

or available under 7 CFR part 400, subpart R.

(c) Scheme and device may include, but is not limited to:

(1) Concealing any information having a bearing on the application of the rules of this part;

(2) Submitting false information to the FCIC or any county or state FSA committee; or

(3) Creating fictitious entities for the purpose of concealing the interest of a person in the farming operation.

§ 404.31 Refunds to the Corporation.

(a) In the event that there is a failure to comply with any term, requirement, or condition for payment made in accordance with this part, or the payment was established as a result of erroneous information provided by any person, or was erroneously computed, all such payments or overpayments will be refunded to FCIC on demand, together with interest.

(b) Interest will accrue in accordance with the provisions of 7 CFR § 1403.9.

(c) Interest on any amount due the FCIC found to have been received by the producer as a result of fraud, misrepresentation, scheme or device, or presenting a false application for payment will start on the date the producer received the payment.

(d) Recovery of delinquent debts and set off will be in accordance with 7 CFR part 1403.

(e) If FCIC determines it is necessary to contract with a collection agency or to employ an attorney to assist in collection, the producer will pay all the expenses of collection.

(f) All amounts paid will be applied first to the payment of expense of collection, second to the reduction of any penalties which may have been assessed, then to the reduction of accrued interest, then to the reduction of the principal balance.

§ 404.33 Cumulative liability.

(a) The liability of any producer for any payment or refunds, which is determined in accordance with this part to be due to FCIC, will be in addition to any other liability of such producer under any civil or criminal fraud statute or any other statute or provision of law including, but not limited to, 18 U.S.C. 286, 287, 371, 641, 1001; 1014, and 31 U.S.C. 3729.

(b) All producers on the unit receiving payments under this part will be jointly and severally liable to repay any unearned NAP payments.

§ 404.35 Appeals.

The appeal, reconsideration, or review of all determinations made

under this part, except the designation of an area for which there is no appeal rights because it is determined a rule of general applicability, must be in accordance with part 780 of this title.

§ 404.37 Exemption from levy.

Any payment that is due any person under this part will be made without regard to questions of title under state law and without regard to any attachment, levy, garnishment, or any other legal process against the crop, and the proceeds thereof, which may be asserted by any creditor, except statutory liens of the United States.

§ 404.39 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is otherwise eligible will be eligible for NAP payments under this part only if such person meets one of the following requirements:

(1) The minor establishes that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 404.41 Death, incompetence, or disappearance.

In the case of death, incompetence or disappearance, of any person who is eligible to receive NAP payments in accordance with this part, such payments will be disbursed in accordance with part 707 of this title.

§ 404.43 OMB control numbers.

These regulations amend the information collection requirements previously approved by the Office of Management and Budget ("OMB") under OMB control number 0563-0016.

Done in Washington, D.C., on February 22, 1996.

Suzette M. Dittrich,

Acting Manager, Federal Crop Insurance Corporation.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1690-95]

RIN 1115-AD91

Immigrant Petitions; Children of Widows or Widowers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adopts without change an interim rule published in the Federal Register on July 31, 1995, by the Immigration and Naturalization Service ("the Service"), which amended the Service's regulations by providing clarifying language and procedures for according immigrant status to children of widows or widowers who were not previously eligible for immigration benefits as derivative immediate relatives. This rule was necessary to enhance family well-being by promoting the family unity relationship between the child and his or her widowed mother or father.

EFFECTIVE DATE: This final rule is effective February 27, 1996.

FOR FURTHER INFORMATION CONTACT: Ramonia Law-Hill, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 "I" Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: On July 31, 1995, the Commissioner of the Immigration and Naturalization Service published in the Federal Register at 60 FR 38947-38948 an interim rule with request for comments. The rule implemented section 219(b) of the Immigration and Nationality Technical Corrections Act of 1994, Public Law 103-416, dated October 25, 1994. The rule enabled the child of a widow or widower to be included in the widow or widower's petition and to accompany or follow to join the widow or widower to the United States as a derivative immediate relative. The rule enhanced family well-being by promoting the family relationship between the child and his or her widowed mother or father.

