negative. FDA granted this petition, and in the preamble of the final rule (60 FR 50098), the agency specifically addressed each of the issues raised in evaluating the petition. The parties, however, have objected to the failure of the final rule to provide for additional energy sources, including gamma rays from cesium-137, machine generated electrons not exceeding 10 million electron volts, and machine generated x-rays not exceeding 5 million electron volts.

Under section 409(f)(1) of the act, any person adversely affected by a final rule may file objections thereto, specifying with particularity the provisions of the final rule deemed objectionable, stating reasonable grounds therefor, and requesting a public hearing upon such objections. However, there is nothing in the act or in FDA's regulations that suggests or implies that, or that authorizes, interested persons to use the opportunity to object as an opportunity to expand the authorized use of a food additive beyond that use sought in the petition. On the contrary, 21 CFR 571.6 requires that if, after a petition has been filed, the petitioner submits added information which constitutes a substantive amendment, the petition will be given a new filing date; and the review process will begin anew.

Thus, under the act and FDA's regulations, the scope of a proceeding for approval of a food additive use is limited to the terms and conditions of use set out in the petition. To the extent that a person who is not the petitioner seeks to extend the petitioned-for terms and conditions of use, the person must do so by a separate petition, not by objection to the final rule. To attempt to do so by objection to the final rule, or by comment on the notice of filing, is to attempt to act in a manner that is inconsistent with the act and FDA's regulations. The proper procedure, as stated in § 12.24(b)(5), is for the objecting parties to petition for amendment of § 579.40. Thus, the objecting parties have failed to justify a hearing on the requested action.

Second, under its regulations, FDA will not grant a hearing on the basis of mere allegations (§ 12.24(b)(2)). Consistent with this regulation, the relevant case law provides that where a party requesting a hearing only offers allegations without an adequate proffer to support them, the agency may properly disregard those allegations (*General Motors Corp.* v. *FERC*, 656 F.2d 791, 798 n.20 (D.C. Cir. 1981)). The objecting parties have failed to submit any evidence showing that failure to approve the use of additional energy sources will compromise the approved use of radiation emitted from cobalt-60. Thus, because the parties have failed to offer any support for their allegation, FDA concludes that this objection does not justify a hearing.

V. Summary and Conclusion

The agency is denying the objections and the requests for a hearing on the basis that the request is beyond the scope of the petitioned action and is appropriately resolved through the submission of a separate petition (§ 12.24(b)(5)) and the requested action could not be approved on the basis of a hearing, i.e., not to be granted based on allegations or general descriptions of positions and contentions (§ 12.24(b)(2)).

The filing of the objections and requests for a hearing does not affect the provisions of § 579.40 to which the objections were made.

In the absence of any other objections and requests for a hearing, the agency further concludes that this document constitutes final action on the objections and requests for a hearing received in response to the regulation as prescribed in section 409(f)(1) of the act (21 U.S.C. 348).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409 (21 U.S.C. 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.61), notice is given that the objections and the requests for a hearing filed in response to the final rule § 579.40 that was published in the Federal Register on September 28, 1995 (60 FR 50098), do not form a basis for further amendment of this final rule.

Dated: December 30, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–137 Filed 1–3–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF STATE

[Public Notice 2478]

22 CFR Part 42

Bureau of Consular Affairs; Visas: Documentation of Immigrants under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: The Violence Against Women Act of 1994 (Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 1902, 1953–1955), amended section 204 of the Immigration and Nationality Act (INA) to allow certain spouses and children of citizens or lawful permanent resident aliens to self-petition for immediate relative and preference classifications. This rule adds classification symbols for this category of immigrants.

EFFECTIVE DATE: This rule takes effect on January 6, 1997.

ADDRESSES: Chief, Legislation and Regulation Division, Visa Office, Washington, D.C. 20522–1013.

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

SUPPLEMENTARY INFORMATION: Section 40701 of the Violence Against Women Act of 1994 accords aliens who have been battered and/or abused by a U.S. citizen or alien resident spouse or parent, and who have resided in the United States with that spouse or parent, the right to self-petition for immediate relative or family preference status. *Creation of new immigrant visa categories.*

This rule amends part 42, title 22 of the Code of Federal Regulations by adding the new visa symbols for these immigrant categories: IB1 through IB3, B11 and B12, B21 through B25, BX1 through BX3, and B31 through B33 to the list of immigrant visa symbols at § 42.11. Other minor editorial changes have been made throughout.

