

Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994 from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

#### *Executive Order 13132*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or record-keeping requirements. The information collection requirement, Form DS-156, (OMB 1405-0018), contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

#### **List of Subjects in 22 CFR Part 42**

Aliens, Documentation, Immigrants, Passports, and Visas.

Accordingly, 22 CFR part 42 is amended as follows:

#### **PART 42—[AMENDED]**

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

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

2. Amend § 42.33 as follows:

- a. By revising paragraphs (a)(1) and (a)(3);
- b. By redesignating paragraphs (b)(2) and (b)(3) as paragraphs (b)(4) and (b)(5);
- c. By revising paragraph (b)(1);
- d. By adding new paragraphs (b)(2) and (b)(3);
- e. By revising paragraph (e);
- f. By redesignating paragraphs (g), (h), and (i) as paragraphs (h), (i) and (j);
- g. By adding a new paragraph (g).

The revisions and additions to § 42.33 read as follows:

#### **§ 42.33 Diversity immigrants.**

(a) *General*—(1) *Eligibility to compete for consideration under section 203(c)*. An alien shall be eligible to compete for consideration for visa issuance under INA 203(c) during a fiscal year only if he or she is a native of a low-admission foreign state, as determined by the

Attorney General pursuant to INA 203(c)(1)(E)(i), with respect to the fiscal year in question; and if he or she has at least a high school education or its equivalent or, within the five years preceding the date of application for a visa, has two years of work experience in an occupation requiring at least two years training or experience. The eligibility for a visa under INA 203(c) ceases at the end of the fiscal year in question. Under no circumstances may a consular officer issue a visa or other documentation to an alien after the end of the fiscal year during which an alien possesses diversity visa eligibility.

\* \* \* \* \*

(3) *Determinations of work experience*. For all cases registered for the 2003 Diversity Visa Program, consular officers shall use the Department of Labor's O\*Net OnLine to determine qualifying work experience. Consular officers shall use the O\*Net OnLine for those cases registered for a Diversity Visa Program for a fiscal year prior to FY 2003, unless the O\*Net OnLine-determination differs from the Dictionary of Occupational Titles (DOT)-determination and the applicant would be disadvantaged by the use of the O\*Net OnLine.

\* \* \* \* \*

(b) *Petition for consideration*. (1) *Form of petition*. An alien claiming to be entitled to compete for consideration under INA 203(c) shall file a petition for such consideration. The petition shall consist of a sheet of paper on which shall be typed or legibly printed in the Roman alphabet:

- (i) The petitioner's name;
- (ii) Date and place of birth (including city and county of which the alien claims to be a native, if other than the country of birth);
- (iii) Name(s), and date(s) and place(s) of birth of spouse and all child(ren), if any, (including legally-adopted and stepchildren, regardless of whether or not they are living with the petitioner or intend to accompany or follow to join the petitioner); and
- (iv) Current mailing address.

(2) *Signatures*. The petitioner shall personally sign his or her signature to the sheet of paper, using his or her usual and customary signature in his or her native alphabet. (Neither an initialed signature nor block printing of the petitioner's name will be accepted and will result in the disqualification of the entry).

(3) *Photograph*. The alien shall also affix to the entry a photograph of himself or herself and photographs of his or her spouse and each child.

- (i) The photograph shall be 2 inches (50 mm) square;

(ii) The alien shall print his or her name and date of birth on the back of the photograph.

(iii) The alien must be directly facing the camera;

(iv) The head of the person being photographed shall not be tilted up, down, or to the side, and must cover about 50% of the photo area.

(v) The photograph must be taken with the person in front of a neutral, light-colored background.

(vi) The alien's face must be focused;

(vii) The person in the photograph shall not wear a hat or glasses with a dark lens.

(viii) Photographs may be either color or black and white.

\* \* \* \* \*

(e) *Validity of approved petitions*. A petition approved pursuant to paragraph (d) of this section shall be valid until Midnight of the last day of the fiscal year for which the petition was submitted. At that time, the petition is automatically revoked pursuant to INA 203(c)(1) and no diversity immigrant visa numbers can be allotted after that date.

\* \* \* \* \*

(g) *Allocation of visa numbers*. Diversity immigrant visa numbers should be allocated in accordance with INA 203(c)(1) and shall be allotted only during the fiscal year for which a petition to accord diversity immigrant status was submitted and approved. Under no circumstances shall immigrant visa numbers be allotted after Midnight of the last day of the fiscal year for which the petition was submitted and approved.

\* \* \* \* \*

Dated: June 19, 2001.

**Mary A. Ryan,**

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

[FR Doc. 01-18913 Filed 7-30-01; 8:45 am]

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## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **26 CFR Part 301**

**[TD 8958]**

**RIN 1545-AX69**

#### **Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulation.

**SUMMARY:** This document provides a final regulation relating to the disclosure of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities. This regulation permits the IRS to disclose return information to the Department of Agriculture to structure, prepare, and conduct the Census of Agriculture.

