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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 86-327]

Ethylene Dibromide; Mangoes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms without change an interim rule published in the *Federal Register* on February 21, 1986, which amended the regulations captioned "Subpart—Fruits and Vegetables" by adding provisions to allow for the importation of mangoes into the United States from Central America, the West Indies, Brazil, and Mexico. This action is necessary in order to provide a mechanism for continuing to allow mangoes to be imported into the United States from the specified places.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT: James Fons, Acting Senior Staff Officer, Technology Analysis and Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 671, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8896.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the *Federal Register* on February 14, 1986, the Environmental Protection Agency (EPA) changed its regulations to allow a tolerance of .03 ppm (in the edible pulp) for residues of EDB per se in or on

mangoes if the fumigant was applied in foreign countries after harvest in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture (USDA).

Subpart—Fruits and Vegetables quarantine and regulations (contained in 7 CFR 319.56 *et seq.* and referred to below as the regulations) regulate the importation of fruits and vegetables into the United States. On February 21, 1986, (51 FR 6213-6216) USDA published an interim rule in the *Federal Register* which amended § 319.56 by adding new §§ 319.56-2h and 319.56-2i which added provisions to allow for fumigation with ethylene dibromide (EDB) as a condition-of-entry treatment for the importation of mangoes into the United States from Central America, the West Indies, Brazil, and Mexico in order to provide a mechanism for continuing to allow mangoes to be imported into the United States from the specified places.

Comments were solicited for 60 days after publication of the interim rule. No comments were received in response to the interim rule. The factual situations which were set forth in the document of February 21, 1986, still provide a basis for the amendments made by the interim rule. Accordingly, it has been determined that the amendments should remain effective as published in the *Federal Register* on February 21, 1986.

Executive Order 12291 and Regulatory Flexibility Act

The interim rule is issued in conformance with Executive Order 12291 and has been determined to be not a "Major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As noted above, the provision concerning the fumigation of mangoes

were removed solely because of action taken by EPA. Since EPA has changed its regulations to reestablish the previous provisions allowing residues of EDB in or on mangoes, this document reestablishes the provisions allowing fumigation with EDB as a condition-of-entry treatment for the importation of mangoes into the United States from Central America, the West Indies, Brazil, and Mexico. This action allows mangoes from the specified places to continue to be imported into the United States. The importation of mangoes under the interim rule would not be the primary business activity of any business in the United States.

Under the circumstances referred to above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR 3015, Subpart V).

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Mangoes, Plant diseases, Plant pests, plants (agriculture), Quarantine, and transportation.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, the interim rule published at 51 FR 6213-6216 on February 21, 1986, adding §§ 319.56-2h and 319.56-2i is adopted as a final rule without change.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167; 7 CFR 2.17, 2.51 and 37.2(c).

Done at Washington, DC, this 2nd day of October 1986.

William F. Helms,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86-22854 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 332c

Establishment of Photographic Studios

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule extends the supervision of district directors over photographic studios operated by sponsoring organizations, without profit, in INS facilities. The rule authorizes district directors to provide space to sponsoring organizations to operate photographic services, fingerprinting services, or both. The rule change relates solely to the INS organization and management and has no impact upon the public.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC, 20536, Telephone (202) 663-3048.

For Specific Information: E. B. Duarte, Jr., Director, Outreach Program Immigration and Naturalization Service, 425 I Street NW., Washington, DC, 20536, Telephone: (202) 633-4123.

SUPPLEMENTARY INFORMATION: This rule extends the supervision of district directors over photographic studios operated by sponsoring organizations, without profit, in INS facilities. The rule authorizes district directors to provide space to sponsoring organizations to operate photographic services, fingerprinting services, or both.

The rule is consistent with the intent of section 332(g) of the I&N Act, 8 U.S.C. 1443(g) which allows the establishment of facilities by sponsoring organizations for the benefit of persons seeking to comply with immigration and naturalization laws. A review by the INS General Counsel of the legislative history of section 332(g) does not show any specific intent to limit the use of facilities to photographic studios.

