**Exhibit A—U.S. Department of Agriculture, Farmers Home Administration**

* * * * *

*07 02 03 Assistant Administrator—Community and Business Programs*

* * * * *

2. Oversees administration and management of a broad and complex range of Community and Business and Industry type programs, including water and waste disposal loans and grants, technical assistance and training grants, community facility loans, industrial development grants, watershed and flood prevention loans, resource conservation and development loans, recreation loan servicing, energy impact assistance grants, nonprofit National Corporation loans and grants, irrigation and drainage loans, Grazing Association loans, Indian tribal acquisition loans, unincorporated EO cooperative loans, shift in land use loans, Timber Development Organization loans, area development assistance planning grants, rural development loan funds, incorporated EO cooperative loans, drought and disaster guaranteed loans, and business and industrial loans.

* * * * *

3. Exhibit A to Subpart A of Part 2003 is amended by revising paragraph 6 under item "07 02 03 0002 Community Facilities Division" to read as follows:

**Exhibit A—Department of Agriculture, Farmers Home Administration**

* * * * *

*07 02 03 0002 Community Facilities Division*

* * * * *

6. As a representative of the Administrator, meets with Members of Congress, high level officials of other Federal and State agencies, special interest groups and the general public, to discuss community facilities requirements in general or to explain or defend the agency position taken on loans and grants or anticipated policy changes, and to assist with development of interagency agreements.

* * * * *

4. Exhibit A to Subpart A of Part 2003 is amended by revising paragraph 1 under item "07 02 03 0003 Business and Industry Division" to read as follows:

**Exhibit A—Department of Agriculture, Farmers Home Administration**

* * * * *

*07 02 03 0003 Business and Industry Division*

* * * * *

1. Implements current and long range plans, policies and procedures necessary for the efficient and orderly management of a nationwide program of business and industry loans and grants, including a program of guaranteed loans to assist rural business entities adversely impacted by certain natural disasters occurring in 1988.

* * * * *

Dated: November 28, 1988.

**Neal Sox Johnson,**

*Acting Administrator, Farmers Home Administration.*

[FR Doc. 88-30179 Filed 12-30-88; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### 8 CFR Parts 103, 212, 214, and 274a

[INS No. 1138-88]

### Nonimmigrant Classes Pursuant to United States-Canada Free-Trade Agreement

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

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

**SUMMARY:** This rule implements provisions of the United States-Canada Free-Trade Agreement (FTA) by establishing procedures for temporary entry of Canadian citizen business persons into the United States. This rule will facilitate temporary entry on a reciprocal basis between the United States and Canada, while recognizing the continued need to ensure border security, and to protect indigenous labor and permanent employment in both countries.

**DATES:** Effective on the date the United States-Canada Free-Trade Agreement enters into force. The Immigration and Naturalization Service will publish a document in the **Federal Register** announcing the effective date. Written comments must be received on or before February 2, 1989.

**ADDRESS:** Please submit written comments, in triplicate, to the Director, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Room 2011, Washington, DC 20536.

**FOR FURTHER INFORMATION CONTACT:** Edward H. Skerrett, Senior Immigration Examiner, U.S. Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, Telephone: (202) 633-3946.

**SUPPLEMENTARY INFORMATION:** On January 2, 1988, the President of the United States and the Prime Minister of Canada entered into the FTA. Implementation of this agreement has been provided for by the United States-Canada Free-Trade Agreement Implementation Act of 1988, Pub. L. 100-449 (FTA Implementation Act). The FTA was passed by the United States House of Representatives on August 9, 1988, and by the United States Senate on September 19, 1988. It was signed by the President on September 28, 1988. It is anticipated that the FTA will enter into force on January 1, 1989.

This rule pertains to Canadian citizen temporary visitors for business seeking classification under section 101(a)(15)(B) of the Immigration and Nationality Act (Act), to Canadian citizen treaty traders and investors seeking classification under section 101(a)(15)(E) of the Act, to Canadian citizen temporary workers seeking classification under section 101(a)(15)(L) of the Act, and to Canadian citizens seeking classification for engagement in activities at a professional level under section 214(e) of the Act, as added by section 307 of the FTA Implementation Act.