**DATES:** Effective Date: This regulation is effective July 31, 2001.

*Applicability Date:* For dates of applicability of this regulation, see, § 301.6103(j)(5)–1(d).

**FOR FURTHER INFORMATION CONTACT:** Stuart Murray, (202) 622–4580 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 4, 2000, a temporary regulation (TD 8854) relating to disclosure of return information to the Department of Agriculture was published in the **Federal Register** (65 FR 215). A notice of proposed rulemaking (REG–116704–99) cross-referencing the temporary regulation was published in the **Federal Register** for the same day (65 FR 215). No public hearing was requested or held. No written or electronic comments responding to the notice of proposed rulemaking were received. Accordingly, the regulation proposed by REG–116704–99 is adopted by this Treasury decision without revision, and the corresponding temporary regulation is removed.

**Explanation of Provisions**

This regulation allows the IRS to disclose return information to the Department of Agriculture for purposes of the Census of Agriculture.

The disclosure of the specific items of return information identified in this regulation is necessary in order for the Department of Agriculture to accurately identify, locate, and classify, as well as properly process, information from agricultural businesses to be surveyed for the statutorily mandated Census of Agriculture.

**Special Analyses**

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation.

It is hereby certified that this regulation will not have a significant impact on a substantial number of small entities. This certification is based upon the fact that this regulation concerns the disclosure of return information by the IRS to the Department of Agriculture for purposes of the Census of Agriculture and does not require any action by or otherwise affect small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

Pursuant to section 7805(f) of the Code, the temporary regulation and the notice of proposed rulemaking preceding this regulation were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

**Drafting Information**

The principal author of this regulation is Jennifer S. McGinty, formerly of the Office of the Associate Chief Counsel (Procedure & Administration), Disclosure & Privacy Law Division, IRS. However, other personnel from the IRS and Treasury Department participated in its development.

**List of Subjects in 26 CFR Part 301**

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR part 301 is amended as follows:

**PART 301—PROCEDURE AND ADMINISTRATION**

**Paragraph 1.** The authority citation for part 301 is amended by removing the entry for 301.6103(j)(5)–1T and adding an entry in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

Section 301.6103(j)(5)–1 also issued under 26 U.S.C. 6103(j)(5); \* \* \*

**Par. 2.** Section 301.6103(j)(5)–1 is added to read as follows:

**§ 301.6103(j)(5)–1 Disclosures of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities.**

(a) *General rule.* Pursuant to the provisions of section 6103(j)(5) of the Internal Revenue Code and subject to the requirements of paragraph (c) of this section, officers or employees of the Internal Revenue Service (IRS) will disclose return information to officers

and employees of the Department of Agriculture to the extent, and for such purposes as may be, provided by paragraph (b) of this section.

(b) *Disclosure of return information to officers and employees of the Department of Agriculture.* (1) Officers or employees of the IRS will disclose the following return information for individuals, partnerships, and corporations with agricultural activity, as determined generally by industry code classification or the filing of returns for such activity, to officers and employees of the Department of Agriculture for purposes of, but only to the extent necessary in, structuring, preparing, and conducting, as authorized by chapter 55 of title 7, United States Code, the Census of Agriculture.

(2) From Form 1040/Schedule F—  
(i) Taxpayer Identity Information (as defined in section 6103(b)(6) of the Internal Revenue Code);  
(ii) Spouse's SSN;  
(iii) Annual Accounting Period;  
(iv) Principal Business Activity (PBA) Code;  
(v) Sales of livestock and produce raised;  
(vi) Taxable cooperative distributions;  
(vii) Income from custom hire and machine work;  
(viii) Gross income;  
(ix) Master File Tax (MFT) Code;  
(x) Document Locator Number (DLN);  
(xi) Cycle Posted;  
(xii) Final return indicator; and  
(xiii) Part year return indicator.  
(3) From Form 943—  
(i) Taxpayer Identity Information;  
(ii) Annual Accounting Period;  
(iii) Total wages subject to Medicare taxes;  
(iv) Master File Tax (MFT) Code;  
(v) Document Locator Number (DLN);  
(vi) Cycle Posted;  
(vii) Final return indicator; and  
(viii) Part year return indicator.  
(4) From Form 1120 series—  
(i) Taxpayer Identity Information;  
(ii) Annual Accounting Period;  
(iii) Gross receipts less returns and allowances;  
(iv) PBA Code;  
(v) Parent corporation Employer Identification Number, and related Name and PBA Code for entities with agricultural activity;  
(vi) Master File Tax (MFT) Code;  
(vii) Document Locator Number (DLN);  
(viii) Cycle posted;  
(ix) Final return indicator;  
(x) Part year return indicator; and  
(xi) Consolidated return indicator.  
(5) From Form 851—  
(i) Subsidiary Taxpayer Identity Information;

