

effect on the economy of \$100 million or adversely affecting in a material way a sector of the economy, competition, or jobs. A regulation is considered "significant" under Executive Order 12866 if it raises novel legal or policy issues. The Regulatory Flexibility Act requires Federal agencies to minimize the economic impact of their regulations on small business.

There are no compliance costs associated with this final rule because this final rule will not prohibit any current activity. The benefit of this final rule is that it allows modified peanut butter products to be labeled with a nutrient content claim and the standardized term "peanut butter." This labeling may reduce the cost of identifying these products for some consumers. Therefore, FDA finds that this final rule is neither an economically significant nor significant regulatory action as defined by Executive Order 12866. In compliance with the Regulatory Flexibility Act, FDA certifies that this final rule, if promulgated, will not have a significant impact on a substantial number of small businesses.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 164

Food grades and standards, Nuts, Peanuts.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 164 is amended as follows:

PART 164—TREE NUT AND PEANUT PRODUCTS

1. The authority citation for 21 CFR part 164 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 379e).

2. Section 164.150 is amended by revising paragraph (c) to read as follows:

§ 164.150 Peanut butter.

* * * * *

(c) The seasoning and stabilizing ingredients referred to in paragraph (a) of this section are suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act (the act), or if they are food additives as so defined,

they are used in conformity with regulations established pursuant to section 409 of the act. Seasoning and stabilizing ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, chemical preservatives, and color additives are not suitable ingredients in peanut butter. Oil products used as optional stabilizing ingredients shall be hydrogenated vegetable oils. For the purposes of this section, hydrogenated vegetable oil shall be considered to include partially hydrogenated vegetable oil.

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Dated: February 29, 1996.
William K. Hubbard,
*Associate Commissioner for Policy
Coordination.*
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DEPARTMENT OF STATE

22 CFR Part 40

[Public Notice 2345]

Bureau of Consular Affairs; Regulations Pertaining to Both Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as Amended; Failure To Comply With INA

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: The Department is finalizing the interim rule [59 FR 51367] published on October 11, 1994. The regulation implements 212(o) of the Immigration and Nationality Act (INA), which prohibits the issuance of an immigrant visa to an alien for ninety days following an alien's departure from the U.S. unless the alien was maintaining a lawful nonimmigrant status at the time of departure, or unless the alien is the spouse or unmarried child of certain individuals who obtained temporary or permanent resident status under INA 210 or 245A or section 202 of the Immigration Reform and Control Act of 1986 (IRCA). **EFFECTIVE DATE:** The effective date of this final rule is October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202-663-1204.

SUPPLEMENTARY INFORMATION:

Expansion of INA 245 Adjustment of Status and Companion Provision

On August 26, 1994 the President signed into law the appropriations bill

for the Department of State, Pub. L. 103-317. Section 506(b) thereof amends INA 245 to permit qualified immigrants to acquire permanent residence through adjustment of status in the United States even though they entered the United States without inspection or violated their nonimmigrant status after entry.

This Act further amends the INA at section 212 by adding subsection "(o)", which encourages aliens who can benefit from the broadened INA 245 adjustment of status provisions to take advantage of them by discouraging them from seeking immigrant visa issuance from a U.S. consular post abroad. To induce such aliens to seek INA 245 adjustment of status, Congress imposed a requirement that an immigrant visa applicant be physically absent from the United States for ninety days since the last departure before an immigrant visa can be issued. Under this amendment, an alien who departs from the United States would be eligible to receive an immigrant visa on the 91st day following the departure. Two classes of aliens are exempted from this provision. The first class consists of aliens maintaining lawful nonimmigrant status at the time of departure. The second class consists of the spouses and children of certain aliens who benefited from the special agricultural worker program, the legalization program, and the Cuban—Haitian adjustment provisions of IRCA, and who sought benefits under the family unity provisions of the Immigration Act of 1990.

Final Rule

Interim rule 2092, published on October 11, 1994 at 59 FR 51367, invited interested persons to submit comments concerning the amendments. No comments were received.

PART 40—[AMENDED]

1. The authority citation for Part 40 continues to read as follows:

Authority: 8 U.S.C. 1104; sec. 506(a), Pub. L. 103-317, 108 Stat. 1724.

2. Accordingly, the interim rule's regulations and the October 1, 1994 effective date published at 59 FR 51358 are adopted without change.

Dated: February 15, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96-5442 Filed 3-7-96; 8:45 am]

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