This rule establishes procedures for the temporary entry of Canadian citizen business persons as provided in Chapter Fifteen of the FTA and section 307 of the FTA Implementation Act. Chapter Fifteen, section 307, and this rule reflect the special trading relationship between the United States and Canada, the desirability of facilitating temporary entry on a reciprocal basis, and the desirability of establishing transparent criteria and procedures for temporary entry, while recognizing the continued need to ensure border security and protect indigenous labor and permanent employment in both countries.

Section 103.7(b) is amended to add a fee for classification of a citizen of Canada to be engaged in business activities at a professional level pursuant to section 214(e) of the Act, as added by section 307 of the FTA Implementation Act. Form I-94 (Arrival/Departure Record) and a receipt (Form G-211, Form G-711, or Form I-797) will be given to each citizen of Canada classified under section 214(e) of the Act. Although a petition is not required for this classification, the level of documentation presented to the immigration officer will be on a par with that required for nonimmigrant classifications for which petitions are required. This factor coupled with the reciprocal aspects of the FTA require that a fee be charged. The government of Canada intends to charge an employment authorization fee for citizens of the United States entering Canada under the FTA to engage in business activities at professional level.

Section 212.1(1) sets forth the requirement that a Canadian citizen seeking admission as a treaty trader or investor under the provisions of Chapter 15 of the FTA and pursuant to section 101(a)(15)(E) of the Act shall be in possession of a nonimmigrant visa. Regulations pertaining to the issuance of such visas will be provided by the United States Department of State.

Section 214.2(b)(4) states that various types of Canadian citizen business personnel would be classifiable as visitors for business under section 101(a)(15)(B) of the Act, provided that they are to receive no salary or other remuneration from a United States source other than incidental expenses. This listing has been compiled from the Immigration and Naturalization Service's Operations Instructions, the Department of State's Foreign Affairs Manual, and various policy statements which have been issued by the Service over the years and which pertain specifically to Canadian citizens. This is not an exhaustive list and does not preclude the admission under section 101(a)(15)(B) of the Act of a Canadian citizen business person engaged in an occupation or profession not on the list.

Of special significance is § 214.2(b)(4)(i)(F), pertaining to after-sales service. This paragraph extends the performance of after-sales service and training to the life of the warranty or service agreement and adds computer software to commercial or industrial equipment or machinery. This provision of the FTA and this regulation are not in conflict with the reasoning of *Bricklayers and Allied Craftsmen* v. *Meese*, 616 F. Supp. 1387 (N.D. Cal. 1985).

Section 214.2(l)(17) provides for the adjudication of individual petitions for classification of Canadian citizens under section 101(a)(15)(L) of the Act at certain United States ports of entry and pre-flight inspection stations. This paragraph also provides for determination of eligibility of Canadian citizens seeking L classification under pre-approved blanket petitions at these same locations. Blanket petitions must still be filed in advance at the appropriate Regional Service Centers.

A spouse or minor child holding Canadian citizenship or of a common nationality with Canadians will not be required to obtain a nonimmigrant visa to accompany or follow to join a Canadian citizen principal who is classified as an L–1; however, a non-Canadian citizen spouse or minor child will be required to obtain a nonimmigrant visa and, therefore, will only be able to follow to join.

Section 214.6 sets forth procedures relating to Canadian citizens coming to the United States to engage in activities at a professional level. Admission under this provision of the FTA does not imply that the Canadian citizen would otherwise qualify as a professional under sections 101(a)(15)(H)(i) or 203(a)(3) of the Act.

No prior petition, labor certification, or prior approval shall be required; however, Canadian citizens seeking classification under this provision must pesent documentation sufficient to satisfy the inspecting officer that they are seeking entry to engage in activities at a professional level and that they are so qualified.

