

## Discussion of the Final Rule

The Farm Service Agency (FSA) published a final rule on August 18, 2000, (65 FR 50401–50405) to change the amortization rate of the Shared Appreciation Agreement recapture amortization and reamortization from the Non-Program rate to the Homestead Protection Program rate. Section 818 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, (2001 Appropriations Act) enacted on October 28, 2000, mandates that the amortization rate on all Shared Appreciation (SA) amortization agreements made after enactment will be reduced to the current Homestead Protection Program interest rate less 100 basis points (1 percent). This rate will be referred to as the SA amortization rate. In addition, section 818 of the 2001 Appropriations Act requires the interest rate on all SA amortizations existing as of the date of enactment of the 2001 Appropriations Act, to be reduced to the SA amortization rate as of that date. To comply with the 2001 Appropriations Act, FSA is publishing this final rule. The changes enacted herein were mandated by statute. The changes in terminology regarding SA amortized payments amounts are simply clarifications of the existing regulation. Therefore, notice and comment are impractical, unnecessary and contrary to the public interest and not required.

## List of Subjects in 7 CFR Part 1951

Account Servicing, Credit, Debt Restructuring, Loan Programs—Agriculture.

Accordingly, 7 CFR part 1951 is amended as follows:

## PART 1951—SERVICING AND COLLECTIONS

1. The authority citation for part 1951 continues to read as follows:

**Authority:** 5 U.S.C. 301; 7 U.S.C. 1989; 31 U.S.C. 3716; 42 U.S.C. 1480.

2. Revise the heading for subpart S to read as follows:

### Subpart S—Farm Loan Programs Account Servicing Policies

#### § 1951.901 [Amended]

3. Revise the third sentence in § 1951.901 to read as follows:

\* \* \* Shared Appreciation amortized payments (SA) may be reamortized under this subpart if the borrower also has outstanding FLP program loans.\* \* \*

4. In § 1951.909 revise paragraph (e)(2)(vii)(D) and the third sentence of

paragraph (e)(2)(viii)(A) to read as follows:

#### § 1951.909 Processing primary loan service programs requests.

\* \* \* \* \*

- (e) \* \* \*
- (2) \* \* \*
- (vii) \* \* \*

(D) SA payment agreements may not exceed 25 years from the date of the original amortized agreement.

\* \* \* \* \*

- (viii) \* \* \*

(A) \* \* \* SA payment agreements will be reamortized at the current SA amortization rate in effect on the date of approval or the rate on the original payment agreement, whichever is less.

\* \* \* \* \*

5. In § 1951.914 revise paragraph (e) to read as follows:

#### § 1951.914 Servicing shared appreciation agreements.

\* \* \* \* \*

(e) *Shared appreciation amortization.* Shared appreciation may be amortized to a nonprogram amortized payment for borrowers who will continue with FSA on program loans. Shared appreciation will not be amortized if the amount is due because of acceleration, payment in full or satisfaction of the debt, or the borrower ceases farming. The amount due may be converted to an SA amortized payment under the following conditions:

(1) The borrower must have a feasible plan as defined in § 1951.906 including the SA amortized payment.

(2) The borrower must be unable to pay the shared appreciation, or obtain the funds elsewhere to pay the shared appreciation.

(3) [Reserved]

(4) [Reserved]

(5) The payment agreement term will be based on the borrower's repayment ability and the life of the security, not to exceed 25 years.

(6) The interest rate will be the SA amortization rate contained in RD Instruction 440.1 (available in any FSA office).

(7) A lien will be obtained on any remaining FSA security, or if there is no security remaining, the best lien obtainable on any other real estate or chattel property sufficient to secure the SA payment agreement, if available.

(8) The borrower will sign a payment agreement for each SA amortized payment established.

(9) [Reserved]

(10) [Reserved]

(11) If the borrower has no outstanding Farm Loan Program loans and becomes delinquent on the SA

amortized payment, the SA payment agreement will be serviced in accordance with subpart J of this part. If the borrower has outstanding Farm Loan Programs loans, and becomes delinquent or financially distressed in accordance with § 1951.906, the SA amortized payment will be considered for reamortization in accordance with § 1951.909(e).

\* \* \* \* \*

Signed in Washington, DC, on February 12, 2002.

