

the Immigration and Naturalization Service following the rules contained in paragraphs (b) through (e) of this section.

(b) *Categories of aliens who are permanently residing in the United States under color of law.* Aliens who are permanently residing in the United States under color of law are listed below. None of the categories includes applicants for an Immigration and Naturalization status other than those applicants listed in paragraph (b)(6) of this section or those covered under paragraph (b)(17) of this section. None of the categories allows SSI eligibility for nonimmigrants; for example, students or visitors. Also listed are the most common documents that the Immigration and Naturalization Service provides to aliens in these categories:

(15) Aliens whose deportation has been withheld pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)). We ask for an order from an immigration judge showing that deportation has been withheld;

(16) Aliens granted lawful temporary resident status pursuant to section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a). We ask for INS form I-688 showing that status; or

(d) * * *

(2) If you give us any of the documents listed in paragraphs (b)(1), (2), (3), (4), (8), (9), (11), (12), (13), (15), or (16) of this section, we will pay you benefits if you meet all other eligibility requirements. We will contact the Immigration and Naturalization Service to verify that the document you give us is currently valid.

(3) If you give us any of the documents listed in paragraphs (b)(5), (6), (7), (10), or (14) of this section, or documents that indicate that you meet paragraph (b)(17) of this section, or any other information to prove you are permanently residing in the United States under color of law, we will contact the Immigration and Naturalization Service to verify that the document or other information is currently valid. We must also get information from the Immigration and Naturalization Service as to whether that agency contemplates enforcing your departure. We will apply the following rules:

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1313

Importation and Exportation of Precursors and Essential Chemicals

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations implementing the Chemical Diversion and Trafficking Act of 1988 (CDTA) to simultaneously grant regular supplier or regular customer status for three of the listed chemicals (acetone, 2-Butanone (MEK), and toluene) when regular supplier or regular customer status has been established for one of these chemicals. This amendment reduces the regulatory requirement on the chemical industry without reducing the effectiveness of the CDTA.

EFFECTIVE DATE: November 25, 1991.

FOR FURTHER INFORMATION CONTACT: Chief State and Industry Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, (202) 307-7297.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the *Federal Register* on June 14, 1991 (56 FR 27472) to amend 21 CFR 1313.15 and 1313.24 to grant regular customer or regular supplier status for three listed solvents (acetone, 2-Butanone (MEK), and toluene) when regular customer or regular supplier status is granted for one of these chemicals.

DEA previously noted that many of the regular customers and regular suppliers submitted to DEA for review handle the three chemicals on a regular basis. In considering the illicit uses of these three solvents, it has been determined that they are frequently interchanged for each other. Therefore, DEA's review of foreign customers and suppliers would address concerns which apply to all three of these chemicals.

The proposed rulemaking provided an opportunity for interested parties to submit comments in writing on or before August 13, 1991. There were no comments received concerning this notice of proposed rulemaking. Consequently, 21 CFR 1313.15, Waiver of 15-day Advance Notice for Chemical Importers is amended by redesignating paragraph (d) as paragraph (e) and inserting a new paragraph (d) providing regular supplier status for three of the listed chemicals, specifically acetone, 2-Butanone (MEK), and toluene, when regular supplier status has been established for one of the three

chemicals. Title 21 CFR 1313.24, Waiver of 15-day Advance Notice for Chemical Exporters, is amended by redesignating paragraph (d) as paragraph (e) and inserting a new paragraph (d) providing regular customer status for three of the listed chemicals, specifically acetone, 2-Butanone (MEK), and toluene, when regular customer status has been established for one of the three chemicals.

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this final rule will not have significant impact upon entities whose interest must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The changes will not impose any additional regulatory requirements. This final rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this final rule has been submitted for review to the Office of Management and Budget.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of Federalism Assessment.

List of Subjects in 21 CFR Part 1313

Drug Enforcement Administration, Drug traffic control, Exports, Imports, Reporting requirements.

For reasons set out above, 21 CFR part 1313 is amended as follows:

PART 1313—[AMENDED]

1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(B), and 971.

2. Section 1313.15 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) which reads as follows:

§ 1313.15 Waiver of 15-day advance notice for chemical importers.

(d) Unless the Administration notifies the chemical importer to the contrary, the qualification of a regular supplier of any one of these three chemicals, acetone, 2-Butanone (MEK), or toluene, qualifies that supplier as a regular supplier of all three of these chemicals.

3. Section 1313.24 is amended by redesignating paragraph (d) as (e) and adding a new paragraph (d) which reads as follows:

§ 1313.24 Waiver of 15-day advance notice for chemical exporters.

(d) Unless the Administration notifies the chemical exporter to the contrary, the qualification of a regular customer for any one of these three chemicals, acetone, 2-Butanone (MEK), or toluene, qualifies that customer as a regular customer for all three of these chemicals.