The public was provided with a 60-day comment period which ended on September 29, 1995. No comments were received. Accordingly, the Service is adopting the interim rule as a final rule without change.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commissioner of the Immigration and Naturalization Service, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely adopts without change an interim rule which has been in effect since July 31, 1995.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section (6)(a)(3)(A).

Executive Order 12612

The regulation will not have a substantial direct effect on the States, on the relationships between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

This regulation will enhance family well-being by promoting the family unity relationship between the child and his or her mother or father.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Immigration, Petitions.

Accordingly, the interim rule amending 8 CFR part 204 which was published in the Federal Register on July 31, 1995, at 60 FR 38947-38948 is adopted as a final rule without change.

Dated: February 16, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-4338 Filed 2-26-96; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****9 CFR Part 318**

[Docket No. 95-052DF]

RIN 0583-AC02

Use of Sorbitol in Cooked Roast Beef Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to add cooked roast beef products to the list of products in which sorbitol is permitted. This action is being taken in response to a petition requesting that FSIS allow the use of up to 2 percent sorbitol both as a sweetener and to reduce charring in cooked roast beef products. The sorbitol will be added to a solution of ingredients that are pumped into the beef prior to cooking.

DATES: This rule will be effective on April 29, 1996 unless FSIS receives written adverse comments or written notice of intent to submit adverse comments on or before March 28, 1996. If critical comments are received, the final rulemaking document will be withdrawn and a proposed rulemaking document will be published.

ADDRESSES: Submit adverse comments or notice of intent to submit adverse comments to: FSIS Docket Clerk, Docket #95-052DF, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 4352, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250-3700. Please submit one original and two copies of written adverse comments.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 254-2565.

SUPPLEMENTARY INFORMATION: Under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), FSIS provides mandatory inspection of meat and meat food products prepared for distribution in commerce. The Act prohibits the addition of any substance to any meat or meat food product that may render the product adulterated (21 U.S.C. 610). Section 318.7(a)(1) of the Federal meat inspection regulations (9 CFR 318.7) prohibits the use of any substance in the preparation of any product unless its use is approved in section 318.7(c)(4) of

the Federal meat inspection regulations, which is the chart of substances acceptable for use in the preparation of products, or unless it is approved elsewhere in the regulations or by the Administrator, FSIS.

FSIS was petitioned to approve the use of sorbitol in cooked roast beef products in the same amount currently approved for other meat and meat food products. The petitioner requested that FSIS amend § 318.7(c)(4) of the Federal meat inspection regulations to allow the use of up to 2 percent sorbitol both as a sweetener and to reduce charring in cooked roast beef products, excluding the formula weight of water or ice. The sorbitol will be added to a solution of ingredients that are pumped into beef prior to cooking.

Charring is an adverse effect that occurs when sugar-related substances are subjected to prolonged heat treatment. Sorbitol is a common sugar alcohol; it can be found in foods like apples and pears. It is about half as sweet as sucrose and is often used as a substitute sweetener in reduced-sugar food products, such as sugar-free candy and other food products for diabetics. Sorbitol is listed in 21 CFR 184.1835 as a substance generally recognized as safe for use as an anticaking agent, humectant, flavoring agent, and for various other uses, when used in accordance with good manufacturing practices. Sorbitol does not possess the same chemical makeup as do sugars that caramelize, i.e., brown and char in the presence of high heat. It is this characteristic of sorbitol that reduces charring in cooked roast beef products and other meat products.

The petitioner conducted informal sensory testing using various levels of sorbitol in roast beef product formulations.¹ Tests were conducted by using informal visual and taste panels. The visual panel measured the amount of charring that took place on roast beef products treated with sorbitol by evaluating the browning of products after they were treated and cooked. The sweetness was measured by a separate panel; that panel tasted the test products after they were treated and cooked. The test data show that 2 percent sorbitol accomplishes both charring reduction and suitable sweetness.

After reviewing the petitioner's technical data and information, the Administrator, FSIS determined that the chart of approved substances in 9 CFR 318.7(c)(4) should be amended to allow

¹ Information regarding the informal sensory testing is available in the FSIS Docket Room, USDA, 14th & Independence Avenue, SW., Room 4352, South Agriculture Building, Washington, DC 20250-3700.