacturer, importer, or maker, and such other identification as the Secretary may prescribe by regulation.

Regulations that implement section 923(i) are set forth in 27 CFR 178.92. In general, this section requires each licensed manufacturer or licensed importer of firearms to legibly identify each firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing on the frame or receiver an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed.

Section 178.92 also requires licensed importers and manufacturers to conspicuously place the following identification markings on the frame, receiver, or barrel of each firearm imported or manufactured in a manner not susceptible of being readily obliterated, altered, or removed:

1. The model, if such designation has been made;
2. The caliber or gauge;
3. The name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer;
4. In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where the licensed manufacturer maintains its place of business; and
5. In the case of an imported firearm, the name of the country in which

manufactured and the city and State (or recognized abbreviation thereof) where the importer maintains its place of business.

The same marking requirements appear in regulations issued under the National Firearms Act at 27 CFR 179.102.

In the case of any semiautomatic assault weapon manufactured after September 13, 1994, the regulations also require that the frame or receiver be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "FOR EXPORT ONLY" (27 CFR 178.92(a)(2)).

##### Discussion

The GCA requires Federal firearms licensees to maintain records of their acquisitions and dispositions of firearms, including complete and accurate descriptions of the firearms. One of the principal objectives of the GCA is to facilitate the tracing of firearms used in crime "to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence \* \* \*." Gun Control Act of 1968, section 101, 82 Stat. 1213. To accomplish this objective, § 178.92 requires that each manufacturer or importer utilize an individual serial number for each firearm manufactured or imported and prohibits the duplication of any serial number placed by the manufacturer or importer on any other firearm. Furthermore, section 922(k) of the GCA makes it unlawful for any person to transport, ship, possess, or receive, in interstate or foreign commerce, any firearm that has had the importer's or manufacturer's serial number removed, obliterated, or altered.

The serial number, along with other required markings such as caliber, model, name of manufacturer, and city and State of the manufacturer or importer make any given firearm uniquely identifiable and traceable. Thus, firearms tracing is an integral part of any investigation involving the criminal use of firearms. The systematic tracking of firearms from the manufacturer or U.S. importer to the first retail purchaser enables law enforcement agencies to identify suspects involved in criminal violations, determine if the firearm is stolen, and provide other information relevant to an investigation. Our National Tracing Center (NTC) maintains the capability to trace the origin of recovered firearms used in crimes. Over the years, the NTC has experienced a substantial increase in the number of requests received for crime gun traces by Federal, State, and local law enforcement agencies. The total

number of requests for gun traces increased from 77,000 in 1995 to approximately 200,000 in 1997.

Currently, there are no minimum standards concerning size and depth of impression for markings on firearms. The regulations require that the identifying information, including the serial number, be legible, conspicuous, and placed on the firearm "in a manner not susceptible of being readily obliterated, altered, or removed." The lack of specific minimum standards causes problems for licensees in properly recording identifying information in their required records, particularly with respect to serial numbers that are very small or are not applied to a uniform depth. Moreover, worn, hard-to-read markings often result in State and local law enforcement officers forwarding erroneous information to ATF in connection with a trace request. Serial numbers that are stamped very lightly on the frame or receiver of the firearm are more susceptible to being easily obliterated, altered, or removed. These problems often hinder our efforts to trace a particular firearm.

### Proposed Regulations

To reduce the problem of incorrect record entries by licensees and to make identification markings less susceptible to being readily obliterated, altered, or removed, we are proposing to amend the regulations to prescribe minimum height and depth requirements for identification markings placed on firearms. Specifically, we are proposing that licensed manufacturers and licensed importers cast, stamp (impress) or engrave serial numbers to a depth of at least .005 inch and in a print size no smaller than  $\frac{3}{32}$  inch. We are also proposing that all other required markings, including the special markings for semiautomatic assault weapons, be cast, stamped (impressed) or engraved to a depth of at least .005 inch. We are not proposing to require a minimum height requirement of  $\frac{3}{32}$  inch for all identification markings since such a requirement would make it difficult to fit all the information on a firearm, particularly in the case of handguns.

