

central air conditioners and heat pumps must include on fact sheets and in directories, effective December 27, 2001.

### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a “significant economic impact on a substantial number of small entities.” 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

### List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

### PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

**Authority:** 42 U.S.C. 6294.

2. Appendix C1 to Part 305 is revised to read as follows:

### Appendix C1 to Part 305—Compact Dishwashers

#### Range Information

“Compact” includes countertop dishwasher models with a capacity of fewer than eight (8) place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact .....	214	307

#### Cost Information

When the above ranges of comparability are used on EnergyGuide labels for compact-sized dishwashers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2001 Representative Average Unit Costs for electricity (8.29¢ per kilo Watt-hour) and natural gas (83.7¢ per therm), and the text below the box must identify the costs as such.

3. In section 2 of Appendix H of Part 305, the text and formulas are amended by removing the figure “8.03¢” wherever it appears and by adding, in its place, the figure “8.29¢”. In addition, the text and formulas are amended by removing the figure “12.05¢” wherever it appears and by adding, in its place, the figure “12.45¢”.

4. In section 2 of Appendix I of Part 305, the text and formulas are amended by removing the figure “8.03¢” wherever it appears and by adding, in its place, the figure “8.29¢”. In addition, the text and formulas are amended by removing the figures “12.05¢” and “12.24¢” wherever they appear and by adding, in their place, the figure “12.45¢”.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 01–24261 Filed 9–27–01; 8:45 am]

**BILLING CODE 6750–01–M**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Parts 40, 44, 275 and 295

[T.D. ATF—467]

RIN 1512–AC55

### Implementation of Public Law 106–544 for Certain Amendments Related to Balanced Budget Act of 1997 (2001R–90T)

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

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

**SUMMARY:** This document implements regulations relating to certain provisions of the Consolidated Appropriations Act, 2001, Public Law 106–554. These provisions revised the definition of “manufacturer of cigarette papers and tubes” and removed the definition of “cigarette papers” in section 5702 of Title 26 of the United States Code. The provisions of these sections are retroactive to the effective date of section 9302 of the Balanced Budget Act of 1997, which was January 1, 2000.

**EFFECTIVE DATE:** January 1, 2000.

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

**SUPPLEMENTARY INFORMATION:** On December 21, 2000, the President signed the Consolidated Appropriations Act, 2001, Public Law 106–554 (114 Stat. 2763), which contains the Community Renewal Tax Relief Act (referred to as

the Act). As noted in the accompanying Conference Report, sections 315(a)(2)(A) and (B) of the Act, contained in Title III—Administrative and Technical Provisions, were conforming amendments to reflect the fact that the tax on cigarette papers has not been imposed on “books” or papers since January 1, 2000. *See* 146 Cong. Rec. H 12418 (daily ed. December 15, 2000). Section 315(b) of the Act made the effective date of the provisions of section 315 retroactive to the effective date of section 9302 of the Balanced Budget Act of 1997, January 1, 2000 (111 Stat. 672).

The provisions of section 315(a)(2)(A) revised the definition of manufacturer of cigarette papers and tubes. Prior to this revision, the definition of manufacturer of cigarette papers and tubes meant any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for personal use or consumption. Section 315(a)(2)(A) amended the definition to mean “any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption.” This definition was amended because section 9302 of the Balanced Budget Act of 1997 changed the imposition of the Federal excise tax on cigarette papers under section 5701(c) of Title 26 of the United States Code. Under section 5701(c), a tax now is imposed on all cigarette papers manufactured in the United States regardless of whether the cigarette papers were in books or sets containing more than 25 papers each. Consequently, the definition of manufacturer of cigarette papers and tubes was changed to conform to the Federal excise tax imposed on cigarette papers.

The provisions of section 315(a)(2)(B) removed the definition of cigarette papers in 26 U.S.C. 5702. Prior to this amendment, the definition of cigarette papers meant taxable books or sets of cigarette papers. Because section 5701 of Title 26 of the United States Code imposes a tax on all cigarette papers, regardless of whether the cigarette papers are in books or sets, the definition of cigarette papers was deleted.

In this final rule, we are amending the regulations in 27 CFR parts 40, 44, 275 and 295 to conform to the changes made by the aforementioned provisions. Consequently, we are revising the regulatory definition of “manufacturer of cigarette papers and tubes” and removing the definition of “cigarette papers”.

**Administrative Procedure Act**

This document merely revises existing regulations to restate the language as currently set forth in the statute. Therefore, we find it is unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

**Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) do not apply to this final rule. We were not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. The revenue effects of this rulemaking on small businesses result directly from the underlying statute. Pursuant to 26 U.S.C. 7805(f), we have sent a copy of this regulation to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses. No comments were received.

**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.

**Paperwork Reduction Act of 1995**

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.

**Drafting Information**

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

**List of Subjects**

27 CFR Part 40

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfers, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

27 CFR Part 44

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Customs duties and inspections, Excise taxes, Exports,

Foreign trade zones, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Transportation, Warehouses.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfer, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco, Warehouses.

27 CFR Part 295

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Tobacco.