**J.B. Penn,**

*Under Secretary for Farm and Foreign Agricultural Services.*

[FR Doc. 02-4100 Filed 2-20-02; 8:45 am]

**BILLING CODE 3410-05-P**

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 217

**[INS No. 2188-02; AG ORDER No. 2561-2002]**

**RIN 1115-AB93**

#### Termination of the Designation of Argentina as a Participant Under the Visa Waiver Program

**AGENCY:** Immigration and Naturalization Service, Justice.

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

**SUMMARY:** The Visa Waiver Program (VWP) permits nationals from designated countries to apply for admission to the United States for ninety (90) days or less as visitors for business or pleasure without first obtaining a nonimmigrant visa. On July 8, 1996, Argentina was added as a participating country in the VWP. Due to the current economic crisis in Argentina and the increase in the number of Argentine nationals attempting to use the program to live and work illegally in the United States, the Department of Justice, in consultation with the Department of State, has determined that Argentina's participation in the VWP is inconsistent with the U.S. interest in enforcement of the immigration laws of the United States. Accordingly, this rule terminates Argentina's designation as a VWP participant. Argentine nationals who intend to travel to the United States for legitimate business or pleasure must acquire a nonimmigrant visa at a U.S. consulate or embassy prior to their arrival in the United States.

**DATES:** *Effective date:* This interim rule is effective February 21, 2002.

**Comment date:** Written comments must be submitted on or before April 22, 2002.

**ADDRESSES:** Please submit written comments to the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, 425 I Street, NW, Room 4034, Washington, DC 20536. To ensure proper handling, please reference INS No. 2188-02 on your correspondence. Comments may be submitted electronically to the Immigration and Naturalization Service (Service) at [insregs@usdoj.gov](mailto:insregs@usdoj.gov). Comments submitted electronically should include the INS No. 2188-02 in the subject heading. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Marty Newingham, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW, Room 4064, Washington, DC 20536, telephone number: (202) 616-7992.

**SUPPLEMENTARY INFORMATION:**

**What Is the VWP?**

The VWP permits nationals from designated countries to apply for admission to the United States for ninety (90) days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa from a U.S. consular officer abroad, provided that all statutory and regulatory requirements are met. 8 U.S.C. 1187(a). If arriving by air or sea, a VWP traveler must arrive on a carrier that signed an agreement (signatory carrier) guaranteeing to transport inadmissible or deportable VWP travelers out of the United States at no expense to the United States. 8 U.S.C. 1187(e).

**Why Is Argentina's Designation in the VWP Being Terminated?**

Since December 2001, Argentina has been experiencing a serious economic crisis, including defaulting on loans by foreign creditors, devaluation of its currency, and increased levels of unemployment and poverty. As the economic climate has deteriorated in Argentina, the Immigration and Nationalization Service (Service) has experienced a pronounced increase in the number of Argentine nationals attempting to use the VWP to enter the United States to live and work illegally. While the number of Argentine nonimmigrant travelers to the United States declined between 1998 (518,770) and 2000 (516,153), the number of Argentines denied admission at the

border rose from 173 cases in 1998 to 529 cases in 2000. Preliminary data suggest that the number of Argentines refused admission at the border nearly doubled from 2000 to 2001. Interior apprehensions also increased from 97 cases in 1998 to 230 cases in 2001. Since November 2001, Argentine VWP applicants for admission have been telling U.S. immigration officers at ports-of-entry (POEs) that they intend to reside in and seek employment in the United States because of the poor economic situation in Argentina. Many Argentine nationals use the VWP to obtain entry to the United States solely for the purpose of proceeding to the Canadian border and pursuing an asylum claim in Canada. According to Citizenship and Immigration Canada (CIC), over the last two years, more than 2,500 Argentines have filed refugee claims in Canada after transiting the United States under the VWP.

While the Argentine passport itself is a relatively secure document, the process for obtaining the documents to procure a passport lacks integrity, adding to the risk of successful organized smuggling of aliens into the United States.

Terminating Argentina's VWP program designation, thereby reinstating the regular nonimmigrant visa requirements for Argentine nationals, will make it more difficult for unauthorized immigrants to enter the United States. As with nationals of all other countries not designated for VWP, Argentine nationals seeking to enter the United States will have to apply for a nonimmigrant visa at a U.S. consular office abroad, and they will be screened again by an immigration officer at a U.S. port of entry to determine admissibility.

**What Legal Authority Has the Attorney General Invoked To Terminate Argentina's VWP Designation?**

Sections 217(c)(5)(B)(i) and (c)(5)(B)(ii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(5)(B)(i) and (c)(5)(B)(ii)(IV)) require the Attorney General, in consultation with the Secretary of State, to terminate a country's VWP designation if he determines that a severe economic collapse in a program country threatens the law enforcement or security interests of the United States, including the interest in enforcement of the immigration laws of the United States.