We believe that the minimum standards proposed in this notice ensure that firearms are properly identified in accordance with the law. In addition, the proposed regulations, if adopted, will facilitate our ability to trace firearms used in crime.

### How This Document Complies With the Federal Administrative Requirements for Rulemaking

#### A. Executive Order 12866

We have determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a Regulatory Assessment is not required.

#### B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. We hereby certify that this proposed regulation, if adopted, will not have a significant economic impact on a substantial number of small entities because the revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute. Accordingly, a regulatory flexibility analysis is not required.

#### C. Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Chief, Document Services Branch, Room 3110, Bureau of Alcohol, Tobacco and Firearms, at the address previously specified. Comments are specifically requested concerning:

Whether the proposed collections of information are necessary for the proper performance of the functions of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collections of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced; and

How the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The collections of information in this proposed regulation are in 27 CFR 178.92 and 27 CFR 179.102. This information is required to properly identify each firearm that is manufactured or imported. The collections of information are mandatory. The likely respondents are businesses.

*Estimated total annual reporting and/or recordkeeping burden:* 5,012 hours.

*Estimated average burden hours per respondent and/or recordkeeper:* 2 hours.

*Estimated number of respondents and/or recordkeepers:* 2,506.

*Estimated annual frequency of responses:* one-time requirement to change size and depth.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

### Public Participation

We are requesting comments on the proposed regulations from all interested persons. In particular, we are soliciting input from the industry as to whether a minimum depth of .007 inch, rather than the .005 inch proposed in this notice, is feasible using existing machinery or if additional costs would be incurred to comply with such a minimum depth. We are also specifically requesting comments on the clarity of this proposed rule and how it may be made easier to understand.

Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

We will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The

Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

#### Disclosure

Copies of this notice and the written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC.

#### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the **Federal Register** in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Drafting Information: The author of this document is James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects

##### 27 CFR Part 178

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspection, Exports, Imports, Incorporation by reference, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

##### 27 CFR Part 179

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

#### Authority and Issuance

For the reasons discussed in the preamble, ATF amends 27 CFR parts 178 and 179 as follows:

##### PART 178—COMMERCE IN FIREARMS AND AMMUNITION

**Paragraph 1.** The authority citation for 27 CFR Part 178 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 18 U.S.C. 847, 921–930; 44 U.S.C. 3504(h).

**Par. 2.** Section 178.92 is amended by revising the section heading and paragraph (a) to read as follows:

#### § 178.92 How must licensed manufacturers and licensed importers identify firearms, armor piercing ammunition, and large capacity ammunition feeding devices?

(a)(1) *Firearms.* You, as a licensed manufacturer or licensed importer of firearms, must legibly identify each firearm manufactured or imported as follows:

(i) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured on and after [Insert effective date of final rule], the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .005 inch and in a print size no smaller than  $\frac{3}{32}$  inch; and

(ii) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. For firearms manufactured on and after [Insert effective date of final rule], the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .005 inch. The additional information includes:

- (A) The model, if such designation has been made;
- (B) The caliber or gauge;
- (C) Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer;
- (D) In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business; and
- (E) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business.

(2) *Firearm frames or receivers.* A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(3) *Special markings for semiautomatic assault weapons, effective July 5, 1995.* In the case of any

semiautomatic assault weapon manufactured after September 13, 1994, you must mark the frame or receiver “RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY” or, in the case of weapons manufactured for export, “FOR EXPORT ONLY,” in a manner not susceptible of being readily obliterated, altered, or removed. For weapons manufactured on and after [Insert effective date of final rule], the engraving, casting, or stamping (impressing) of the special markings prescribed in this paragraph (a)(3) must be to a minimum depth of .005 inch.

