

required, pursuant to 5 U.S.C. 553(d)(1) and (d)(3).

**The Regulatory Flexibility Act and Executive Order 12866**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This document does not meet the criteria for a “significant regulatory action” as specified in E.O. 12866.

**List of Subjects for 19 CFR Part 148**

Customs duties and inspection, Declarations, Reporting and

recordkeeping requirements, Trade agreements (North American Free Trade Agreement).

**Amendments to the Regulations**

For the reasons stated in the preamble, part 148 of the Customs Regulations (19 CFR part 148) is amended as set forth below:

**PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS**

1. The general authority citation for part 148 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 22, Harmonized Tariff Schedule of the United States);

\* \* \* \* \*

2. In § 148.101, the reference in the first sentence of Example 1 to “\$1,050” is removed and the reference “\$1,950” is added in its place; and the tables in Examples 1 and 2 are revised, respectively, to read as follows:

**§ 148.101 Applicability.**

\* \* \* \* \*

*Example 1:* \* \* \*

|   | Fair retail value | Duty |
|---|-------------------|------|
| (a) The \$400 personal exemption .....                                      | \$400 .....       |      |
| (b) Articles which carry a free rate of duty .....                          | 100 .....         |      |
| (c) The \$1,000 flat rate of duty allowance calculated at: .....            | 1,000 .....       |      |
| 4 percent (effective 01/01/01 through 12/31/01) .....                       | .....             | \$40 |
| 3 percent (effective from 01/01/02) .....                                   | .....             | 30   |
| (d) Balance of articles subject to duty at rates other than flat rate ..... | 1 450 .....       | (1)  |
| Total .....   | 1 1,950 .....     | (1)  |

<sup>1</sup> The articles not covered by exemptions, allowances, and duty-free rates will be valued under section 402, Tariff Act of 1930, as amended, and duty calculated at rates other than the flat rate.

*Example 2:* \* \* \*

|  | Fair retail value | Duty |
|--|-------------------|------|
| (a) The \$1,200 personal exemptions for residents returning from the U.S. Virgin Islands are grouped for a total of .. | \$2,400 .....     |      |
| (b) Articles which carry a free rate of duty .....   | 100 .....         |      |
| (c) The \$1,000 flat rate of duty allowance calculated at: .....   | 2,000 .....       |      |
| 2 percent (effective 01/01/01 through 12/31/01) .....  | .....             | \$40 |
| 1.5 percent (effective from 01/01/02) .....  | .....             | 30   |
| (d) Balance of articles subject to duty at rates other than flat rate .....  | 1 400 .....       | (1)  |
| Total .....  | 1 4,900 .....     | (1)  |

<sup>1</sup> The articles not covered by exemptions, allowances, and duty-free rates will be valued under section 402, Tariff Act of 1930, as amended, and duty calculated at rates other than the flat rate.

3. Section 148.102 is revised to read as follows:

**§ 148.102 Flat rate of duty.**

(a) *Generally.* The rate of duty on articles accompanying any person, including a crewmember, arriving in the United States (exclusive of duty-free articles and articles acquired in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States) shall be 4 percent, effective January 1, 2001, and 3 percent, effective January 1, 2002, of the fair retail value in the country of acquisition.

(b) *American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.* The rate of duty on articles accompanying any person, including a crewmember, arriving in the

United States directly or indirectly from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States (exclusive of duty-free articles), acquired in these locations as an incident of the person’s physical presence there, shall be 2 percent, effective January 1, 2001, and 1.5 percent, effective January 1, 2002, of the fair retail value in the location in which acquired.

**Charles W. Winwood,**  
*Acting Commissioner of Customs.*

Approved: August 29, 2001.  
**Timothy E. Skud,**  
*Acting Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 01–22112 Filed 8–31–01; 8:45 am]

**BILLING CODE 4820–02–P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**[CGD09–01–121]**

**RIN 2115–AA97**

**Safety Zone; Algoma Shanty Days 2001, Algoma Harbor, WI**

**AGENCY:** Coast Guard, DOT.  
**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in Algoma Harbor for the Algoma Shanty Days 2001 fireworks display. This safety zone is necessary to protect spectators and vessels from the hazards associated with the storage, preparation, and launching of fireworks. This safety zone

is intended to restrict vessel traffic from a portion of Algoma Harbor, Algoma, Wisconsin.