Since the rule was last amended in 1982, delegating oversight responsibility to the INS regional commissioners and operational supervision to the district directors, photographic and fingerprinting studios have been set up in five district offices. Meanwhile, the INS Outreach Program has received inquiries from other INS district offices

and voluntary agencies asking whether fingerprinting services are also covered by the former rule. The change, therefore, clarifies the intent of the rule and enhances the INS supervision of the delivery to services to the public. The change is administrative and relates to INS organization and management.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because the rule involves INS organization and has no adverse impact on the public.

In accordance with 5 U.S.C. 605(b) the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant impact on a substantial number of small entities since it is limited to the INS organization.

The rule is exempt from the requirements of E.O. 12291 as provided by section 1(a)(3) of the Executive Order because it relates solely to INS organization and management.

List of Subjects in 8 CFR Part 332c

Citizenship and naturalization.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 332c—PHOTOGRAPHIC STUDIOS

1. The authority citation for Part 332c continues to read as follows:

Authority: Secs. 103 and 332(g), Immigration and Nationality Act, as amended; 8 U.S.C. 1103 and 1443(g).

2. Section 332c.1 is revised to read as follows:

§ 332c.1 Establishment of photographic and fingerprinting studios.

District directors shall after investigation recommend to the appropriate regional commissioner the establishment and operation of studios providing photographic services, fingerprinting services or both. The studios shall be operated by sponsoring organizations on a nonprofit basis solely for the benefit of persons seeking to comply with the requirements of the immigration and naturalization laws. Such studios must be in a building occupied by the INS and be conducted under the supervision of the district director. Each sponsoring organization shall submit an annual accounting of the conduct of each studio to the regional commissioner through the district director.

Dated: October 1, 1986.

H.F. Sylvester,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 86-22719 Filed 10-6-86; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Parts 341 and 343a

Certificates of Citizenship; Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed; New Certificates in Changed Name; Certified Copy of Repatriation Proceedings

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule allows readily approvable applications for certificates of citizenship and for replacement of naturalization and citizenship papers to be processed without an interview. It permits the Service to process these cases at sites other than district offices and concentrate district resources on cases which are identified as requiring an intensive examination. In addition it allows for the delivery of new or returned certificates to applicants by certified or registered mail in those cases where the statute does not require a personal appearance for the purpose of taking the oath of allegiance. The changes benefit both the Service and the public by reducing Service backlogs and letting the field offices provide better service to the public.

EFFECTIVE DATE: November 6, 1986.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048

For Specific Information: Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-5014.

SUPPLEMENTARY INFORMATION: The change in 8 CFR Part 341 allows the Service to process without interview, at remote sites, applications for certificates of citizenship where the applicant lives in the United States and the application is accompanied by either Department of State Form FS 240 (Report of Birth Abroad of a Citizen of the United States); an unexpired United States passport issued initially for a full/ten-year period to the applicant as a United

States citizen; or the applicant's parent(s)' naturalization certificate(s).

The change in 8 CFR Part 343a will allow readily approvable cases to be sent to a remote site for processing without an interview.

Notices of proposed rulemaking were published as two separate proposed rules in the Federal Register of July 15, 1985 at 50 FR 28586 and 28587, with a 60-day comment period ending September 13, 1985. The Service received eight comments, seven on proposed 8 CFR 341.2(a) and one on proposed 8 CFR 343a.1(c). All expressed support for the proposed rule changes. The two proposed rules have been combined and are being published as one final rule, with minor nonsubstantive language changes for clarity.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have significant economic impact on a substantial number of small entities.

This rule is not a major rule within the definition of section 1(b) of E.O. 12291.

Lists of Subjects

8 CFR Part 341

Administrative practice and procedure, Citizenship and naturalization.

8 CFR Part 343a

Citizenship and naturalization.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 341—CERTIFICATES OF CITIZENSHIP

1. The authority citation of Part 341 continues to read as follows:

Authority: Secs. 103, 309(c), 332, 333, 337, 341, 344, 66 Stat. 173, 236, 252, 254, 258, 263, 264, as amended; 8 U.S.C. 1103, 1409(c), 1443, 1444, 1448, 1452, 1455.

2. Section 341.2 is amended by revising paragraph (a) to read as follows:

§ 341.2 Examination upon application.

