

Rock Springs, WY, Rock Springs-Sweetwater County, NDB-C, Amdt 2A
 Rock Springs, WY, Rock Springs-Sweetwater County, ILS OR LOC/DME RWY 27, Orig
 Rock Springs, WY, Rock Springs-Sweetwater County, ILS/DME RWY 27, Amdt 5A, CANCELLED
 Rock Springs, WY, Rock Springs-Sweetwater County, GPS RWY 27, Orig, CANCELLED
 Rock Springs, WY, Rock Springs-Sweetwater County, RNAV (GPS) Z RWY 27, Orig
 Rock Springs, WY, Rock Springs-Sweetwater County, RNAV (GPS) Y RWY 27, Orig

■ The FAA published an Amendment in Docket No. 30378, Amdt No. 3067 to Part 97 of the Federal Aviation Regulations (Vol 68, FR No. 144, Page 44204; dated July 28, 2003) under Section 97.33 effective 04 September 2003, which is hereby amended as follows:

Kamuela, HI, Waimea-Kohala, VOR/DME-A, Orig
 Kamuela, HI, Waimea-Kohala, VOR/DME RWY 4, Orig
 Kamuela, HI, Waimea-Kohala, RNAV (GPS) RWY 4, Orig
 Kamuela, HI, Waimea-Kohala, RNAV (GPS) RWY 22, Orig

■ The FAA published the following procedures in Docket No. 30378; Amdt. No. 3067 to Part 97 of the Federal Aviation Regulations (Vol. 68, FR No. 144, Page 44204; dated Monday, July 28, 2003) under section 97.33 effective May 15, 2003 which are hereby rescinded:

Brookfield, MO, North Central Missouri Regional, RNAV (GPS) RWY 18, Orig
 Brookfield, MO, North Central Missouri Regional, RNAV (GPS) RWY 36, Orig

[FR Doc. 03-20397 Filed 8-12-03; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Part 4

[CBP Decision 03-16]

RIN 1515-AD35

Tonnage Duties—Revised Amounts

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends the rules dealing with vessels in foreign and domestic trades by revising the amounts of tonnage duties applicable to those entering the United States from a foreign port. These revisions are necessary to reflect recent changes in the pertinent statutory provisions.

EFFECTIVE DATE: August 13, 2003.

FOR FURTHER INFORMATION CONTACT: Glen Vereb, Entry Procedures & Carriers Branch, (202) 572-8730.

SUPPLEMENTARY INFORMATION:

Background

Customs and Border Protection (CBP) assesses and collects tonnage duties and light money on vessels brought into the United States from a foreign port or place, under the authority of 46 U.S.C. App. 121. Tonnage duties, which are in effect charges for the privilege of entering, trading in, or lying in a port, cover the expenses incurred in clearing and improving harbors, erecting lighthouses and keeping up lights. The amount of tonnage duty depends on the registry of the vessel, subject to certain exemptions, as prescribed by law.

On November 5, 1990, the President signed the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508), which amended 46 U.S.C App. 121 to increase the tonnage taxes collected from vessels arriving in the United States from foreign ports. The amendment intended to offset the costs incurred by Coast Guard operations. For vessels calling on the United States from North American ports and certain Central American, South American and Caribbean ports, the amount of tonnage tax was increased to 9 cents per ton, not to exceed in the aggregate 45 cents per ton per annum. For vessels entering a port of the United States from any other foreign port or place, the amount of tonnage tax was increased to 27 cents per ton, not to exceed \$1.35 per ton per annum. These increases were in effect until the end of fiscal year 2002; thereafter the duties were to revert to the same amount as in effect prior to the passage of this legislation.

Congress has not enacted legislation renewing these provisional tonnage duty rates. In accordance with the statute, the tonnage tax rates have reverted to the previous rates of 2 cents per ton (10 cents annual aggregate cap) for vessels arriving in the United States from the first group of ports and 6 cents per ton (30 cents annual aggregate cap) for vessels arriving from all other originating ports.

Thus, CBP has determined that current statutory provisions require CBP to amend Part 4 of the Customs Regulations (19 CFR 4.20) to revise the amounts of tonnage duties applicable to vessels entering from a foreign port or place. Following is a summary of those changes.

Discussion of Changes

1. Section 4.20(a) generally provides for the payment of tonnage tax on vessels entering from a foreign port or place. Section 4.20(a) is revised to reflect changes in the regular tonnage duty applicable in such circumstances.

2. Section 4.20(b) is amended to reflect the revised maximum assessment amount of tonnage duty of a vessel per tonnage year. The revised aggregate amount for vessels arriving in the United States from North American ports, certain Central American, South American and Caribbean ports is 10 cents per ton. For vessels arriving from all other originating ports the revised amount is 30 cents per ton.

3. Section 4.20(c) generally provides for the payment of special tonnage tax and light money on vessels entering from a foreign port or place. The present table in this section listing the vessel tonnage and light money rates payable under various conditions is revised to reflect the current tonnage duty rates.

The following chart indicates the provisional tonnage tax amount that has expired and the currently assessed amount.

