

**III. Environmental Impact**

The agency has determined under 21 CFR 25.24(a)(9) and (a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. FDA did not receive any comments on this issue and, thus, is aware of no reason to alter this determination.

**IV. Analysis of Impacts**

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because FDA did not receive any comments or new information on this issue, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

**List of Subjects in 21 CFR Part 184**

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 184 is amended as follows:

**PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE**

1. The authority citation for 21 CFR part 184 continues to read as follows:

**Authority:** Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. Section 184.1101 is amended by revising paragraphs (a) and (e) to read as follows:

**§ 184.1101 Diacetyl tartaric acid esters of mono- and diglycerides.**

\* \* \* \* \*

(a) Diacetyl tartaric acid esters of mono- and diglycerides, also known as DATEM, are composed of mixed esters of glycerin in which one or more of the hydroxyl groups of glycerin has been esterified by diacetyl tartaric acid and by fatty acids. The ingredient is prepared by the reaction of diacetyl tartaric anhydride with mono- and diglycerides that are derived from edible sources.

\* \* \* \* \*

(e) *Labeling.* The acronym "DATEM" may be used on food labeling as the alternate common or usual name for the ingredient diacetyl tartaric acid esters of mono- and diglycerides.

Dated: March 17, 1995.

**Fred R. Shank,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 95-7616 Filed 3-27-95; 8:45 am]

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**21 CFR Part 886**

[Docket No. 94M-0260]

**Medical Devices; Exemptions From Premarket Notification for Certain Classified Devices; Correction**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of December 7, 1994 (59 FR 63005). The document exempted 148 generic types of class I devices from the requirement of premarket notification, with limitations. The document was published with an error in the codified section. This document corrects that error.

**EFFECTIVE DATE:** January 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301-594-4765, ext. 157.

In FR Doc. 94-30025, appearing on page 63005 in the **Federal Register** of Wednesday, December 7, 1994, the following correction is made:

**§ 886.4350 [Corrected]**

On page 63013, in the third column, in § 886.4350, paragraph (b) is corrected by removing the words "only when the device meets the ANSI standard on optic radiation limits."

Dated: March 17, 1995.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 95-7512 Filed 3-27-95; 8:45 am]

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**DEPARTMENT OF STATE**

**Bureau of Consular Affairs**

**22 CFR Part 41**

[Public Notice 2177]

**VISAS: Passports and Visas Not Required for Certain Nonimmigrants**

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule extends the Visa Waiver Pilot Program to September 30, 1996 and creates a new probationary status for certain countries which meet the requirements for that status under the Visa Waiver Pilot Program and which are designated by the Secretary of State and the Attorney General, acting jointly, as countries whose nationals benefit from the waiver of the nonimmigrant B-1/B-2 visa requirement. The extension of time for the Visa Waiver Pilot Program applies to those countries already in the program as well as to any countries which may be designated thereunder in the future. A statistical analysis was made to determine which countries could become visa waiver pilot countries with probationary status. As a result of that initial analysis it has been determined that Ireland, currently, is the only country which meets the criteria set forth for such countries.

**DATES:** This interim rule is effective on April 1, 1995. Written comments are invited and must be received on or before May 30, 1995.

**ADDRESSES:** Written comments may be submitted, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20522-0113.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Office, Department of State, Washington, DC 20522-0113 (202) 663-1204.

**SUPPLEMENTARY INFORMATION:** This interim rule amends part 41, title 22 of the Code of Federal Regulations concerning visas for nonimmigrants pursuant to section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, as amended by Pub. L. 103-415, 108 Stat. 4299, approved: 10/

25/94 and Pub. L. 103-416, 108 Stat. 4305, approved: 10/25/94. Pub. L. 103-415 amended section 217 of the INA to extend the Visa Waiver Pilot Program (VWPP) through September 30, 1995. Pub. L. 103-416 amended section 217 of the INA to extend the Visa Waiver Pilot Program to September 30, 1996, and to create a new probationary status for certain countries which meet the requirements for that status under the Visa Waiver Pilot Program and which are designated by the Secretary of State and the Attorney General, acting jointly, as countries whose nationals benefit from the waiver of the nonimmigrant B-1/B-2 visa requirement. Section 313 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603 added section 217 to the INA. Section 217, 8 U.S.C. 1187, established the nonimmigrant Visa Waiver Pilot Program (VWPP) which waives the nonimmigrant visa requirement for the admission of certain aliens into the United States for a period not to exceed ninety days. That original provision authorized the participation of eight countries in the VWPP. A final rule containing regulations designed to implement facilitation of the admission of certain nonimmigrant alien visitors under the VWPP was published at 53 FR 24903-24904 of the **Federal Register** of June 30, 1988. Its publication was codified in part 41 of title 22 of the Code of Federal Regulations (CFR), 22 CFR 41.2(1). Under that final rule the United Kingdom was the only country designated to receive these benefits for its nationals. Japan, having agreed to reciprocal treatment for United States citizens entering Japan under similar circumstances, was added as a designated country under the Pilot Program effective on December 15, 1988 in a final rule published at 53 FR 50161-50162 of the **Federal Register** of December 13, 1988. France, The Federal Republic of Germany, Italy, The Netherlands, Sweden, and Switzerland, having met all of the requirements for participants in the Visa Waiver Pilot Program, were added later as designated countries participating in the Pilot Program (i.e., the six remaining countries under the Eight Country Pilot Program established by section 313 of IRCA). This action was accomplished by the Secretary of State and the Attorney General, acting jointly through their designees, in a final rule published at 54 FR 27120-27121 of the **Federal Register** of June 27, 1989.