This paragraph sets in regulation Schedule 2 to Annex 1502.1 of the FTA which is a listing of occupations agreed upon by both countries. A baccalaureate is the minimum requirement for these professions, unless otherwise specified. In the case of a Canadian citizen whose occupation does not appear on the list or who does not meet the transparent criteria, nothing precludes the filing of a petition for classification under another existing nonimmigrant classification.

As with the spouse and minor child of L–1 Canadian citizens, a nonimmigrant visa shall not be required of a spouse or minor child who possesses Canadian citizenship or is of a common nationality with Canadians. Visas will be required of all others.

Section 274a.12(b)(16) adds Canadian citizens engaged in business activities at a professional level pursuant to Chapter Fifteen of the FTA to the classes of aliens authorized employment with a specific employer(s) incident to status.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

The information collection requirements contained in this document have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act and are cited under 8 CFR 299.5.

**List of Subjects**

*8 CFR Part 103*

Administrative practice and procedure, Fees, Reporting and recordkeeping requirements.

*8 CFR Part 212*

Administrative practice and procedures, Aliens.

*8 CFR Part 214*

Administrative practice and procedures, Aliens, Employment, Reporting and recordkeeping requirements.

*8 CFR Part 274a*

Administrative practice and procedures, Aliens.

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

## PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for Part 103 continues to read as follows:

**Authority:** 5 U.S.C. 522(a); 8 U.S.C. 1101, 1103, 1201, 1301–1305, 1351, 1443, 1454, 1455; 28 U.S.C. 1746; 7 U.S.C. 2243; 31 U.S.C. 9701; E.O. 12356, 3 CFR 1982 Comp., p. 166.

2. Section 103.7(b)(1) is amended by adding a request paragraph as the last entry of this section, to read as follows:

**§ 103.7 Fees.**

* * * * *

(b) * * *

(1) * * *

Request. For classification of a citizen of Canada to be engaged in business activities at professional level pursuant to section 214(e) of the Act (Chapter 15 of the United States-Canada Free-Trade Agreement)—$50.00.

## PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

3. The authority citation for Part 212 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1228, 1252, 8 CFR Part 2.

(4) In § 212.1, a new paragraph (l) is added to read as follows:

**§ 212.1 Documentary requirements for nonimmigrants.**

* * * * *

(l) *Treaty traders and investors.* Notwithstanding any of the provisions of this part, an alien seeking admission as a treaty trader or investor under the provisions of Chapter 15 of the United States-Canada Free-Trade Agreement (FTA) pursuant to section 101(a)(15)(E) of the Act, shall be in possession of a nonimmigrant visa issued by an American consular officer classifying the alien under that section.

## PART 214—NONIMMIGRANT CLASSES

5. The authority citation for Part 214 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1184, 1186a.

6. In § 214.2, paragraph (b)(1) is revised to read as follows:

**§ 214.2 Special requirements for admission, extension, and maintenance of status.**

* * * * *

(b) *Visitors*—(1) *General.* Any B-1 visitor for business or B-2 visitor for pleasure may be admitted for not more than one year and may be granted an extension of a temporary stay in increments of not more than six months each, except that alien members of a religious denomination coming temporarily and solely to do missionary work in behalf of that demonination may be granted an extension of not more than one each year, provided that such work does not involve the selling of articles or the solicitation or acceptance of donations. The B-2 spouse or child of a Canadian citizen admitted under section 214(e) of the Act in accordance with the United States-Canada Free-Trade Agreement may be admitted for a period not to exceed one year and may be granted an extension of temporary stay in increments of not more than one year, providing the principal alien is maintaining status. Those B-1 and B-2 visitors admitted pursuant to the waiver provided at § 212.1(e) of this chapter may be admitted to and stay on Guam for a period not to exceed fifteen days and are not eligible for extension of stay.