Vessels entering U.S. from	Provisional tonnage tax per ton (annual cap)	Current tonnage tax per ton (annual cap)
North America, Central America, the West Indies, the Bahama Islands, the Bermuda Islands, the coast of South America bordering on the Caribbean Sea, or the high seas adjacent to the U.S. or the above listed foreign locations	9¢ (45¢)	2¢ (10¢)
Any other foreign port	27¢ (\$1.35)	6¢ (30¢)

Inapplicability of Public Notice and Comment and Delayed Effect Requirements, the Regulatory Flexibility Act, and Executive Order 12866

Inasmuch as these amendments merely conform the Customs Regulations to existing law as noted above, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*).

For the same reasons, the amendments do not meet the criteria for a "significant regulatory action" as specified in E.O. 12866. Accordingly, a regulatory impact analysis it is not required thereunder.

Drafting Information

The principal author of this document was Fernando Peña, Office of Regulations and Rulings, Bureau of Customs and Border Protection. However, personnel from other Bureau offices participated in its development.

List of Subjects in 19 CFR Part 4

Cargo vessels, Coastal zone, Coastwise trade, Customs duties and inspection, Entry, Fees, Fishing vessels, Freight, Harbors, Imports, Maritime carriers, Reporting and recordkeeping requirements, Seamen, Vessels, and Yachts.

Amendments to the Regulations

- For the reasons stated above, part 4 of the Customs Regulations (19 CFR part 4) is amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

- 1. The general authority citation for part 4 and the specific authority citation for § 4.20 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91.
* * * * *

Section § 4.20 also issued under 46 U.S.C. 2107(b), 8103, 14306, 14502, 14511, 14512, 14513, 14701, 14702; 46 U.S.C. App. 121, 128;
* * * * *

- 2. Amend § 4.20 as follows:
 - a. In paragraph (a):
 - i. all references to the number "9" are removed and, in their place, the number "2" is added;
 - ii. all references to the number "27" are removed and, in their place, the number "6" is added;

- iii. the reference to the number "45" is removed and, in its place, the number "10" is added; and,
- iv. the figure "\$1.35" is removed and, in its place, the number "30" is added.
- b. In paragraph (b):
 - i. the reference to the number "9" is removed and, in its place, the number "2" is added;
 - ii. the reference to the number "27" is removed and, in its place, the number "6" is added; and,
 - iii. the figure "\$1.80" is removed and, in its place, the figure "40 cents" is added.
- c. In the table under paragraph (c), in the column headed "Regular tax":
 - i. the figure "0.09" and all the figures reading ".09" are removed and, in their place, the figure ".02" is added; and,
 - ii. the figure "0.27" and all the figures reading ".27" are removed and, in their place, the figure ".06" is added.

Dated: August 7, 2003.

Robert C. Bonner,
Commissioner, Customs and Border Protection.

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BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

31 CFR Part 50

RIN 1505-AA96

Terrorism Risk Insurance Program

AGENCY: Departmental Offices, Treasury.
ACTION: Final rule.

SUMMARY: This final rule modifies the current regulatory definition of "direct earned premium" in the regulations under Title I of the Terrorism Risk Insurance Act of 2002 (Act). The Act established a temporary Terrorism Risk Insurance Program (Program) under which the Federal Government will share the risk of insured losses from certified acts of terrorism with commercial property and casualty insurers until the Program sunsets on December 31, 2005. The Department of the Treasury (Treasury) is responsible for implementing the Act. This final rule clarifies the current regulatory definition of "direct earned premium" to parallel the definition of "direct earned premium" in section 102(4) of the Act.

DATES: This final rule is effective August 13, 2003.

FOR FURTHER INFORMATION CONTACT: Mario Ugoletti, Deputy Director, Office of Financial Institutions Policy (202) 622-2730, Martha Ellett or Cynthia Reese, Attorney-Advisors, Office of the

Assistant General Counsel (Banking & Finance), (202) 622-0480, or C. Christopher Ledoux, Senior Attorney, Terrorism Risk Insurance Program (202) 622-6770 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: On July 11, 2003, Treasury published a final rule containing definitions and other general provisions under the Act (68 FR 41250, July 11, 2003) (the July final rule). Treasury is now making a clarifying revision to the definition of "direct earned premium" in the July final rule to ensure that the rule parallels the definition in section 102(4) of the Act.

Under section 102(6) of the Act, an "insurer" calculates its "insurer deductible" based on the insurer's "direct earned premium." Except in the case of new insurers, an "insurer deductible" is an insurer's direct earned premiums over the preceding calendar year, multiplied by a percentage specified in the Act for that year. If a certified act of terrorism occurs, an insurer would only be entitled to federal payment under the Program if the insurer's insured losses exceed its insurer deductible and other required conditions are met.

Section 102(4) of the Act defines the term "direct earned premium" as "a direct earned premium for property and casualty insurance issued by any insurer for insurance against losses occurring at the locations described" in section 102(5)(A) and (B) of the Act (emphasis added). These cross-referenced locations appear within the definition of "insured loss." The locations are (1) "within the United States," (2) "to an air carrier" (as defined), (3) "to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States)," and (4) "at the premises of any United States mission." Therefore, there is a relationship between the locations contained in the definition of "insured loss" and the scope of the definition of "direct earned premium," since both make reference to the same specified locations.

The July final rule was preceded by an interim final rule that requested public comments (68 FR 9804, February 28, 2003). No comments were received on the interim final rule concerning the relationship of the terms "insured loss" and "direct earned premium." Upon further review, Treasury notes that the current regulatory definition of "direct earned premium" in the July final rule could be interpreted as inconsistent with the statutory definition of "direct earned premium." This is because the