(a) *Personal appearance of applicant and parent or guardian*—(1) *When testimony may be omitted.* An application received at a Service office having jurisdiction over the applicant's residence may be processed without interview if accompanied by one of the following:

(i) A Department of State Form FS-240 (Report of Birth Abroad of a Citizen of the United States);

(ii) An unexpired United States passport issued initially for a full five-

ten-year period to the applicant as a citizen of the United States, or

(iii) The applicant's parent(s)' naturalization certificate(s).

(2) *Testimony required.* Each applicant, when notified to do so, shall appear in person before an officer for examination under oath or affirmation upon the application. A person under 18 years of age must have a parent or guardian apply, appear, and testify for the applicant, unless one is unavailable and the district director is satisfied that the applicant is old enough to provide reliable testimony. The same rule will apply for incompetent applicants. At the examination the applicant and the acting parent or guardian, if necessary, shall present testimony and evidence pertinent to the claim to citizenship and shall have the right to review and rebut any adverse evidence on file, and to cross-examine witnesses called by the Government.

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

1. The authority for 8 CFR Part 343a continues to read as follows:

Authority: Secs. 103, 324, 332, 343, 344, 405, 66 Stat. 173, 246, 247, 252, 263, 264, 265, 280; 8 U.S.C. 1101 note, 1103, 1435, 1443, 1454, 1455.

2. Section 343a.1 is amended by revising the heading and paragraph (c) to read as follows:

§ 343a.1 Application for replacement of or new papers relating to naturalization, citizenship, or repatriation.

(c) *Disposition.* The applicant shall only be required to appear in person before an officer for interview under oath or affirmation in specific cases. Those cases which necessitate an interview enabling an officer to properly adjudicate the application at the office having jurisdiction will be determined by a supervising officer. If an application for a new certificate of naturalization, citizenship, or repatriation or a new declaration of intention is approved, the new certificate or declaration shall be issued and delivered by personal service in accordance with § 103.5a(a)(2) of this chapter. If an application for a new certified copy of the proceedings under the Act of June 25, 1936, as amended, or under section 317(b) of the Nationality Act of 1940, or under section 324(c) of the Immigration and Nationality Act, or under the provisions of any private law

is approved, a certified positive photocopy of the record of the proceedings filed with the Service shall be issued. If, subsequent to naturalization or repatriation, the applicant's name was changed by marriage, the certification of the positive photocopy shall show both the name in which the proceedings were conducted and the changed name. The new certified copy shall be personally delivered to the applicant upon his or her signed receipt therefor. If the application is denied, the applicant shall be notified of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter.

3. Section 343a.2 is revised to read as follows:

§ 343a.2 Return or replacement of surrendered certificate of naturalization or citizenship.

A certificate of naturalization or citizenship which is contained in a Service file, and which was surrendered on a finding that loss of nationality occurred directly or through a parent as a result of the application of any of the following sections of law may, upon request, be returned to the person to whom it was originally issued, notwithstanding the fact that he or she has since been naturalized or repatriated in the United States or abroad:

(a) Section 404 (b) or (c) of the Nationality Act of 1940;

(b) Section 352 of the Immigration and Nationality Act, which was invalidated by *Schneider v. Rusk*, 377 U.S. 163;

(c) Section 401(e) of the Nationality Act of 1940;

(d) Section 349(a)(5) of the Immigration and Nationality Act, which was invalidated by *Afroyim v. Rusk*, 387 U.S. 253;

(e) Section 301(b) of the Immigration and Nationality Act

(f) Section 301(c) of the Immigration and Nationality Act relative to persons born after May 24, 1934, which was invalidated by amendment to section 301(b) on October 27, 1972, Pub. L. 92-584.

If, after having been surrendered to the Department of State or to the Service, the certificate was lost, mutilated, or destroyed as a result of action by the Service or that Department, a replacement certificate may be issued in the name shown in the surrendered certificate without fee and without requiring the submission of Form N-565. A surrendered certificate shall not be regarded as mutilated and a replacement shall not be issued solely because of holes made in it to

accommodate a fastener, unless the citizen declines to accept the return of the surrendered certificate in that condition and insists upon issuance of a replacement. When it is desired that the replacement certificate be furnished in a name other than the one shown in the surrendered certificate, the regular application procedure with payment of fee must be followed.

Dated: September 24, 1986

Harriet B. Marple,

Acting Associate Commissioner,
Examinations Immigration and
Naturalization Service.