* * * * *

7. In § 214.2, paragraph (b)(4) is redesignated as paragraph (b)(5) and a new paragraph (b)(4) is added to read as follows:

**§ 214.2 Special requirements for admission, extension, and maintenance of status.**

* * * * *

(b) * * *

(4) *Admission of aliens pursuant to the United States-Canada Free-Trade Agreement (FTA).* A citizen of Canada seeking temporary entry for purposes set forth in paragraph (b)(4)(i) of this section, who otherwise meets existing requirements under section 101(a)(15)(B) of the Act, including but not limited to requirements regarding the source of remuneration, shall be admitted upon presentation of proof of Canadian citizenship, a description of the purpose of entry, and evidence demonstrating that he or she is engaged in one of the occupations or professions set forth in paragraph (b)(4)(i) of this section, or meets the requirements of paragraph (b)(4)(ii) of this section.

(i) Occupations and professions set forth in Schedule 1 to Annex 1502.1 of the FTA.

(A) *Research and design.* Technical, scientific, and statistical researchers conducting independent research for an enterprise located in Canada.

(B) *Growth, manufacture and production.* (*1*) Harvester owner supervising a harvesting crew admitted under applicable law.

(*2*) Purchasing and production management personnel conducting commercial transactions for an enterprise located in Canada.

(C) *Marketing.* (*1*) Market researchers and analysts conducting independent research or analysis, or research or analysis for an enterprise located in Canada.

(*2*) Trade fair and promotional personnel attending a trade convention.

(D) *Sales.* (*1*) Sales representatives and agents taking orders or negotiating contracts for goods or services but not delivering goods or providing services.

(*2*) Buyers purchasing for an enterprise located in Canada.

(E) *Distribution.* (*1*) Transportation operators delivering to the United States or loading and transporting back to Canada, with no intermediate loading or delivery within the United States. (This restriction applies only to merchandise or passengers loaded in the United States and delivered in the United States.)

(*2*) Customs brokers performing brokerage duties associated with the export of goods from the United States to or through Canada.

(F) *After-sales service.* Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to the seller's contractual obligation, performing services or training workers to perform such services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the United States, during the life of the warranty or service agreement.

(G) *General service.* (*1*) Professionals who are otherwise classifiable under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, but receiving no salary or other remuneration from a United States source.

(*2*) Management and supervisory personnel engaging in commercial transactions for an enterprise located in Canada.

(*3*) Computer specialists who are otherwise classifiable under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, but receiving no salary or remuneration from a United States source.

(*4*) Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in Canada.

(*5*) Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.

(*6*) Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in Canada. (In certain circumstances the tour may begin in the United States.)

(*7*) Translators or interpreters performing services as employees of an enterprise located in Canada.

(ii) *Occupations and professions not listed in Schedule 1 to Annex 1502.1 of the FTA.* Nothing in this paragraph shall preclude a business person engaged in an occupation or profession other than those listed in Schedule 1 to Annex 1502.1 of the FTA from temporary entry under section 101(a)(15)(B) of the Act, if such person otherwise meets the existing requirements for admission as prescribed by the Attorney General.

* * * * *

8. In § 214.2, a new paragraph (l)(17) is added to read as follows:

**§ 214.2 Special requirements for admission, extension, and maintenance of status.**

(l) * * *

(17) *Filing of individual petitions and certifications under blanket petitions for citizens of Canada under the United States-Canada Free-Trade Agreement (FTA)*—(i) *Individual Petitions.* Except as provided in paragraph (l)(2)(ii) of this section (filing of blanket petitions), a United States or foreign employer seeking to classify a citizen of Canada as an intracompany transferee may file an individual petition in duplicate on Form I-129L in conjunction with the application for admission of the citizen of Canada. Such filing must be made with an immigration officer at a Class A port of entry, a United States airport handling international traffic, or at a United States pre-clearance/pre-flight station. The petitioning employer need not appear, but Form I-129L must bear the authorized signature of the petitioner.

(ii) *Certification of eligibility for intracompany transferee under the blanket petition.* An immigration officer at a location identified in paragraph (l)(17)(i) of this section may determine eligibility of individual citizens of Canada seeking L classification under approved blanket petitions. At these locations, such citizens of Canada shall present the original and two copies of Form I–129S, Intracompany Transferee Certificate of Eligibility, prepared by the approved organization, as well as three copies of Form I–171C, Notice of Approval of Nonimmigrant Visa Petition.

