

regulations, 5 CFR part 1320, do not apply to this final rule because there are no new reporting or recordkeeping requirements.

#### *Regulatory Flexibility Act*

It is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities. The regulations provide industry members with the most current listings of denaturants, denatured alcohol and rum formulations and their specifications. The regulations will not increase recordkeeping or reporting requirements. Accordingly, a regulatory flexibility analysis is not required because this final rule will not have a significant economic impact on a substantial number of small entities. Pursuant to section 7805(f) of the Internal Revenue Code, the NPRM preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration, for comment on its impact on small business. The Chief Counsel for Advocacy did not submit any comments.

#### *Executive Order 12866*

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

#### *Drafting Information*

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

#### **List of Subjects**

##### *27 CFR Part 19*

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations (Government agencies), Chemicals, Claims, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Stills, Surety bonds, Transportation, Vinegar, Virgin Islands, Warehouses, Wine.

##### *27 CFR Part 21*

Alcohol and alcoholic beverages, Authority delegation, Chemicals, Gasohol.

#### *Authority and Issuance*

Accordingly, ATF is amending chapter I of title 27 of the Code of Federal Regulations as follows:

#### **PART 19—DISTILLED SPIRITS PLANTS**

**Paragraph 1.** The authority citation for 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.

##### **§ 19.460 [Amended]**

**Par. 2.** Amend § 19.460(a) by removing the word “(BITREX)”.

##### **§ 19.1005 [Amended]**

**Par. 3.** Amend § 19.1005(c)(2) by removing the word “(Bitrex)”.

#### **PART 21—FORMULAS FOR DENATURED ALCOHOL AND RUM**

**Par. 4.** The authority citation for Part 21 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 26 U.S.C. 5242, 7805.

##### **§ 21.32 [Amended]**

**Par. 5.** Amend § 21.32(a) by removing the word “(BITREX)”.

**Par. 6.** Revise § 21.33(a) to read as follows:

##### **§ 21.33 Formula No. 2–B**

(a) Formula. To every 100 gallons of alcohol add:

One-half gallon of benzene, ½ gallon of rubber hydrocarbon solvent, ½ gallon of toluene, or ½ gallon of heptane.

\* \* \* \* \*

##### **§ 21.65 [Amended]**

**Par. 7.** Amend § 21.65(a) by adding the words “Alpha terpineol” to the top of the list of substances.

##### **§ 21.76 [Amended]**

**Par. 8.** Amend § 21.76(a) by removing the word “(BITREX)”.

##### **§ 21.91 [Amended]**

**Par. 9.** Amend the second sentence of § 21.91 by removing the word “of” where it appears for the second time and adding the word “or” in its place.

#### **§§ 21.95 through 21.132 [Redesignated as §§ 21.96 through 21.133]**

**Par. 10.** Redesignate § 21.95 through § 21.132 as § 21.96 through § 21.133.

**Par. 11.** Add a new § 21.95 to read as follows:

##### **§ 21.95 Alpha terpineol.**

(a) Boiling point at 752mm 218.8–219.4°C.

(b) Density at 15° 0.9386.

(c) Refractive index at 20° 1.4831.

##### **§ 21.141 [Amended]**

**Par. 12.** Amend § 21.141 by adding “40–B” to the end of the list in the column entitled “Formulas authorized” for the entry “External pharmaceuticals, miscellaneous, U.S.P. or N.F.”, “Code No. 249.”

##### **§ 21.151 [Amended]**

**Par. 13.** Amend § 21.151 as follows:

a. Add the words “Alpha Terpineol \* \* \* S.D.A. 38–B” directly after the words “Almond oil, bitter, N.F.X. \* \* \* S.D.A. 38–B”;

b. Remove the word “(BITREX)” from the reference to “Denatonium benzoate, N.F. S.D.A. 1, 40–B”; and

c. Add “2–B” between “S.D.A.” and “28–A” across from “Heptane.”

Signed: January 4, 2001.

**Bradley A. Buckles,**

*Director.*

Approved: February 1, 2001.