Final Rule

This rule will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). This rule imposes no reporting or record-keeping action on the public subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35. No Federalism assessment is required under E.O. 12612. This rule has been reviewed as required by E.O. 12988. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith. This rule is being promulgated as a final rule pursuant to the ''good cause'' provision of 5 U.S.C. sec. 553(b); notice and comment are not necessary in light of the fact that this rule merely establishes visa symbols and makes no substantive rule changes.

List of Subjects in 22 CFR Part 42

Classification of immigrants, Classification symbols, Visas.

Accordingly, part 42 to title 22 of the Code of Federal Regulations is amended to read as indicated below:

PART 42—[AMENDED]

1. The authority citation for Part 42 continues to read as follows:

Authority: 8 U.S.C. 1104.

§ 42.11 [Amended]

2. In section 42.11 the introductory text and the first seven sections of the table are revised to read as follows:

§ 42.11 Classification Symbols.

A visa issued to an immigrant alien within one of the classes described below shall bear an appropriate visa symbol to show the classification of the alien.

IMMIGRANTS

Symbol	Class	Section of law
	Immediate Relatives	
IR1	Spouse of U.S. Citizen	201(b).
IR2	Child of U.S. Citizen	201(b).
IR3	Orphan Adopted Abroad by U.S. Citizen	201(b).
IR4	Orphan to be Adopted In the United States by U.S. Citizen	201(b).
IR5	Parent of U.S. Citizen at Least 21 Years of Age	201(b).
CR1	Spouse of U.S. Citizen (Conditional Status)	201(b) & 216(a)(1).
CR2	Child of U.S. Citizen (Conditional Status)	201(b) & 216.
IW1	Certain Spouses of Deceased U.S. Citizens	201(b).
IW2	Child of IW1	201(b).
IB1	Self-petition Spouse of U.S. Citizen	204(a)(1)(A)(iii).
IB2	Self-petition child of U.S. Citizen	204(a)(1)(A)(iv).
IB3	Child of IB1	204(a)(1)(A)(iii).
VI5	Parent of U.S. Citizen Who Acquired Permanent Resident Status Under the Virgin Islands Non-immigrant Alien Adjustment Act.	201(b) & sec. 2 of the Virgin Islands, Non-immigrant Alien, Adjustment Act, (P.L. 97–271).
	Vietnam Amerasian Immigrants	
AM1	Vietnam Amerasian Principal	584(b)(1)(A).
AM2	Spouse or Child of AM1	584(b)(1)(B), and
AM3	Natural Mother of Unmarried AM1 (and Spouse or Child of Such Mother), or Person Who has Acted in Effect as the Mother, Father, or Next-of-Kin of Unmarried AM1 (and Spouse or Child of Such Person).	584(b)(1)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (As Contained in sec. 101(e) of P.L 100–202) as amended).
	Special Immigrants	
SB1	Returning Resident	101(a)(27)(A).
SC1	Person Who Lost U.S. Citizenship by Marriage	101(a)(27)(B) & 324(a).
SC2	Person Who Lost U.S. Citizenship by Serving in Foreign Armed Forces	101(a)(27)(B) & 327.
	Family-Sponsored Preferences	
	Family 1st Preference	
F11	Unmarried Son or Daughter of U.S. Citizen	203(a)(1).
F12	Child of F11	203(d).
B11	Self-petition Unmarried Son or Daughter of U.S. Citizen	204(a)(1)(A)(iv) & 203(a)(1).
B12	Child of B11	203(d).
	Family 2nd Preference (Subject to Country Limitations)	
F21	Spouse of Alien Resident	203(a)(2)(A).
F22	Child of Alien Resident	203(a)(2)(A).
F23	Child of F21 or F22	203(d).
F24	Unmarried Son or Daughter of Alien Resident	203(a)(2)(B).
F25	Child of F24	203(d).
C21	Spouse of Alien Resident (Conditional)	203(a)(2)(A) & 216.
C22	Child of Alien Resident (Conditional)	202(a)(2)(A) & 216.
C23	Child of C21 or C22 (Conditional)	203(d) & 216.
C24	Unmarried Son or Daughter of Alien Resident (Conditional)	203(a)(2)(B) & 216.
C25	Child of F24 (Conditional)	203(d) & 216.
B21	Self-petition Spouse of Lawful Permanent Resident	204(a)(1)(B)(ii).
B22	Self-petition Child of Lawful Permanent Resident	204(a)(1)(B)(iii).
B23	Child of B21 or B22	204(a)(1)(B)(ii).
B24	Self-petition Unmarried Son or Daughter of Lawful Permanent Resident	203(d).

