

# Rules and Regulations

Federal Register

Vol. 67, No. 8

Friday, January 11, 2002

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 920

[Docket No. FV02-920-1C IFR]

#### Kiwifruit Grown in California; Relaxation of Pack Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Correction to interim final rule.

**SUMMARY:** This document contains a correction to the interim final rule published on October 29, 2001 (66 FR 54411), concerning kiwifruit grown in California. The correction is made in the amendatory instruction section of the interim final rule.

**EFFECTIVE DATE:** October 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** Rose M. Aguayo, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487-5901, Fax: (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-8938.

Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-8938 or e-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

This rule allows handlers to pack more individual pieces of fruit per 8-pound sample for seven size designations, eliminates one size designation, and adds two new size designations. These changes were unanimously recommended by the Committee and are expected to increase grower returns and enable handlers to compete more effectively in the marketplace. The rule was issued under Marketing Order No. 920, as amended (7 CFR part 920). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

#### Need for Correction

The interim final rule as published contains an error in the amendatory instructions affecting 7 CFR part 920. The amendatory instructions incorrectly indicate that the revised table in § 920.302 appears at the end of paragraph (a)(4)(iv). The revised table actually appears at the end of paragraph (a)(4)(iii) of that section.

#### Correction of Publication

Accordingly, in FR Doc. 01-27205, published October 29, 2001, page 54411, make the following corrections:

#### § 920.302 [Corrected]

1. On page 54414, in column 1, the amendatory instructions in number 2, are corrected to read as follows:
2. In § 920.302 the table in paragraph (a)(4)(iii) is revised to read as follows:
2. On page 54414, in column 1, in § 920.302, the paragraph designation (a)(4)(iv) is corrected to read (a)(4)(iii).

Dated: January 3, 2002.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 02-578 Filed 1-10-02; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF STATE

### 22 CFR Part 41

[Public Notice 3858]

#### Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended— Additional International Organization

**AGENCY:** Department of State.

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

**SUMMARY:** This rule adds INTELSAT (following privatization) as an “international organization” to the current definition which includes within that term only organizations so designated by the President.

**DATES:** Effective January 11, 2002. Written comments may be submitted on or before March 12, 2002.

**ADDRESSES:** Written comments may be submitted, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1221, e-mail [harperbj@state.gov](mailto:harperbj@state.gov), or fax at (202) 663-3898.

**SUPPLEMENTARY INFORMATION:** Section 301 of Public Law 106-396 (47 U.S.C. 763, October 30, 2000) provides that certain aliens who were officers or employees of INTELSAT before its privatization and who had had and had maintained the status of “international organization alien” under the terms of section 101(a)(15)(G) of the Immigration and Nationality Act will continue to be eligible for such classification as long as they are officers or employees of INTELSAT or any successor or separated entity of INTELSAT. The current regulation (22 CFR 41.24) defines an “international organization” as one designated by the President as entitled to the privileges and immunities provided under the International Organizations Immunities Act (22 U.S.C. 288). Although INTELSAT was and is so designated (while not yet privatized), it would appear that its status (and that of separated or successor entities) as an international organization for non-immigrant visa purposes after privatization would be contingent upon this legislation. It is believed, therefore, that the regulation should so specify in the interest of clarity.

No other changes are effected by this regulation.

#### Regulatory Analysis and Notices

*Administrative Procedure Act*

The Department is publishing this rule as an interim rule, with a 60-day

provision for post-promulgation public comments, based on the "good cause" exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The rule makes no substantive changes in visa operations. It simply acknowledges that a different statute conferred the designation of "international organization" in this instance.

#### *Regulatory Flexibility Act*

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that is not expected to have a significant economic impact on a substantial number of small entities.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *Executive Order 12866*

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994, from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

#### *Executive Order 13132*

This regulation will not have substantial direct effects on the States, on the relationship 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 section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

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

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department of State amends 22 CFR Chapter I as follows:

#### **PART 41—[AMENDED]**

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

**Authority:** 8 U.S.C. 1104.

2. Amend § 41.24 by revising paragraph (a) to read as follows:

#### **§ 41.24 International organization aliens.**

(a) *Definition of international organization.* "International organization" means: (1) Any public international organization which has been designated by the President by Executive Order as entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288) and (2) INTELSAT, following privatization, and any successor or separated entity thereof, as so designated by section 301 of Public Law 106-396.

\* \* \* \* \*

Dated: November 28, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. 02-271 Filed 1-10-02; 8:45 am]

**BILLING CODE 4710-06-P**

#### **DEPARTMENT OF STATE**

#### **22 CFR Part 42**

#### **[Public Notice 3857]**

#### **Documentation of Immigrants Under the Immigration and Nationality Act, as Amended—Immediate Relatives**

**AGENCY:** Department of State.

**ACTION:** Interim rule.

**SUMMARY:** The Department is adding to the definition of immediate relatives the widows and children whose spouses/parents were the victims of the terrorist acts of September 11, 2001.

**DATES:** This interim rule is effective on January 11, 2002. Written comments must be received on or before 60 days from January 11, 2002.

**ADDRESSES:** Written comments may be submitted, in duplicate, to the Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, or by e-mail to [visaregs@state.gov](mailto:visaregs@state.gov).

**FOR FURTHER INFORMATION CONTACT:** Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1221, e-mail ([harperbj@state.gov](mailto:harperbj@state.gov)) or fax at (202) 663-3898.

#### **SUPPLEMENTARY INFORMATION:**

#### **How Does This Differ From the Present Provision for Widows/Widowers?**

INA 201(b)(2)(A)(1) grants the right to self-petition for status as an immediate relative to widows/widowers (and any children thereof) who had been married to a U.S. citizen for at least two years prior to the citizen's death. Section 423 of Pub. Law 107-56 (the "USA Patriot Act") expanded that entitlement for those widowed as a direct result of the terrorist acts of September 11, 2001, without any regard to the length of the marriage. As in INA 201(b), the widow(er) must have not been legally separated from the spouse at the time of the citizen's death, and must file a petition for immediate relative status within two years of the death, having not remarried in the interim.

#### **Were Any Other Such Changes Made?**

Children also benefitted from Sec. 423. Any child of a U.S. citizen who was killed in one of the terrorist acts of September 11, 2001, may file a petition for status as an immediate relative child within two years of the death of the parent, regardless of changes in age or marital status. Both of these provisions are being added to 22 CFR 42.21, the regulation governing immigration by immediate relatives.

#### **Regulatory Analysis and Notices**

#### *Administrative Procedure Act*

The Department is publishing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the "good cause" exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The provision of law being incorporated has been in effect since the date of enactment, October 26, 2001, and the prompt implementation thereof is for the benefit of victims of a national disaster.