**Timothy E. Skud,**

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

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#### **DEPARTMENT OF JUSTICE**

#### **28 CFR Part 25**

**[AG Order No. 2403–2001; FBI 105F]**

**RIN 1110–AA02**

#### **National Instant Criminal Background Check System Regulation; Delay of Effective Date**

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled “Regulatory Review Plan,” published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action temporarily delays for 60 days the effective date of the final rule entitled “National Instant Criminal

Background Check System Regulation” published in the **Federal Register** on January 22, 2001, at 66 FR 6470. The temporary 60-day delay in effective date is necessary to give Department of Justice officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President’s memorandum of January 20, 2001.

**DATES:** The effective date of the final rule amending 28 CFR Part 25 published in the **Federal Register** on January 22, 2001, at 66 FR 6470, is delayed for 60 days, from March 5, 2001, until May 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Fanny Haslebacher, Attorney-Advisor, Federal Bureau of Investigation, Module A-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0147, (304) 625-2000.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Department of Justice’s implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department of Justice officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President’s memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Dated: February 23, 2001.

**John Ashcroft,**

*Attorney General.*

[FR Doc. 01-4979 Filed 2-28-01; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

RIN 0720-AA53

#### Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Dental Program

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** On October 23, 2000 (65 FR 63202), the Department of Defense published a final rule on TRICARE Family Member Dental Plan. The rule had an effective date that began during the Presidential Moratorium on Rules, therefore, this rule is republished to change the effective date to April 1, 2001. This rule is published exactly as previously published. No changes have been made. It revises the comprehensive CHAMPUS regulation pertaining to the Expanded Active Duty Dependents Benefit Plan, or more commonly referred to as the TRICARE Family Member Dental Plan (TFMDP). The TFMDP limited eligibility to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) day or less). Concurrent with the timeframe of the publication of the proposed rule, the Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65, sec. 711) was signed into law and its provisions have been incorporated into this final rule. The Act authorized a new plan, titled the TRICARE dental program (TDP), which allows the Secretary of Defense to offer a comprehensive premium based indemnity dental insurance coverage plan to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), eligible dependents of members of the Selected Reserve and Individual Ready Reserve, and eligible members of the Selected Reserve and Individual Ready Reserve. The Act also struck section 1076b (Selected Reserve dental insurance), or Chapter 55 of title 10, United States Code, since the affected population and the authority for that particular dental insurance plan has been incorporated in 10 U.S.C. 1076a. Consistent with the proposed rule and the provisions of the Defense Authorization Act for Fiscal Year 2000, the final rule places the responsibility for TDP enrollment and a large portion of the appeals program on the dental plan contractor; allows the dental plan contractor to bill beneficiaries for plan premiums in certain circumstances; reduces the former TFMDP enrollment

period from twenty-four (24) to twelve (12) months; excludes Reserve component members ordered to active duty in support of a contingency operation from the mandatory twelve (12) month enrollment; clarifies dental plan requirements for different beneficiary populations; simplifies enrollment types and exceptions; reduces cost-shares for certain enlisted grades; adds anesthesia as a covered benefit; provides clarification on the Department’s use of the Congressional waiver for surviving dependents; incorporates legislative authority for calculating the method by which premiums may be raised and allowing premium reductions for certain enlisted grades; and reduces administrative burden by reducing redundant language, referencing language appearing in other CFR sections and removing language more appropriate to the actual contract. These improvements will provide Uniformed Service members and families with numerous quality of life benefits that will improve participation in the plan, significantly reduce enrollment errors and positively effect utilization of this important dental plan. The proposed rule was titled the “TRICARE Family Member Dental Plan”.

**DATES:** This rule is effective April 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Major Brian K. Witt, TRICARE Management Activity, 303-676-3496.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Legislative Changes**

The Basic Active Duty Dependents Dental Benefits Plan was implemented on August 1, 1987, allowing Uniformed Service personnel, on active duty for periods of greater than thirty (30) days, to voluntarily enroll their dependents in a basic dental health care plan. Under this plan, DoD shared the cost of the premium with the active duty service member. Although the plan was viewed as a major step in benefit enhancement for Uniformed Service families, there were still complaints that the enabling legislation was too restrictive in scope and that there should be expansion of services to better meet the dental needs of the Uniformed Service family.

Congress responded to these concerns by authorizing the Secretary of Defense to develop and implement an Expanded Active Duty Dependents Dental Benefit Plan (The Defense Authorization Act For Fiscal Year 1993, Pub. L. 102-484, sec. 701). The provisions of this Act specified the expanded benefit structure, as well as maximum monthly premiums for enrollees. Cost-sharing