**What Does This Rule Do?**

The Attorney General, in consultation with the Department of State, has determined that, due to the existence of the conditions set forth in INA section 217(c)(5)(B)(ii)(IV), Argentina's

participation in the VWP threatens the United States' interest in enforcement of the immigration laws. Accordingly, Argentine citizens are no longer eligible to participate in the VWP. Effective February 21, 2002, Argentina is removed as a participating country in the VWP.

**What Is the Legal Status of an Argentine National Who Was Admitted to the United States Under the VWP Before February 21, 2002 and Who Has Time Remaining on His or Her Period of Admission?**

As long as the alien lawfully gained admission under the VWP before the effective date of this termination of designation notice, and continues to be in compliance with the terms of his or her admission, he or she may remain in the United States for the period of time authorized on the date of admission.

The Department notes, however, that an alien admitted as a visitor for business or pleasure under the VWP is not eligible for change or extension of nonimmigrant status under the existing regulations.

**Good Cause Exception**

This interim rule is effective February 21, 2002, although the Service invites post-promulgation comments and will address any such comments in a final rule. The Service finds that good cause exists for adopting this rule without the prior notice and comment period ordinarily required by 5 U.S.C. 553 for the following reasons. Since December 2001, Argentina has experienced a severe economic crisis and, at the same time, the Service has experienced an increasing number of Argentines attempting to use the program to work and live illegally in the United States—thus abusing the program. Increasing program abuse by Argentine nationals is inconsistent with the United States' interest in enforcing its immigration laws. Reestablishing the normal nonimmigrant visa requirements for Argentine nationals will have the immediate effect of stemming the flow of unauthorized immigration to the United States by such nationals. It would be contrary to the law and the public interest to allow such a threat to the immigration enforcement interests of the United States to continue.

Because delaying the effective date of this interim rule is impractical and contrary to the public interest, there is good cause under 5 U.S.C. 553 to make this rule effective upon publication in the **Federal Register**.

## Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. Although individuals doing business with small entities will no longer be allowed to enter the United States without having a visa, they will be able to seek admission to the United States by obtaining a nonimmigrant visa at a United States consulate or embassy prior to arrival in the United States. This action is necessary to further the law enforcement and national security interests of the United States.

## Executive Order 12866

This rule is considered by the Department of Justice, to be a “significant regulatory action” under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this rule has been submitted to the Office of Management and Budget (OMB) for review.

## Executive Order 13132

This rule 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 warrant the preparation of a federalism summary impact statement.

## 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 or more in any one 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 251 of the Small Business Regulatory Enforcement Act of 1996. 5 U.S.C. 804. 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 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

## Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104-13, 109 Stat. 163, all departments are required to submit to OMB, for review and approval, any reporting requirements inherent in a final rule. This rule does not impose any new reporting and recordkeeping requirements under the Paperwork Reduction Act.

## List of Subjects in 8 CFR Part 217

Air carriers, Aliens, Maritime carriers, Passports and visas.

Accordingly, 8 CFR chapter I is amended as follows:

## PART 217—VISA WAIVER PROGRAM

1. The heading for part 217 is revised as set forth above.

2. The authority citation for part 217 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1187; 8 CFR part 2.

### § 217.2 [Amended]

3. Section 217.2(a) is amended under the definition “Designated country” by removing “Argentina,” from the list of countries.

Dated: February 15, 2002.

**Larry D. Thompson,**  
*Acting Attorney General.*

[FR Doc. 02-4260 Filed 2-19-02; 2:20 pm]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-332-AD; Amendment 39-12660; AD 2002-04-03]

**RIN 2120-AA64**

### Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is

applicable to certain Fokker Model F27 Mark 050 series airplanes. This action requires reinforcement of the structural provisions for the Global Positioning System (GPS) antenna by replacement of existing fasteners with new fasteners, and installation of conical washers and a doubler plate at stringer 26, as applicable. This action is necessary to prevent cracking of the structure of the fuselage pressure vessel in the area of the GPS antenna, leading to reduced structural integrity of the fuselage pressure vessel, which could result in depressurization of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective March 8, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 8, 2002.

Comments for inclusion in the Rules Docket must be received on or before March 25, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-332-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain “Docket No. 2001-NM-332-AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Tom Groves, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority—The Netherlands (CAA-NL), which is the airworthiness