**DATES:** This temporary rule is effective from 8:30 p.m. until 9:30 p.m. (CST) on September 29, 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 docket [CGD09-01-121] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Timothy Sickler, Port Operations Chief, Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The phone number is (414) 747-7155.

**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 an NPRM, and under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The subsequent permit application, after the original date was rained out, did not allow sufficient time for the publication of an NPRM followed by a temporary final rule effective 30 days after publication. Due to inclement weather during the originally scheduled date, the event organizer rescheduled the fireworks to occur a month after the expected date. Any delay of the effective date of this rule would be contrary to the public interest by exposing the public to the known dangers associated with fireworks displays and the possible loss of life, injury, and damage to property.

**Background and Purpose**

This Safety Zone is established to safeguard the public from the hazards associated with the launching of fireworks on the Algoma Harbor, Algoma, Wisconsin. The size of the zone was determined by using previous experiences with fireworks displays in the Captain of the Port Milwaukee zone and local knowledge about wind, waves, and currents in this particular area.

The safety zone will be in effect on September 29, 2001, from 8:30 p.m. until 9:30 p.m. (CST). The safety zone will encompass all waters bounded by the arc of a circle with a 560-foot radius with its center in approximate position

44°36.22' N, 087° 25.55' W, off Algoma's south breakwall. The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents. These coordinates are based upon North American Datum 1983 (NAD 83).

All persons and vessels shall comply with the instructions of the Captain of the Port Milwaukee or his designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Milwaukee or his designated on scene representative. The Captain of the Port Milwaukee may be contacted via VHF Channel 16.

**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), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities: the owners or operators of vessels intending to transit or anchor in the vicinity of the south breakwall in Algoma's inner and outer harbor from 8:30 p.m. until 9:30 p.m. (CST) on September 29, 2001.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only one hour and twenty minutes on one day and late in the day when vessel traffic is minimal. Vessel traffic may enter or transit through the safety zone with the permission of the Captain of the Port Milwaukee or his designated on scene representative.

Before the effective period, we will issue maritime advisories widely available to users of the Algoma Harbor.

**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 would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Milwaukee. (See **ADDRESSES**.)

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 Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates 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 under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

**Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

**Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.LC, this rule is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09-995 is added to read as follows:

**§ 165.T09-995 Safety Zone: Algoma Harbor, Algoma, Wisconsin.**

(a) *Location.* The safety zone will encompass all waters bounded by the arc of a circle with a 560-foot radius with its center in approximate position 44° 36.22' N, 087° 25.55' W, located off the southernmost part of the Algoma breakwall (NAD 83).

(b) *Effective times and dates.* From 8:30 p.m. until 9:30 p.m. on September 29, 2001.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port Milwaukee or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant or petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) This safety zone should not adversely affect shipping. However, commercial vessels may request permission from the Captain of the Port Milwaukee to enter or transit the safety zone. Approval will be made on a case-by-case basis. Requests must be in advance and approved by the Captain of the Port Milwaukee before transits will be authorized. The Captain of the Port Milwaukee may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF-FM.

Dated: August 22, 2001.

**M. R. DeVries,**

*Commander, U.S. Coast Guard, Captain of the Port, Milwaukee, Milwaukee, Wisconsin.* [FR Doc. 01-22082 Filed 8-31-01; 8:45 am]

**BILLING CODE 4910-15-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[TX-28-1-7537, FRL-7049-1]

**Approval and Promulgation of Implementation Plans; Texas; Withdrawal of Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the direct final rule to approve the Vehicle Miles Traveled Offset State Implementation Plan for the Houston/Galveston Ozone Nonattainment area. In the direct final rule published on July 10, 2001 (66 FR 35903), we stated that if we received adverse comment by August 9, 2001, the rule would be withdrawn and not take effect. EPA subsequently received an adverse comment. EPA will address the comment received in a subsequent final action based upon the proposed action also published on July 10, 2001 (66 FR 35920). EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published July 10, 2001, at 66 FR 35903 is withdrawn as of September 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Bill Deese, Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733. Phone (214) 665-7253.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 24, 2001.

**Gregg A. Cooke,**

*Regional Administrator, Region 6.*

Accordingly, the amendment to the table in § 52.2270(e) which added the entry for Vehicle Miles Traveled Offset Plan for the Houston/Galveston Ozone nonattainment area is withdrawn as of September 4, 2001.

[FR Doc. 01-22133 Filed 8-31-01; 8:45 am]

**BILLING CODE 6560-50-P**