(iii) Nothing in this section shall preclude the advance filing of petitions and certificates in accordance with paragraph (l)(2) of this section.

(iv) *Spouse and dependent minor children accompanying or following to join.* (A) The Canadian citizen spouse and unmarried minor children of a Canadian citizen admitted under this paragraph shall be entitled to the same nonimmigrant classification and same length of stay as the principal alien. The Canadian citizen spouse and children shall be admitted without the requirement of a visa and shall be admitted under the classification symbol L–2.

(B) A non-Canadian citizen spouse or unmarried minor child shall be entitled to the same nonimmigrant classification and the same length of stay as the principal, but shall be required a visa upon application for admission as L–2 unless otherwise exempt under § 212.1 of this chapter.

(C) The Canadian citizen/non-Canadian citizen spouse and dependent minor children shall not accept employment in the United States unless otherwise authorized under the Act.

* * * * *

9. Section 214.6 is added to read as follows:

**§ 214.6 Canadian citizen seeking temporary entry to engage in activities at a professional level.**

(a) *General.* Under section 214(e) of the Act, a citizen of Canada who seeks temporary entry as a business person to engage in activities at a professional level may be admitted to the United States in accordance with the provisions set forth in paragraphs (c) and (e) of this section, and in the United States-Canada Free-Trade Agreement (FTA).

(b) *Definitions.* (1) The term "Business person" as defined in the FTA, means a citizen of Canada who is engaged in the trade of goods or services or in investment activities.

(2) The term "Activities at a professional level" means those undertakings which require that, for successful completion, the individual has at least a baccalaureate degree or appropriate credentials demonstrating status as a professional.

(3) The term "Temporary entry" as used in the FTA, means entry without the intent to establish permanent residence.

(c) *Application for admission.* A citizen of Canada seeking admission under this section shall make application for admission with an immigration officer at a United States Class A port of entry, at a United States airport handling international traffic, or at a United States pre-clearance/pre-flight station. No prior petition, labor certification, or prior approval shall be required.

(d) *Evidence.* A visa shall not be required of a Canadian citizen seeking admission as a nonimmigrant under section 214(e) of the Act. Upon application for admission at a United States port of entry, an applicant under this section shall present the following:

(1) *Proof of Canadian citizenship.* Unless traveling from outside the Western Hemisphere, no passport shall be required; however, an applicant for admission must establish Canadian citizenship.

(2) *Documentation demonstrating engagement in business activities at a professional level and demonstrating professional qualities*—(1) *General.* The applicant must present documentation sufficient to satisfy the immigration officer at the time of application for admission, that the applicant is seeking entry to the United States to engage in a profession or an occupation at a professional level, and that the applicant meets the criteria to perform at such professional level. This documentation may be in the form of a letter from the prospective employer(s) in the United States or from the Canadian employer and may be required to be supported by licenses, diplomas, degrees, certificates, or membership in professional organizations. The documentation shall fully affirm:

(A) The professional activity to be engaged in;

(B) The purpose of entry;

(C) The anticipated length of stay;

(D) The educational qualifications or appropriate credentials which demonstrate that the Canadian citizen has professional level status;

(E) That the Canadian citizen complies with all applicable state laws and/or licensing requirements for the occupation to be engaged in; and

(F) The arrangements for remuneration for services to be rendered.

