

Regulations. This action corrects the final rule by specifying the use of a flaw length sizing criterion for reactor vessel qualification. This correction is necessary for clarity and consistency in the regulations.

DATES: Effective March 26, 2001.

FOR FURTHER INFORMATION CONTACT: Donald G. Naujock [telephone (301) 415-2767, e-mail DGN@nrc.gov] of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 1999 (64 FR 51370), a final rule "Industry Codes and Standards; Amended Requirements" was published in the **Federal Register**. The purpose of the rule was to permit the use of improved methods in § 50.55a for construction, inservice inspection and inservice testing of nuclear power plant components. The rule, in part, permits licensees to modify implementation of Appendix VIII to Section XI of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (the Code) provided that certain provisions specified in the regulations were followed. Paragraph (b)(2)(xv)(C) addressed the provisions regarding application of Supplement 4 to Appendix VIII. After the final rule was published, an error was discovered in paragraph (b)(2)(xv)(C)(1). Paragraph (b)(2)(xv)(C)(1) properly stipulated the use of a flaw depth sizing criterion, but failed to specify the use of an appropriate flaw length sizing criterion for reactor vessel qualification. It has always been the intent of the NRC to require the use of both depth and length criteria for flaw sizing qualification. This intent is evident in paragraph (b)(2)(xv)(F)(2) of § 50.55a which stipulates that length sizing qualifications must satisfy the acceptance criterion of Appendix VIII, Supplement 4.

With respect to a length sizing criterion, it was the intent of the NRC to specify in the final rule, the use of 0.75 inch root mean square (RMS) length sizing criterion in lieu of Appendix VIII, Supplement 4, Subparagraph 3.2(b). Since 1995, the NRC has supported the 0.75 inch RMS numeric value as an appropriate length sizing criterion for reactor vessels. This numeric value is the same as the length sizing criterion referenced in (b)(2)(xv)(E)(3).

Need for Correction

As published, the **Federal Register** and the Code of Federal Regulations contain an error which is misleading and needs to be corrected.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Sections 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. In § 50.55a, paragraph (b)(2)(xv)(C)(1) is revised to read as follows:

§ 50.55a Codes and standards.

* * * * *

- (b) * * *
- (2) * * *
- (xv) * * *
- (C) * * *

(1) A depth sizing requirement of 0.15 inch RMS shall be used in lieu of the

requirement in Subparagraph 3.2(a), and a length sizing requirement of 0.75 inch RMS shall be used in lieu of the requirement in Subparagraph 3.2(b).

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Dated at Rockville, Maryland, this 20th day of March, 2001.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 01-7352 Filed 3-23-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2001-9059; Airspace Docket No. 01-AWA-1]

RIN 2120-AA66

Establishment of Prohibited Area P-49 Crawford; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Prohibited Area 49 (P-49) over the Crawford, TX, residence of the President of the United States. The FAA is taking the action to enhance security in the immediate vicinity of the presidential residence and assist the United States Secret Service in accomplishing its mission of providing security for the President of the United States.

EFFECTIVE DATES: 0901 UTC, May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Steve Rohring, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

On March 7, the Department of the Treasury, United States Secret Service requested that the FAA establish a prohibited area at Crawford, TX, to enhance the level of security provided the President. In order to provide adequate safeguards for the protection of the President, it is necessary to designate certain airspace above the presidential residence at Crawford, TX, as a prohibited area. Under the provision of Section 73.83, no person may operate an aircraft within that area

without permission from the using agency. This action responds to that request.

The Rule

This amendment to 14 CFR part 73 establishes P-49 Crawford, TX. The prohibited area extends from the surface to 5,000 feet above mean sea level (MSL) within a 3-nautical mile (NM) radius of latitude 31°34'57" N., longitude 97°32'37" W. Flight within this area is prohibited unless permission is obtained from the using agency.

Because of the immediate need to enhance the security of the President, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable. Section 73.89 of 14 CFR part 73 was republished in FAA Order 7400.8H, dated September 1, 2000.

This regulation is limited to an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since it has been determined that this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action to establish a prohibited area from the surface up to 5,000 feet MSL qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts. This airspace action is not expected to cause any potentially significant environmental impacts, and there do not appear to be extraordinary circumstances warranting preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.63 [Amended]

2. Part 73 is amended by adding new Section 73.63 to read as follows:

* * * * *

P-49 Crawford, TX [New]

Boundaries. That airspace within a 3 NM radius of lat. 31°34'57" N., long. 97°32'37" W.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. United States Secret Service, Washington, DC.

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Issued in Washington, DC, on March 20, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01-7412 Filed 3-21-01; 2:49 pm]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 159, 178

[T.D. 01-24]

RIN 1515-AC30

Foreign Repairs to American Vessels

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations regarding the declaration, entry, assessment of duty and processing of petitions for relief from duty for vessels of the United States which undergo foreign shipyard operations. These changes are implemented in order that the Customs Regulations regarding vessel repair accurately reflect the amended underlying statutory authority, as well as legal and policy determinations made as a result of judicial decisions and administrative enforcement experience.

EFFECTIVE DATE: April 25, 2001.

FOR FURTHER INFORMATION CONTACT:

Operational aspects: Glenn Seale, Supervisory Customs Liquidator, 504-670-2137.

Legal aspects: Larry L. Burton, Office of Regulations and Rulings, 202-927-1287.

SUPPLEMENTARY INFORMATION:

Background

The genesis of the modern vessel repair statute, 19 U.S.C. 1466, is found in the Act of July 18, 1866, Chapter 24, section 23 (14 Stat. 183). A 50 percent *ad valorem* duty was imposed on the foreign cost of repairs to United States vessels documented to engage in the foreign or coastwise trade on the northern, northeastern, and northwestern frontiers (practically speaking, Great Lakes, Atlantic, and Pacific Coast trade with Canada). The statute also provided for remission or refund of duties where it was established by sufficient evidence that the vessel had been compelled to seek foreign repairs due to a weather-related or other casualty. The statute was recodified in the Revised Statutes of the United States in 1874 (R.S. 3114 and 3115), but was left largely unamended until the Act of September 21, 1922, at which time the area of consideration for dutiable repairs was expanded to include repairs to all vessels documented under U.S. law to engage in the foreign or coastwise trade, as well as those intended to be so employed.

The statute has undergone amendment several times since 1922 and has been the subject of considerable judicial interpretation over the years as well. Most recently, the statute has been amended in significant ways and a court case with broad impact on the administration of the law has also been decided.

On August 20, 1990, the President signed into law the Customs and Trade Act of 1990 (Pub. L. 101-382), section 484E of which amended the vessel repair statute by adding a new subsection (h). Subsection (h), which by its terms expired on December 31, 1992, included two elements. These concerned the exclusion from vessel repair duty of Lighter Aboard Ship (LASH) barges, and of spare parts and materials for use in vessel repairs abroad which had previously been imported and duty paid at the appropriate rate under the Harmonized Tariff Schedule of the United States (HTSUS).

Two years after the expiration of that legislation, the Congress enacted section 112 of Pub. L. 103-465 which became effective on January 1, 1995. That provision permanently reenacted the previously expired 19 U.S.C. 1466(h)(1) and (2), as discussed above, and also added a new subsection (h)(3) which, as administered by Customs, provides that vessel repair duties will be assessed at the applicable HTSUS rate for spare parts which are necessarily installed on vessels overseas prior to those spare