**Issuance**

27 CFR chapter I is amended as follows:

**PART 40—[AMENDED]**

**Paragraph 1.** The authority citation for 27 CFR part 40 continues to read as follows:

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

**Par. 2.** Section 40.11 is amended to:

- a. Remove the definition of "cigarette papers"; and
- b. Revise the definition of "manufacturer of cigarette papers and tubes" to read as follows:

**§ 40.11 Meaning of terms.**

\* \* \* \* \*

*Manufacturer of cigarette papers and tubes.* Any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption.

\* \* \* \* \*

**Par. 3.** Section 40.391 is revised to read as follows:

**§ 40.391 Persons required to qualify.**

Every person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption, must first qualify as a manufacturer of cigarette papers and tubes in accordance with the provisions of this subpart.

**PART 44—[AMENDED]**

**Par. 4.** The authority citation for 27 CFR 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, 5754, 6061, 6065, 6151, 6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

**Par. 5.** Section 44.11 is amended to:  
a. Remove the definition of "cigarette papers"; and

b. Revise the definition of "manufacturer of cigarette papers and tubes" to read as follows:

**§ 44.11 Meaning of terms.**

\* \* \* \* \*

*Manufacturer of cigarette papers and tubes.* Any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption.

\* \* \* \* \*

**PART 275—[AMENDED]**

**Par. 6.** The authority citation for 27 CFR part 275 continues to read as follows:

**Authority:** 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

**Par. 7.** Section 275.11 is amended to:

- a. Remove the definition of "cigarette papers"; and
- b. Revise the definition of "manufacturer of cigarette papers and tubes" to read as follows:

**§ 275.11 Meaning of terms.**

\* \* \* \* \*

*Manufacturer of cigarette papers and tubes.* Any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption.

\* \* \* \* \*

**PART 295—[AMENDED]**

**Par. 8.** The authority citation for 27 CFR part 295 continues to read as follows:

**Authority:** 26 U.S.C. 5703, 5704, 5705, 5723, 5741, 5751, 5762, 5763, 6313, 7212, 7342, 7606, 7805, 44 U.S.C. 3504(h).

**Par. 9.** Section 295.11 is amended to:  
a. Remove the definition of "cigarette papers"; and

b. Revise the definition of "manufacturer of cigarette papers and tubes" to read as follows:

**§ 295.11 Meaning of terms.**

\* \* \* \* \*

*Manufacturer of cigarette papers and tubes.* Any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption.

\* \* \* \* \*

Signed: July 17, 2001.

**Bradley A. Buckles,***Director.*

Approved: August 23, 2001.

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

[FR Doc. 01-24052 Filed 9-27-01; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165****[COTP Charleston-01-101]****RIN 2115-AA97****Security Zones; Port of Charleston, SC****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is closing a section of the Cooper River in the vicinity of U.S. Naval Weapons Station, Charleston, SC, to all vessel traffic until further notice. This security zone is needed for national security reasons following the recent events in New York City, Washington DC and Western Pennsylvania. Entry into this zone is prohibited, unless specifically authorized by the Captain of the Port, Charleston, South Carolina or his designated representative.

**DATES:** This regulation becomes effective at 12 noon on September 19, 2001 and will terminate at 12 noon on December 17, 2001.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of [COTP Charleston 1-101] and are available for inspection or copying at Marine Safety Office Charleston, 196 Tradd Street, Charleston, SC 29401 between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Erin Healey, Coast Guard Marine Safety Office Charleston, at (843) 724-7686.

**SUPPLEMENTARY INFORMATION****Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Because of the events described below, publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity of these zones to advise mariners of the restriction.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Background and Purpose**

The Coast Guard is closing a section of the Cooper River in the vicinity of U.S. Naval Weapons Station, Charleston, SC, to all vessel traffic until further notice to protect the significant national security interests in this area. The Captain of the Port Charleston has closed the Cooper River to all vessel traffic from Cooper River Lighted Buoy 62 (LLNR 2930) in the vicinity of the entrance to Goose Creek to Cooper River Light 87 (LLNR 3135) near the entrance to Foster Creek until further notice. Goose Creek is also closed until further notice.

This security zone is needed for national security reasons following the recent terrorist attacks in New York City, Washington, DC and Western Pennsylvania, particularly the attack on United States military interests in Washington, DC. There will be Coast Guard and naval patrol vessels on scene to monitor traffic through these areas. Entry into these security zones is prohibited, unless specifically authorized by the Captain of the Port, Charleston, South Carolina.

The Coast Guard has met with members of the waterway community to discuss this closure. Vessels may be allowed to enter the zone with the authorization of the Coast Guard Captain of the Port. Vessels wishing to transit the security zone are encouraged to contact the Captain of the Port as soon as possible to request this authorization. This security zone only slightly extends the existing restricted area for this facility found in 33 CFR 334.460.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of

Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule would have a significant economic effect upon a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit a portion of the Cooper River in the vicinity of U.S. Naval Weapons Station, Charleston, SC. The Coast Guard preliminary review indicates this temporary rule will not have a significant economic impact on a substantial number of small entities under 5 U.S.C. 605(b) because small entities may be allowed to enter on a case by case basis with the authorization of the Captain of the Port.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule calls for no new collection of information requirements under the