(4) *Exceptions.*—(i) *Alternate means of identification.* The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(ii) *Destructive devices.* In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(iii) *Machine guns, silencers, and parts.* Any part defined as a machine gun, firearm muffler, or firearm silencer in § 178.11, that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you, must be identified as required by this section. The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

\* \* \* \* \*

#### PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

**Par. 3.** The authority citation for 27 CFR part 179 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

**Par. 4.** Section 179.102 is revised to read as follows:

#### § 179.102 How must firearms be identified?

(a) You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:

(1) By engraving, casting, stamping (impressing), or otherwise

conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured on and after [insert effective date of final rule], the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .005 inch and in a print size no smaller than 3/32 inch; and

(2) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered or removed. For firearms manufactured on and after [Insert effective date of final rule], the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .005 inch. The additional information includes:

(i) The model, if such designation has been made;

(ii) The caliber or gauge;

(iii) Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer or maker;

(iv) In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business, or where you, as the maker, made the firearm; and

(v) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business.

(b) The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(c) In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(d) A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped,

or otherwise disposed of by you must be identified as required by this section.

(e)(1) Any part defined as a machine gun, muffler, or silencer for the purposes of this part that is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(2) The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

Signed: April 12, 1999.

**John W. Magaw,**  
Director.

Approved: June 4, 1999.

**Dennis M. O'Connell,**  
Acting Deputy Assistant Secretary,  
(Regulatory, Tariff and Trade Enforcement).  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[Docket No. A-99-03; FRL-6364-8]

#### Hazardous Air Pollutants List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of receipt of a complete petition to delist methyl ethyl ketone from the list of Hazardous Air Pollutants (HAPs).

**SUMMARY:** This notice announces the receipt of a complete petition from the Chemical Manufacturers Association's (CMA'S) Ketone Panel requesting EPA to remove the chemical methyl ethyl ketone (MEK, 2-Butanone) (CAS No. 78-93-3) from the list of hazardous air pollutants (HAPs) contained in section 112(b)(1) of the 1990 Clean Air Act (Act). We have determined that the Chemical Manufacturers Association's original petition dated November 27, 1996 and the supplemental materials provided by CMA through August 31, 1998 will support an assessment of the human health impacts associated with people living in the vicinity of facilities emitting methyl ethyl ketone. In addition, the data submitted by CMA will support an assessment of the environmental impacts associated with emissions of methyl ethyl ketone to the ambient air and deposited onto soil or

water. Consequently, we have concluded that CMA's petition is complete as of August 31, 1998, the date of the last supplement, and is ready for public comment and the technical review phase of our delisting procedure.

This notice invites the public to comment on the petition and to provide additional data, beyond that filed in the petition, on sources, emissions, exposure, health effects and environmental impacts associated with methyl ethyl ketone that may be relevant to our technical review.

**DATES:** Written comments on this proposal must be received by July 23, 1999.

**ADDRESSES: Documents.** A copy of the complete petition is contained in a docket available at the Air and Radiation Docket and Information Office, 401 M Street S.W., Room M-1500 (Mail Code 6102), Waterside Mall, Washington DC 20460. The docket number for this action is A-99-03. The docket is an organized file of all the information received and considered in making the decision on the completeness of CMA's petition. The main purpose of the docket is to allow you to readily identify and locate documents that record the process we followed in making our decision. You may inspect the petition and copy it for offsite review between 8:30 a.m. and 4:30 p.m. E.S.T., Monday through Friday. A reasonable fee may be charged for copying. In addition, CMA will make copies of the petition available upon request. You may call Mr. Andrew Jakes at CMA's help line at (703) 741-5627 between 8:30 a.m. and 4:30 p.m. EST, Monday through Friday, for information on how to obtain a copy of the petition. A reasonable fee may be charged for copying.

**Data Submissions.** Comments and additional data should be submitted (in duplicate if possible) to: The Docket Clerk, Air and Radiation Docket and Information Office, 401 M Street S.W., Room M-1500 (Mail Code 6102), Waterside Mall, Washington DC 20460.

**FOR FURTHER INFORMATION CONTACT:** James B. White, Emission Standards Division (MD-13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-0842, electronic mail address: White.James@epa.gov.

**SUPPLEMENTARY INFORMATION: Plain Language.** In compliance with President Clinton's June 1, 1998 Executive Memorandum on Plain Language in Government Writing, this package is written using plain language. Therefore,