Dated: October 7, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

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DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Public Notice 1513]

Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended; Immigrants Subject to Numerical Limitations

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends part 42, title 22 of the Code of Federal Regulations, to implement section 2 of the "Armed Forces Immigration Adjustment Act of 1991," Public Law 102-110. This section provides a new special immigrant class to benefit certain members of the Armed Forces who lawfully enlisted abroad. As a result, paragraph (7) is added to § 42.32(d) to authorize consular officers to classify beneficiaries of the new special class appropriately in connection with an application for a visa.

DATES: The effective date of this rule is November 29, 1991. Written comments must be received on or before November 25, 1991.

ADDRESSES: Please submit comments in duplicate to: Director, Office of Legislation, Regulations, and Advisory Assistance, Visa Services, Department of State, Washington, DC 20522-0113.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully, III, Director, Office of Legislation, Regulations, and Advisory Assistance, (202) 663-1184.

SUPPLEMENTARY INFORMATION: Section 2 of Public Law 102-110 confers special immigrant status under INA

101(a)(27)(K) to members and honorably separated former members of the United States Armed Forces who lawfully enlisted abroad, were on active duty after October 15, 1978, and have served, or under a reenlistment will serve, at least 12 years in the Armed Forces. The Executive Department within which the alien is serving or has served must recommend the granting of the special immigrant status for the individual concerned.

Status as a "special immigrant" brings an alien within the terms of INA 203(b)(4), i.e., employment-based fourth preference, which requires the approval of a petition to accord fourth preference status by the Immigration and Naturalization Service.

Interim Rule

This interim rule authorizes consular officers to accord fourth preference classification to certain members and former members of the United States Armed Forces upon receipt of an approved petition granting such status if the consular officer is satisfied that the alien meets the definition in the controlling statute. It is identical, substantively, to all other regulations in § 42.32(d) which require prior petition approval by the Immigration and Naturalization Service.

This rule is not considered to be a major rule for purposes of E.O. 12291, nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The information collection contained in this rule has been submitted to the Office of Management and Budget in compliance with provisions of the Paperwork Reduction Act of 1980.

List of Subjects in 22 CFR Part 42

Immigrants, Numerical limitations, Special immigrants, Visas.

In view of the foregoing, part 42 to title 22 is amended to read as follows:

PART 42—[AMENDED]

1. The authority citation for part 42 is revised to read as follows:

Authority: 8 U.S.C. 1104; 8 U.S.C. 1101 note; 8 U.S.C. 1153; 8 U.S.C. 1101(a)(27).

2. Section 42.32 is amended by adding paragraph (d)(7) to read as follows:

§ 42.32 Employment-based immigrants.

(d) *Fourth Preference—Special immigrants.* * * *

(7) *Certain members of the United States Armed Forces recruited abroad—*
(i) *Entitlement to status.* An alien is classifiable under INA 203(b)(4) as a

special immigrant described in INA 101(a)(27)(K) if the consular office has received a petition approved by the INS to accord such classification, or official notification of such an approval, and the consular officer is satisfied from the evidence presented that the alien is within the class described in INA 101(a)(27)(K).

(ii) *Entitlement to derivative status.* Pursuant to INA 203(d), and whether or not named in the petition, the spouse or child of any alien classified under INA 203(b)(4) as a special immigrant qualified under this section, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, is entitled to a derivative status corresponding to the classification and priority date of the beneficiary of the petition.

Dated: October 16, 1991.

Elizabeth M. Tamposi,

Assistant Secretary for Consular Affairs.

[FR Doc. 91-25611 Filed 10-23-91; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 103

[Docket No. R-91-1425; FR-2565-F-03]

Fair Housing Complaint Processing Final Rule Technical Amendment

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Final rule; technical amendment.

SUMMARY: On January 23, 1989 (54 FR 3232), the Department published a final rule that adopted regulations to implement the changes made in title VIII of the Civil Rights Act of 1968 by the Fair Housing Amendments Act of 1988 (Pub. L. 100-430, approved September 13, 1988). The purpose of this document is to make an editorial correction found in § 103.405(a)(3) of the final rule (24 CFR 103.405(a)(3)), and also to make two editorial corrections to the preamble to the final rule, which was codified as appendix I to subchapter A of chapter I of the Department's regulations.

FOR FURTHER INFORMATION CONTACT: Jonathan Strong, Office of the General Counsel, room 9238, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500, telephone (202) 708-1207 or

(202) 9300 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On January 23, 1989 (54 FR 3232), the Department published a final rule that adopted regulations to implement the changes made in title VIII of the Civil Rights Act of 1968 by the Fair Housing Amendments Act of 1988 (Pub. L. 100-430, approved September 13, 1988) (title VIII as amended by the Fair Housing Amendments Act of 1988 is referred to as the Fair Housing Act). The final rule created a new part 103, which codifies the Department's procedures for the investigation and conciliation of complaints under section 810 of the Fair Housing Act.