(ii) *Schedule 2 to Annex 1502.1 of the FTA.* Pursuant to the FTA, an applicant seeking admission under this section shall demonstrate business activity at a professional level in one of the professions or occupations set forth in Schedule 2 to Annex 1502. Unless otherwise specified below, a baccalaureate degree is the minimum requirement for the following professions as listed in Schedule 2:

**Schedule 2 (Annotated)**

—Accountant
—Engineer
—Scientist
- Biologist
- Biochemist
- Physicist
- Geneticist
- Zoologist
- Entomologist
- Geophysicist
- Epidemiologist
- Pharmacologist
- Animal scientist
- Agriculturist (agronomist)
- Dairy scientist
- Poultry scientist
- Soil scientist

—Research assistant (working in a post-secondary educational institution)
—Medical/allied professional
- Physician (teaching and/or research only)—M.D., provincial license, or state license
- Dentist—D.D.S., provincial license, or state license
- Registered nurse—provincial license or state license
- Veterinarian—D.V.M., provincial license, or state license
- Medical technologist
- Clinical lab technologist

—Architect
—Lawyer—member of bar in province or state, L.L.B., or J.D.
—Teacher
- College
- University
- Seminary

—Economist
—Social worker
—Vocational counselor
—Mathematician
—Hotel manager—baccalaureate degree and three years experience in hotel management
—Librarian—Master's degree in Library Science
—Animal breeder
—Plant breeder
—Horticulturist
—Sylviculturist (forestry specialist)
—Range manager (range conservationist)
—Forester
—Journalist—baccalaureate degree and three years' experience in journalism
—Nutritionist
—Dietician
—Technical publications writer
—Computer systems analyst
—Psychologist
—Scientific technician/technologist
- Must work in direct support of professionals in the following disciplines: chemistry, geology, geophysics, meteorology, physics, astronomy, agricultural sciences, biology, or forestry
- Must possess theoretical knowledge of the discipline
- Must solve practical problems in the discipline

• Must apply principles of the discipline to basic or applied research
—Disaster relief insurance claims adjuster—baccalaureate degree or three years experience in the field of claims adjustment.
—Management consultant—baccalaureate degree or five years' experience in consulting or related field.

(e) *Procedures for admission.* A Canadian citizen who qualifies for admission under this section shall be provided confirming documentation (Service Form I–94), and shall be admitted under the classification symbol TC for a period not to exceed one year. Form I–94 shall bear the legend "multiple entry." The fee prescribed under § 103.7 of this chapter shall be remitted upon admission to the United States pursuant to the terms and conditions of the FTA. Upon remittance of the prescribed fee, the Canadian citizen applicant shall be provided a Service receipt (Form G–211, Form G–711, or form I–797).

(f) *Readmission.* A Canadian citizen in this classification may be readmitted to the United States for the remainder of the period authorized on Form I–94, without presentation of the letter or supporting documentation described in paragraph (d)(2) of this section, and without remittance of the prescribed fee, providing the original intended business activities and employer(s) have not changed. An alien who seeks readmission to the United States under this section to continue in business activities at a professional level who is no longer in possession of a valid, unexpired Form I–94 and whose period of initial admission has not lapsed, shall present alternate evidence entitling the alien to readmission as TC. This alternate evidence may be in the form of a Service fee receipt for admission as TC or a previously issued admission stamp as TC in a passport, and a confirming letter from the United States employer(s).

(g) *Extension of stay.* A Canadian citizen admitted under this section may apply for an extension of stay, as provided in § 214.1(c) of this chapter. Extensions of stay may be granted in increments of one year. The application shall be accompanied by a letter(s) from the United States employer(s) confirming the continued need for the Canadian citizen's services and stating the length of additional time needed.

(h) *A request for change or addition of United States employer(s).* A Canadian citizen admitted under this paragraph who seeks to change or add a United States employer during the period of admission shall file an application for an extension of stay. The application shall be accompanied by a letter from the new employer describing the services to be performed, the time needed to render such services, and the remuneration for services. Employment with a different or with an additional employer is not authorized prior to Service approval of the request for extension of stay.

(i) *Spouse and unmarried minor children accompanying or following to join.* (1) The terms and conditions set forth under § 214.2(b)(1) of this chapter shall apply to the admission and the extension of temporary stay of the spouse or unmarried minor child of a Canadian citizen admitted under this section.