IMMIGRANTS

Symbol	Class	Section of law
B25	Child of B24	203(d).
	Family 2nd Preference (Exempt from Country Limitations)	
FX1	Spouse of Alien Resident	202(a)(4)(A) & 203(a)(2)(A).
FX2	Child of Alien Resident	202(a)4)(A) & 203(a)(2)(A).
FX3	Child of FX1 and FX2	202(a)(4)(A) & 203(d) 203(a)(2)(A).
CX1	Spouse of Alien Resident (Conditional)	202(a)(4)(A) & 216.
CX2	Child of Alien Resident (Conditional)	202(a)(4)(A) & 216.
CX3	Child of CX1 & CX2 (Conditional)	202(a)(4)(A) & 203(d) & 216.
BX1	Self-petition Spouse of Lawful Permanent Resident	204(a)(1)(B)(ii).
BX2	Self-petition Child of Lawful Permanent Resident	204(a)(1)(B)(iii).
BX3	Child of BX1 or BX2	203(d).
	Family 3rd Preference	
F31	Married Son or Daughter of U.S. Citizen	203(a)(3).
F32	Spouse of F31	203(d).
F33	Child of F31	302(d).
C31	Married Son or Daughter of U.S. Citizen (Conditional)	216(a)(1).
C32	Spouse of C31 (Conditional)	203(d) & 216.
C33	Child of C31 (Conditional)	203(d) & 216.
B31	Self-petition Married Son or Daughter of U.S. Citizen	204(a)(1)(A)(iv) & 203(a)(3).
B32	Spouse of B31	203(d).
B33	Child of B31	203(d).

* * * * *

Dated: November 21, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 97–135 Filed 1–3–97; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8709]

RIN 1545–AU44

Inflation-Indexed Debt Instruments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This document contains temporary regulations relating to the federal income tax treatment of inflation-indexed debt instruments, including Treasury Inflation-Indexed Securities. The text of the temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the Federal Register. This document also contains amendments to final regulations to reflect the addition of the temporary regulations. The regulations in this document provide needed guidance to holders and issuers of inflation-indexed debt instruments.

EFFECTIVE DATE: The regulations are effective January 6, 1997.

FOR FURTHER INFORMATION CONTACT: Jeffrey W. Maddrey, (202) 622–3940, or William E. Blanchard, (202) 622–3950 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The Department of the Treasury published final rules describing the terms and conditions of new debt instruments that it plans to issue. The payments on these debt instruments (Treasury Inflation-Indexed Securities) will be indexed for inflation and deflation.

On June 14, 1996, the IRS published final regulations in the Federal Register relating to certain debt instruments that provide for contingent payments (61 FR 30133). The preamble to the final regulations indicates that the noncontingent bond method described in § 1.1275–4(b) might be inappropriate for the Treasury Inflation-Indexed Securities. On October 15, 1996, the IRS published Notice 96–51 (1996–42 I.R.B. 6), which announced the IRS's intention to issue temporary and proposed regulations that would provide guidance on the federal income tax treatment of the Treasury Inflation-Indexed Securities and other debt instruments with similar terms. This document contains the temporary regulations described in Notice 96–51.

Explanation of Provisions

A. In General

The temporary regulations provide rules for the treatment of certain debt instruments that are indexed for inflation and deflation, including Treasury Inflation-Indexed Securities. The temporary regulations generally require holders and issuers of inflation-indexed debt instruments to account for interest and original issue discount (OID) using constant yield principles. In addition, the temporary regulations generally require holders and issuers of inflation-indexed debt instruments to account for inflation and deflation by making current adjustments to their OID accruals.

B. Applicability

The temporary regulations apply to inflation-indexed debt instruments. In general, an inflation-indexed debt instrument is a debt instrument that (1) Is issued for cash, (2) is indexed for inflation and deflation (as described