[FR Doc. 86-22559 Filed 10-6-86; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 85-033F]

Alpha-Tocopherol as an N-nitrosamine Inhibitor in Pump-Cured Bacon

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to permit the surface application of d- and dl-alpha-tocopherol in pump-cured bacon. The Food and Drug Administration (FDA) has determined that alpha-tocopherols are generally recognized as safe (GRAS) for use in or on pump-cured bacon, at levels not to exceed good manufacturing practice, as inhibitors of nitrosamine formation. FDA has further acknowledged that spraying and dipping methods of applying tocopherols to pump-cured bacon are acceptable provided their level of use does not exceed 500 ppm. Consequently, FSIS is now amending the Federal meat inspection regulations to include the application of d- and dl-alpha-tocopherol to pump-cured bacon by injection or surface application.

DATES: November 6, 1986. Comments will be accepted until November 6, 1986.

ADDRESS: Post-promulgation written comments may be mailed to the U.S. Department of Agriculture, Food Safety and Inspection Service, Attn: Policy Office, Room 3168-S, Washington, DC 20250. See "Comments" for Agency rational in issuing this rule without proposal for public comment.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret O.K. Glavin, Director,

Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined that this final rule is not a "major rule" within the scope of E.O. 12291. It will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule provides for the surface application of d- and dl-alpha-tocopherol as nitrosamine inhibitors on pump-cured bacon. Current Federal meat inspection regulations provide only for the use of tocopherols as nitrosamine inhibitors in pump-cured bacon when applied through the injection process. Industry will benefit from this action through the ability to incorporate d- and dl-alpha-tocopherol by alternate means into pump-cured bacon. No mandatory uses of tocopherol are specified by this rulemaking; application of this substance is wholly discretionary.

Effect on Small Entities

The Administrator has determined that this final rule will not have a significant impact upon a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612). This rulemaking will impose no new requirement on industry; rather, it will permit the meat industry to adopt a new application method for using d- or dl-alpha-tocopherol in pump-cured-bacon. Use of the surface application method will be entirely voluntary.

Comments

This is a final rule issued without prior proposal for public comment under authority of § 318.7 of the Federal meat inspection regulations (9 CFR 318.7). Under that provision the Administrator may approve new substances, new uses, or new levels of substances in meat or meat products provided that (1) the substance has been previously approved by the Food and Drug Administration for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe, and is listed in 21 CFR Parts 73, 74, 81, 172, 179, 182, or 184, and (2) that its

intended use would be in compliance with applicable FDA requirements. If these criteria are met, the Administrator may issue a final rule without prior proposal for public comment upon further finding that (1) the use of the substance will not render the product in which it is used adulterated, misbranded, or otherwise not in compliance with the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), and (2) that the substance is functional and suitable for the product and is permitted for use at the lowest level necessary to accomplish that stated technical effect.

The Administrator finds that the above criteria have been met in this instance and is therefore issuing a final rule which amends the chart of substances acceptable for use in the preparation of products. Notwithstanding this finding for the issuance of a final rule, the Agency will accept and consider public comments relevant to this rulemaking. Written comments may be forwarded pursuant to the "ADDRESS" section shown above; they should arrive within the 30 day period between publication of this rule and its effective date.

Background

On July 5, 1985, the Food Safety and Inspection Service Published a final rule in the *Federal Register* which amended the Federal meat inspection regulations to permit the use of d- and dl-alpha-tocopherol in pump-cured bacon when applied through the injection process (50 FR 27573). The petitioner, Hoffman-LaRoche, Inc., has also requested application of these substances by spraying, dipping, or brushing. However, at that time the Administrator determined that additional information was needed to support the efficacy of surface application methods. The final rule stated that surface applications of tocopherol would be the subject of further rulemaking after receipt and evaluation of additional data. Since publication of the final rule the petitioner has supplied the Agency with additional information which supports the efficacy of d- and dl-alpha-tocopherol as nitrosamine inhibitors when applied to pump-cured bacon. Data are available from the Standards and Labeling Division at the address given under "For Further Information Contact."

Alpha-tocopherols have been affirmed as GRAS by the FDA and are listed in 21 CFR 184.1890 as nitrosamine inhibitors in pump-cured bacon at levels not to exceed good manufacturing practice. Alpha-tocopherols are also