(ii) Annual Accounting Period;  
 (iii) Subsidiary PBA Code;  
 (iv) Parent Taxpayer Identity Information;  
 (v) Parent PBA Code;  
 (vi) Master File Tax (MFT) Code;  
 (vii) Document Locator Number (DLN); and  
 (viii) Cycle Posted.  
 (6) From Form 1065 series—  
 (i) Taxpayer Identity Information;  
 (ii) Annual Accounting Period;  
 (iii) PBA Code;  
 (iv) Gross receipts less returns and allowances;  
 (v) Net farm profit (loss);  
 (vi) Master File Tax (MFT) Code;  
 (vii) Document Locator Number (DLN);  
 (viii) Cycle Posted;  
 (ix) Final return indicator; and  
 (x) Part year return indicator.  
 (c) *Procedures and restrictions.* (1) Disclosure of return information by officers or employees of the IRS as provided by paragraph (b) of this section shall be made only upon written request designating, by name and title, the officers and employees of the Department of Agriculture to whom such disclosure is authorized, to the Commissioner of Internal Revenue by the Secretary of the Department of Agriculture and describing—  
 (i) The particular return information to be disclosed;  
 (ii) The taxable period or date to which such return information relates; and  
 (iii) The particular purpose for which the return information is to be used.  
 (2) No such officer or employee to whom return information is disclosed pursuant to the provisions of paragraph (b) of this section shall disclose such return information to any person, other than the taxpayer to whom such return information relates or other officers or employees of the Department of Agriculture whose duties or responsibilities require such disclosure for a purpose described in paragraph (b) of this section, except in a form that cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. If the IRS determines that the Department of Agriculture, or any officer or employee thereof, has failed to, or does not, satisfy the requirements of section 6103(p)(4) of the Internal Revenue Code or regulations or published procedures thereunder, the IRS may take such actions as are deemed necessary to ensure that such requirements are or shall be satisfied, including suspension of disclosures of return information otherwise authorized by section 6103(j)(5) and paragraph (b) of this

section, until the IRS determines that such requirements have been or will be satisfied.

(d) *Effective date.* This section is applicable on July 31, 2001.

**§ 301.6103(j)(5)–1T [Removed]**

**Par. 3.** Section 301.6103(j)(5)–1T is removed.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*

Approved: July 20, 2001.

**Mark Weinberger,**

*Assistant Secretary of the Treasury (Tax Policy).*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 756

[NA–004–FOR]

#### Navajo Abandoned Mine Land Reclamation Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Navajo abandoned mine land reclamation (AMLR) plan (hereinafter referred to as the “Navajo plan”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The Navajo Nation proposed to remove existing rules pertaining to noncoal reclamation after certification and exclusion of certain noncoal sites in view of rules it proposed to add elsewhere in its plan. The Navajo Nation proposed to add rules that will authorize it to: Restore lands and water adversely affected by past mineral mining, providing they reflect certain objectives and priorities; protect, repair, replace, construct, or enhance utilities; construct public facilities in communities impacted by coal and other mineral mining and processing practices; and request funds for activities or construction of specific public facilities related to the coal or minerals industry on Navajo Nation lands impacted by coal or mineral development. The Navajo Nation also proposes to add new provisions that will: Exclude certain noncoal reclamation sites; apply provisions for land acquisition and liens in its plan to

its noncoal program; establish limited liability provisions; and require every successful bidder for an AML contract to be eligible to receive a mining permit at the time of contract award. The Navajo Nation intends to revise its plan to be consistent with the corresponding Federal regulations and SMCRA and to authorize it to undertake projects under section 411(f) of the Navajo Abandoned Mine Lands Reclamation Code.

**EFFECTIVE DATE:** July 31, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Willis Gainer, Director, Albuquerque Field Office; telephone (505) 248–5096; e-mail address: [wgainer@osmre.gov](mailto:wgainer@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Navajo Plan
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

#### I. Background on the Navajo Plan

On May 16, 1988, the Secretary of the Interior approved the Navajo plan. You can find general background information on the Navajo plan, including the Secretary's findings and the disposition of comments, in the May 16, 1988, **Federal Register** (53 FR 17186). You can also find later actions concerning the Navajo Nation's plan and plan amendments at 30 CFR 756.14.

#### II. Submission of the Proposed Amendment

By letters dated March 2 and March 8, 2001, the Navajo Nation sent us a proposed amendment to its plan (NA–004–FOR, administrative record numbers NA–255 and NA–256) under SMCRA (30 U.S.C. 1201 *et seq.*). The Navajo Nation sent the amendment at its own initiative.

We announced receipt of the proposed amendment in the March 28, 2001, **Federal Register** (66 FR 16893; administrative record number NA–259). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy. We did not hold a public hearing or meeting because no one requested either one. The public comment period ended on April 27, 2001.

#### III. Director's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15. We are approving the amendment.