On November 29, 1990, the President approved the Immigration Act of 1990 (Pub. L. 101-649, 104 Stat 4978) (IA). Section 201 thereof revised the Visa

Waiver Pilot Program set forth in section 313 of IRCA (Sec. 217 INA, 8 U.S.C. 1187). It removed the eight-country cap and extended the program's provisions to all countries that meet the qualifying provisions of the Visa Waiver Pilot Program and are designated by the Secretary of State and the Attorney General as Pilot Program countries thereunder. Section 201 also extended the period of the pilot program until September 30, 1994 for the eight pilot program countries already designated under IRCA as well as for any additional Pilot Program countries that might be designated under the law, as amended, subject to their continued qualification thereunder. (See also: section 303 of the Immigration Technical Corrections Act of 1991, Pub. L. 102-232.)

As a result of these amendments to section 217 of the INA, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain, having met all of the requirements for participants in the nonimmigrant Visa Waiver Pilot Program, were added, effective on October 1, 1991. They were so designated as participants in the Visa Waiver Pilot Program by the Secretary of State and the Attorney General, acting jointly through their designees, in an Interim Rule published at 56 FR 46716-46717 of the **Federal Register** of September 13, 1991.

Brunei was designated as a participant in the Visa Waiver Pilot Program by the Secretary of State and the Attorney General, acting jointly through their designees, in an interim rule published at 58 FR 40581-40586 of the **Federal Register** of July 29, 1993.

Each of the above rules amended 22 CFR 41.2. This interim rule, with request for comments, further amends part 41, title 22 to include Ireland as a Visa Waiver Pilot Program country with probationary status since it has met the requirements for that status under INA 217, as amended.

Under its own laws, Ireland does not now require visas for nationals of the United States entering Ireland for ninety (90) days or less. Thus it meets the requirement of providing reciprocal treatment for United States nationals entering Ireland. Other requirements are that the country meet statutorily prescribed limits on visa refusal rates for the prior two year period as well as the prior year; that it meet statutorily prescribed limits on rates of exclusion at port of entry and on overstay limits, and that it has a machine readable passport program. The statutory limits required to be met are higher than those required for non-probationary participation in

the visa waiver program. Ireland also meets the other statutory requirements for probationary status. Therefore, Ireland is added, effective April 1, 1995, as a country with probationary status participating in the Visa Waiver Pilot Program. (See the Immigration and Naturalization Service rule also published in this issue of the **Federal Register**.) Therefore, effective on the publication date, citizens of Ireland shall be eligible for participation in the Visa Waiver Pilot Program.

#### Interim Rule

The implementation of this rule as an interim rule, with a 30-day provision for post-promulgation public comments, is based upon the "good cause" exceptions established by 5 U.S.C. 553(b)(B) and 553(d)(3). This rule grants or recognizes an exemption or relieves a restriction under 5 U.S.C. 553(d)(1) and is considered beneficial to both the travelling public and United States businesses. Therefore, it is being made effective less than thirty days after publication in the **Federal Register**.

In accordance with 5 U.S.C. 605(b) (Regulatory Flexibility Act), it is certified that this rule does not have a "significant adverse economic impact" on a substantial number of small entities, because it is inapplicable. This rule is exempt from E.O. 12866, but has been coordinated with the Immigration and Naturalization Service because joint action of the Secretary of State and the Attorney General is required under section 217 of the INA, as amended. The rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12778 and is certified to be in compliance therewith.

