

212(a)(9)(B) and (c) of the Act. If the alien is not in a period of stay authorized by the Attorney General, the fact that he or she is a grandfathered alien does not prevent the alien from accruing unlawful presence under section 212(a)(9)(B) and (C) of the Act.

(n) *Evidentiary requirement to demonstrate physical presence on December 21, 2000.* (1) Unless the qualifying immigrant visa petition or application for labor certification was filed on or before January 14, 1998, a principal grandfathered alien must establish that he or she was physically present in the United States on December 21, 2000, to be eligible to apply to adjust status under section 245(i) of the Act. If no one document establishes the alien's physical presence on December 21, 2000, he or she may submit several documents establishing his or her physical presence in the United States prior to, and after December 21, 2000.

(2) To demonstrate physical presence on December 21, 2000, the alien may submit Service documentation. Examples of acceptable Service documentation include, but are not limited to:

(i) A photocopy of the Form I-94, Arrival-Departure Record, issued upon the alien's arrival in the United States;

(ii) A photocopy of the Form I-862, Notice to Appear;

(iii) A photocopy of the Form I-122, Notice to Applicant for Admission Detained for Hearing before Immigration Judge, issued by the Service on or prior to December 21, 2000, placing the applicant in exclusion proceedings under section 236 of the Act (as in effect prior to April 1, 1997);

(iv) A photocopy of the Form I-221, Order to Show Cause, issued by the Service on or prior to December 21, 2000, placing the applicant in deportation proceedings under section 242 or 242A of the Act (as in effect prior to April 1, 1997);

(v) A photocopy of any application or petition for a benefit under the Act filed by or on behalf of the applicant on or prior to December 21, 2000, which establishes his or her presence in the United States, or a fee receipt issued by the Service for such application or petition.

(3) To demonstrate physical presence on December 21, 2000, the alien may submit other government documentation. Other government documentation issued by a Federal, state, or local authority must bear the signature, seal, or other authenticating instrument of such authority (if the document normally bears such instrument), be dated at the time of

issuance, and bear a date of issuance not later than December 21, 2000. For this purpose, the term Federal, state, or local authority includes any governmental, educational, or administrative function operated by Federal, state, county, or municipal officials. Examples of such other documentation include, but are not limited to:

(i) A state driver's license;

(ii) A state identification card;

(iii) A county or municipal hospital record;

(iv) A public college or public school transcript;

(v) Income tax records;

(vi) A certified copy of a Federal, state, or local governmental record which was created on or prior to December 21, 2000, shows that the applicant was present in the United States at the time, and establishes that the applicant sought on his or her own behalf, or some other party sought on the applicant's behalf, a benefit from the Federal, state, or local governmental agency keeping such record;

(vii) A certified copy of a Federal, state, or local governmental record which was created on or prior to December 21, 2000, that shows that the applicant was present in the United States at the time, and establishes that the applicant submitted an income tax return, property tax payment, or similar submission or payment to the Federal, state, or local governmental agency keeping such record;

(viii) A transcript from a private or religious school that is registered with, or approved or licensed by, appropriate State or local authorities, accredited by the State or regional accrediting body, or by the appropriate private school association, or maintains enrollment records in accordance with State or local requirements or standards.

(4) To demonstrate physical presence on December 21, 2000, the alien may submit non-government documentation. Examples of documentation establishing physical presence on December 21, 2000, may include, but are not limited to:

(i) School records;

(ii) Rental receipts;

(iii) Utility bill receipts;

(iv) Any other dated receipts;

(v) Personal checks written by the applicant bearing a bank cancellation stamp;

(vi) Employment records, including pay stubs;

(vii) Credit card statements showing the dates of purchase, payment, or other transaction;

(viii) Certified copies of records maintained by organizations chartered by the Federal or State government,

such as public utilities, accredited private and religious schools, and banks;

(ix) If the applicant established that a family unit was in existence and cohabiting in the United States, documents evidencing the presence of another member of the same family unit; and

(x) For applicants who have ongoing correspondence or other interaction with the Service, a list of the types and dates of such correspondence or other contact that the applicant knows to be contained or reflected in Service records.

(5)(i) The adjudicator will evaluate all evidence on a case-by-case basis and will not accept a personal affidavit attesting to physical presence on December 21, 2000, without requiring an interview or additional evidence to validate the affidavit.

(ii) In all cases, any doubts as to the existence, authenticity, veracity, or accuracy of the documentation shall be resolved by the official government record, with records of the Service and the Executive Office for Immigration Review (EOIR) having precedence over the records of other agencies. Furthermore, determinations as to the weight to be given any particular document or item of evidence shall be solely within the discretion of the adjudicating authority (i.e., the Service or EOIR). It shall be the responsibility of the applicant to obtain and submit copies of the records of any other government agency that the applicant desires to be considered in support of his or her application.

Dated: March 20, 2001.

John Ashcroft,

Attorney General.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AE26

Industry Codes and Standards; Amended Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects a final rule appearing in the **Federal Register** on September 22, 1999 (64 FR 51370), and reflected in the 2000 revision of the Code of Federal

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).

* * * * *

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.

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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