(2) The spouse or unmarried minor child shall be required to present a valid, unexpired nonimmigrant visa or a valid, unexpired Canadian border crossing identification card unless otherwise exempt under § 212.1 of this chapter.

(3) The spouse and dependent minor children shall be issued confirming documentation (Form I–94). Form I–94 shall bear the legend "multiple entry." There shall be no fee required for admission of the spouse and dependent minor children.

(4) The Canadian citizen/non-Canadian citizen spouse and dependent minor children shall not accept employment in the United States unless otherwise authorized under the Act.

## PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

10. The authority citation for Part 274a continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1324; 8 CFR Part 2.

11. In § 274a.12, a new paragraph (b)(16) is added to read as follows:

**§ 274a.12 Classes of aliens authorized to accept employment.**

* * * * *

(b) * * *

(16) A nonimmigrant pursuant to section 214(e) of the Act. An alien in this status must be engaged in business activities at a professional level in accordance with the provisions of Chapter 15 of the United States-Canada Free-Trade Agreement (FTA).

* * * * *

Date: December 20, 1988.

**Alan C. Nelson,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 88–30255 Filed 12–30–88; 8:45 am]

BILLING CODE 4410–10–M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

[T.D. 8236]

## Allocation and Apportionment of Deduction for State Income Taxes

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to temporary regulations.

**SUMMARY:** This document contains corrections to the Federal Register publication on Monday, December 12, 1988, beginning at 53 FR 49873 of the temporary regulations (T.D. 8236). The temporary regulations relate to the allocation and apportionment of deductions for state income taxes in computing taxable income from sources inside and outside the United States.

**FOR FURTHER INFORMATION CONTACT:** David F. Chan of the Office of Associate Chief Counsel (International), (202) 634–5404 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

On December 12, 1988, temporary regulations relating to the allocation and apportionment of deductions for state income taxes in computing taxable income from sources inside and outside the United States were published in the Federal Register (53 FR 49873). The text of the temporary regulations served as the text of the proposed regulations cross-referenced in the Notice of Proposed Rulemaking in the Proposed Rules section of the same issue of the Federal Register.

### Need for Correction

As published, the temporary rules contain typographical errors and omissions which may prove to be misleading and are in need of correction.

### Correction of Publication

Accordingly, the publication of the temporary rules (T.D. 8236), which was the subject of FR Doc. 88–28460 (53 FR 49873), is corrected as follows:

1. In the preamble, under the heading "DISCUSSION", in subheading "Section 1.861–8", on page 49873, column 2, line 2, the language "reserving paragraph (e)(b) of § 1.861–8," should read "reserving paragraph (e) of § 1.861–8,".

2. In the preamble, under the subheading "Section 1.861–8T(e)(6)", on page 49873, column 2, line 9, the language "imposed. Paragraph (e)(6)(ii)

clarifies" should read "imposed. Paragraph (e)(6)(i) also clarifies".

3. In the preamble, under the same subheading, page and column, line 13, the language "an income tax. This paragraph also cites" should read "an income tax. Paragraph (e)(6)(ii) also cites".

4. In the preamble, under the same subheading and page, column 3, line 9, the language "taxable years, and that the regulations" should read "taxable years beginning after December 31, 1976, and that the regulations".

5. In the preamble, under the subheading "Section 1.861–8T(g)", on page 49873, column 3, second paragraph under that subheading, line 1, the language "Paragraph (g) § 1.861–8T(g) then" should read "Paragraph (g) § 1.861–8T then".

§ 1.861–8T [Corrected]

6. On page 49875, column 1, in § 1.861–8T(e)(6)(iii), lines 2 and 3, which read "§ 1.861(e)(6)(i) are effective for all taxable years. The rules of § 1.861–" should read "§ 1.861–8T(e)(6)(i) are effective for taxable years beginning after December 31, 1976. The rules of § 1.861–".

7. On page 49875, column 1, the next printed line immediately following the conclusion of § 1.861–8T(e)(6)(iii) should read "* * * *".