#### List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Visas, Passports, Temporary visitors, Waivers.

In view of the foregoing, 22 CFR part 41 is amended as follows:

#### PART 41—[AMENDED]

1. The authority citation for part 41 continues to read:

**Authority:** 8 U.S.C. 1104, 66 Stat. 174; 8 U.S.C. 1187, 108 Stat. 4312 and 4313.

2. Section 41.2 is amended by revising paragraph (l) to read as follows:

**§ 41.2 Waiver by Secretary of State and Attorney General of passport and/or visa requirements for certain categories of nonimmigrants.**

\* \* \* \* \*

(l) *Visa Waiver Pilot Program.* (1) Notwithstanding the provisions of paragraphs (a) through (k) of this section, a visa is not required of any person who seeks admission to the United States for a period of 90 days or less as a visitor for business or pleasure and who is eligible to apply for admission to the United States as a Visa Waiver Pilot Program applicant, either as:

(i) A citizen of a pilot program country; or  
(ii) a citizen of a pilot program country with probationary status, pursuant to the provisions of section 217 of the Act, as amended.

(2) Countries designated as pilot program countries under paragraph (l)(1), (i) of this section, are: the United Kingdom (effective July 1, 1988); Japan (effective December 15, 1988); France and Switzerland (effective July 1, 1989); The Federal Republic of Germany and Sweden (effective July 15, 1989); Italy and The Netherlands (effective July 29, 1989); Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain (effective October 1, 1991; and Brunei (effective July 29, 1993). Countries designated as pilot program countries with probationary status under paragraph (1)(l)(ii) of this section are: Ireland effective April 1, 1995 until September 30, 1998 or the expiration of the Visa Waiver Pilot Program, whichever comes first.

Dated: March 3, 1995.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 95-7050 Filed 3-27-95; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 8581]

RIN 1545-AQ87

**Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans; Correction**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations (TD 8581), which were published in the **Federal Register** for Friday, December 23, 1994, (59 FR 66165) relating to certain cash or deferred arrangements and employee and matching contributions under employee plans.

**EFFECTIVE DATE:** December 23, 1994.

**FOR FURTHER INFORMATION CONTACT:** Catherine Livingston Fernandez (202) 622-4606 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of these corrections are under sections 401(a)(30), 401(k), 401(m), 402(a)(8), 402(g), 411(d)(6), 415(c), 416, and 4979 of the Internal Revenue Code.

**Need for Correction**

As published, the final regulations contain an error which may prove to be misleading and is in need of clarification.

**Correction of Publication**

Accordingly, the publication of the final regulations (TD 8581), which was the subject of FR Doc. 94-31427, is corrected as follows:

**§ 1.401(k)-1 [Corrected]**

On page 66169, column 2, in instructional Par.3, item (2)(iv)(c), the amendatory language "c. Revising *Example 4*, paragraph (i)." is corrected to read "c. Revising *Example 4*, paragraph (i), introductory text."

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95-7501 Filed 3-27-95; 8:45 am]

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 202**

[Docket No. 95-2]

**Registration of Claims to Copyright; Group Registration of Daily Newsletters**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is adopting a new regulation that permits group registration of daily newsletters. Publishers of daily newsletters, which are issued routinely at least two times

per week, may register these newsletters in groups at a reduced fee, on a single application, if they meet certain requirements. The group registration privilege is contingent upon the publisher or claimant meeting the conditions specified in the regulation. The final rule implements a portion of section 408(c)(1) of the Copyright Act of 1976 relating to the deposit requirements for copyright registration.

**EFFECTIVE DATE:** This rule will become effective March 28, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Under section 407 of the Copyright Act of 1976, title 17 of the U.S. Code, the owner of copyright, or of the exclusive right of publication, in a work published in the United States is required to deposit two copies of the work in the Copyright Office for the use or disposition of the Library of Congress. The deposit is to be made within three months after such publication. Failure to make the required deposit does not affect the copyright in the work, but may subject the copyright owner to fines and other monetary liability if the failure is continued after a demand for deposit is made by the Register of Copyrights.

Section 408 of title 17 requires deposit of material in connection with applications for voluntary registration of claims to copyright in unpublished and published works. Subsection 408(c)(1) authorizes the Register of Copyrights to establish by regulation the nature of the deposit that is required. These regulations may require or permit "a single registration for a group of related works."

On December 7, 1990, the Copyright Office issued regulations permitting group registration of serials (55 FR 50556 (Dec. 7, 1990)) and on September 1, 1992, it issued regulations permitting group registration of daily newspapers (57 FR 39615 (Sept. 1, 1992)). Both of those regulations are unchanged and continue to govern group registration of serials, other than daily newsletters. For purposes of this regulation, a daily newsletter is defined as a serial published and distributed by mail or electronic media (telefacsimile, cassette tape, diskette or CD-ROM). Publication must occur at least two days per week and the newsletter must contain news or information of interest chiefly to a special group (for example, trade and professional associations, corporate