Section 810(g)(2)(B) of the Fair Housing Act establishes the content and the basis for a charge of discrimination under the Fair Housing Act. In the preamble to the final rule, the Department discussed the changes made to § 103.405(a)(3), which implements section 810(g)(2)(B), as a result of public comment:

Section 103.450 governs the issuance of the charge. Paragraph (a)(5) [sic] of this section provides that the charge need not be limited to the facts or grounds that are alleged in the complaint. A commenter argued that HUD should not be able to set forth new facts or new grounds in the charge. The commenter argued that HUD should be required to amend the complaint if new facts or grounds are found. Following the amendment, the respondent and aggrieved person should be given an opportunity to enter a conciliation agreement based upon the additional facts or grounds.

Section 810(g)(2)(B) expressly provides that the charge need not be based on the facts or grounds alleged in the complaint. Where additional grounds are discovered during the processing of the complaint, HUD intends to inform the respondent of the additional grounds and to seek information from the respondent concerning such matters. HUD will not require the amendment of the complaint as long as the record of the investigation clearly indicates that the respondent has been given notice and an opportunity to respond to the new allegations. The final rule at § 103.405(a)(3) has been amended to reflect this policy. (24 CFR subtitle B, ch. I, subchap. A, app. I at 736 (1991); 56 FR 3269)

The text of § 103.405(a)(3), as published in the final rule, provides in relevant part that: "If the charge is based on grounds that are alleged in the complaint, HUD will not issue a charge with regard to the grounds unless the record of the investigation demonstrates that the respondent has been given notice and an opportunity to respond to the allegation." (54 FR 3297). The discussion in the preamble, noted above, makes clear that the proper wording of this sentence should be (emphasis

added): "If the charge is based on grounds that are not alleged in the complaint, HUD will not issue a charge unless * * *"

Additionally, the Department notes that the final rule document submitted to the Federal Register for publication in January 1989 contained the correct wording of this sentence of § 103.405(a)(3). Unfortunately, the error in § 103.405(a)(3) of the published rule was not noted until recently, and therefore, too late to request the Federal Register to issue its own correction.

By this document, the Department also is correcting the error in the section of the preamble to the final rule, quoted above, which inadvertently refers to the relevant paragraph of § 103.405 as paragraph (a)(5) instead of paragraph (a)(3). (The preamble to the January 23, 1989 final rule was codified as appendix I to subchapter A of chapter I of the Department's regulations.) In addition, the title of appendix I, as set forth in 24 CFR ch. I, subch. A., app. I at 686 (1991), incorrectly refers to the publication date of the final rule as January 19, 1989, instead of January 23, 1989. This document also will correct the error in the title.

List of Subjects in 24 CFR Part 103

Fair housing, Handicapped.

Accordingly, the following amendments are made to 24 CFR part 103 and appendix I to subchapter A of chapter I (24 CFR ch. I, subch. A, app. I):

PART 103—FAIR HOUSING—COMPLAINT PROCESSING

1. The authority citation for 24 CFR part 103 continues to read as follows:

Authority: Title VIII, Civil Rights Act of 1968, 42 U.S.C. 3600-3619; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In 24 CFR 103.405(a)(3) is revised to read as follows:

§ 103.405 Issuance of charge.

(a) * * *

(3) Need not be limited to facts or grounds that are alleged in the complaint filed under subpart B of this part. If the charge is based on grounds that are not alleged in the complaint, HUD will not issue a charge with regard to the grounds unless the record of investigation demonstrates that the respondent has been given notice and an opportunity to respond to the allegation.

3. The heading of appendix I at page 686 of 24 CFR ch. I, subch. A, App. I (1991) is revised to read as follows:

Appendix I to Subchapter A—Preamble to Final Rule Implementing Fair Housing Amendments Act of 1988 (Published January 23, 1989)

Appendix I to Subchapter A of Chapter I [Amended]

4. The first two sentences in the first paragraph, under the heading "Section 103.405 Issuance of charge," of appendix I at page 736 of 24 CFR ch. I, subch. A, app. I (1991) are revised to read as follows:

Section 103.405 governs the issuance of the charge. Paragraph (a)(3) of this section provides that the charge need not be limited to the facts or grounds that are alleged in the complaint. * * *

Dated: October 15, 1991.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 91-25454 Filed 10-23-91; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 70

[T.D. ATF-316]

RIN 1512-AA10

Administrative Appeal of the Erroneous Filing of Notice of Federal Tax Lien (91F031T)

AGENCY: Bureau of Alcohol, Tobacco, and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This Treasury decision amends 27 CFR 70.151, Administrative appeal of liens, to incorporate a recent change in the Procedure and Administrative Regulations, 26 CFR part 301, under section 6326 of the Internal Revenue Code of 1986 (IRC). Section 6326 of the IRC was amended by section 6238 of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. No. 100-647) which established the right to an administrative appeal of the erroneous filing of a notice of Federal tax lien. The amended regulation, 27 CFR 70.151, sets forth the situations in which persons may appeal, the office to which appeals may be made, and the information and documents that must be submitted with an appeal.

EFFECTIVE DATE: October 24, 1991.

FOR FURTHER INFORMATION CONTACT: David W. Brokaw, Wine and Beer Branch, (202) 566-7626.