8. On page 49876, column 2, in § 1.861–8T(g), Example (28)(i)(B), line 4, which reads "X having a total of $1,000,000 of" should read "X having a total of $1,100,000 of".

9. On page 49877, column 1, in § 1.861–8T(g), Example (28)(iii), last line in the table, which reads "tas deduction . . . 64,000" should read "tax deduction . . . . 64,000".

10. On page 49877, column 2, in § 1.861–8T(g), Example (29)(i) line 5, which reads "H. P also has a branch on country Y which" should read "H. P also has a branch in country Y which" and, line 10, which reads "corporation ("CFC") ad defined in section 957" should read "corporation ("CFC") as defined in section 957".

**Dale D. Goode,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

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## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

## 30 CFR Part 5

## Fee Adjustments for Testing, Evaluation and Approval of Mining Products

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of fee adjustments.

**SUMMARY:** This notice revises the Mine Safety and Health Administration's (MSHA) user fees for testing, evaluation and approval of certain products manufactured for use in underground mines. These fees are based on Fiscal Year 1988 data and reflect changes in approval processing operations as well as costs incurred to process approval actions.

**DATES:** These fee schedules are effective from January 1, 1989 through December 31, 1989. Approval applications postmarked before January 1, 1989 will be chargeable under the fee schedules as published on May 8, 1987.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Dalzell, Chief, Approval and Certification Center, R.R. 1, Box 251, Industrial Park Road; Triadelphia, West Virginia 26059.

**SUPPLEMENTARY INFORMATION:** In general, MSHA has computed the revised fees based on the cost to the government to provide testing, evaluation, and approval of products manufactured for use in underground mines. On May 8, 1987 (52 FR 17506), MSHA published a final rule, 30 CFR Part 5—Fees for Testing, Evaluation, and Approval of Mining Products, which established the specific procedures for fee calculation, administration, and revisions. This revised fee schedule is established in accordance with the procedures of that rule.

The fee schedules include updated fees resulting from the publication of two final rules: Part 7—Product Testing by Applicant or Third Party (53 FR 23486), and Part 15—Approval of Explosives and Sheathed Explosive Units (53 FR 46748). Under the provisions of Part 5, four approval areas have been converted from hourly rates to flat rates: Field Approval, Mine-Wide Monitoring System (MWMS) Evaluation, MWMS Barrier Classification, and MWMS Sensor Classification. All flat rate approvals require payment at the time of application submittal.

Date: December 27, 1988.

**Roy L. Bernard,**

*Acting Deputy Assistant Secretary for Mine Safety and Health.*

FEE SCHEDULE EFFECTIVE JANUARY 1, 1989

| 30 CFR part and agency tracking code | Hourly rate | Flat rate | Application fee |
|---|---|---|---|
| **Part 7—Product Testing by Third Party** | | | |
| 12 Approval evaluation—Battery assemblies | $29 | | $100 |
| 12 Approval evaluation—Brattice and ventilation tubing | 33 | | 100 |
| 14 Approval extension—Battery assemblies | 29 | | 100 |
| 14 Approval extension—Brattice and ventilation tubing | 32 | | 100 |
| 40 Stamped Notification Acceptance Program (SNAP) | | $134 | |
| **Part 15—Explosives** | | | |
| The following Part 15 fee charges are applicable to applications postmarked on or after January 17, 1989 (the effective date of revised Part 15): | | | |
| 12 Approval evaluation: * | 33 | | 100 |
| Permissibility tests for explosives: | | | |
| Weigh-in | | 420 | |
| Physical exam: First size | | 295 | |
| Chemical analysis | | 1,797 | |
| Air gap—Minimum product firing temperature | | 418 | |
| Air gap—Room temperature | | 320 | |
| Pendulum friction test | | 148 | |
| Detonation rate | | 320 | |
| Gallery test 7 | | 4,917 | |
| Gallery test 8 | | 3,537 | |
| Toxic gases (large chamber) | | 732 | |
| Permissibility tests for sheathed explosives: | | | |
| Physical examination | | 128 | |