

Rules and Regulations

Federal Register

Vol. 71, No. 74

Tuesday, April 18, 2006

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1437

RIN 0560-AG20

Noninsured Crop Disaster Assistance Program

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule published on March 17, 2006, amending the regulations for the Noninsured Crop Disaster Assistance Program. A correction is needed to correct an amendatory instruction that inadvertently omitted several references.

DATES: *Effective Date:* March 17, 2006.

FOR FURTHER INFORMATION CONTACT: Tom Witzig, Director, Regulatory Review Group, Economic and Policy Analysis Staff, Farm Service Agency (FSA), United States Department of Agriculture (USDA), Stop 0572, 1400 Independence Ave., SW., Washington, DC 20250-0572. Telephone: (202) 205-5851; e-mail: tom.witzig@wdc.usda.gov. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, *etc.*) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

This rule corrects the final rule published in the **Federal Register** on March 17, 2006 (71 FR 13737) that amended the regulations for the Noninsured Crop Disaster Assistance Program. In the final rule, the instruction revising section 1437.102 inadvertently omitted paragraphs (c), (d) and (e). However, those revised paragraphs were correctly published in

the regulatory text. This correction is needed to correct the instruction to specifically state that the paragraphs are in fact to be revised as published.

List of Subjects in 7 CFR Part 1437

Crop insurance, Disaster assistance, Nursery stock, Plants.

■ Accordingly, the final rule published March 17, 2006 (71 FR 13737) is corrected as follows:

PART 1437—NONINSURED CROP DISASTER ASSISTANCE PROGRAM

■ 1. The authority citation continues to read as follows:

Authority: 15 U.S.C. 714 *et seq.*; and 7 U.S.C. 7333.

■ 2. In the document published March 17, 2006 (FR Doc. 06-2548), on page 13744, in the second column, correct amendatory instruction 17a to read “a. Revising paragraphs (a), (b) introductory text, (b)(1), (c), (d) and (e);”

Signed in Washington, DC, on April 12, 2006.

Thomas B. Hofeller,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 06-3670 Filed 4-17-06; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

8 CFR Part 204

[CIS No. 2106-00]

RIN 1615-AA47

Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule adopts, without change, the interim rule published by the former Immigration and Naturalization Service (Service) in the **Federal Register** on October 11, 2001, that established procedures under which the International Broadcasting Bureau of the United States

Broadcasting Board of Governors, or a grantee organization, could file immigrant visa petitions for foreign language alien broadcasters. The rule explained the requirements that alien broadcasters must meet in order to be the beneficiary of an immigrant visa petition. The public did not submit any comments to the interim rule.

DATES: This final rule is effective May 18, 2006.

FOR FURTHER INFORMATION CONTACT:

Alanna Ow, Adjudications Officer, Business and Trade Services Branch, Office of Program and Regulations Development, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., 3rd Floor (ULLICO), Washington, DC 20529, telephone (202) 616-7417.

SUPPLEMENTARY INFORMATION:

Background

Section 203 of the Immigration and Nationality Act (INA) provides for the allocation of preference visas for both family and employment-based immigrants.¹ The fourth preference, employment-based category (EB-4), allows for the immigration of a variety of aliens who possess various specialized job skills or abilities. *Id.* at 203(b)(4). Section 101(a)(27) of the INA also offers definitions of the various jobs or professions that aliens must hold or possess in order to qualify for the EB-4 category.

Legislative and Regulatory History

On November 22, 2000, President Clinton signed the Special Immigrant Status For Certain United States International Broadcasting Employees Act (IBE Act), Public Law 106-536. Section 1 of the IBE Act amended section 101(a)(27) of the INA by adding a new subparagraph. The amendment established a special fourth preference employment-based immigrant category for immigrants seeking to enter the United States to work as broadcasters in

¹ The first preference, priority workers, allows for the immigration of workers with extraordinary abilities in the sciences, arts, education, business, or athletics; outstanding professors and researchers; and certain multinational executives. *Id.* at 203(b)(1). The second preference allows for the immigration of professionals holding advanced degrees. *Id.* at 203(b)(2). The third preference allows for the immigration of skilled workers in short supply and professionals holding baccalaureate degrees. *Id.* at 203(b)(3).

the United States for the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG) or a BBG grantee. (Currently, BBG grantees are Radio Free Asia, Inc. and Radio Free Europe/Radio Liberty, Inc.)

On October 11, 2001, at 66 FR 51819, the former Service published an interim rule in the **Federal Register** that added 8 CFR 204.13 and established an administrative procedure for the BBG and its grantees to use in order to petition for the services of an alien broadcaster. The interim rule also codified the provisions of the IBE Act and put into place procedures for the BBG, its grantees, and former Service officers, now U.S. Citizenship and Immigration Services (USCIS) officers, to follow.

Why Does the BBG Need Alien Broadcasters?

The BBG and its grantees are charged by Congress to broadcast internationally on behalf of the United States Government. This requires that the BBG attract and retain a large number of foreign language broadcasters. These broadcasters must have the unique combination of native fluency in the broadcast language combined with an in-depth knowledge of the people, history, and culture of the broadcast area. Historically, the BBG has experienced difficulty in finding and employing members of the domestic workforce possessing this unusual combination of skills to meet the United States Government's international broadcasting needs.

By creating a new special EB-4 subcategory, the IBE Act allows the BBG and its grantees to directly petition for alien broadcasters. Being able to offer immigrant status to an alien broadcaster and his or her spouse and children may assist the BBG in fulfilling its obligation as the international broadcasting conduit for the United States Government. Under section 203(b)(4) of the INA, only 100 such visas may be made available in any fiscal year to alien broadcasters coming to work for BBG or a BBG grantee. This numerical limitation does not apply, however, to the spouses and children of such immigrants.

Did the Former Service Receive Any Comments on the Interim Rule?

The former Service did not receive any comments during the 60-day comment period in response to the interim rule. Accordingly, the Department of Homeland Security (DHS) is now adopting the interim rule as a final rule without change.

Regulatory Flexibility Act

DHS has reviewed this regulation in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The October 11, 2001, interim rule provided a special process that benefits individuals who will be coming to the United States to work as broadcasters. It did not affect small entities as that term is defined in 5 U.S.C. 601(6). Since this final rule does not make any changes to the interim rule, this final rule likewise will not affect small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is not considered by DHS to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, the Office of Management and Budget (OMB) has waived its review process under section 6(a)(3)(A).

Executive Order 13132

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

of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

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

Paperwork Reduction Act

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

List of Subjects in 8 CFR Part 204

Administrative practice and procedures, Aliens, Employment, Immigration, Petitions.

■ Accordingly, the interim rule amending 8 CFR part 204, which was published in the **Federal Register** at 66 FR 51819, on October 11, 2001, is adopted as a final rule without change.

Dated: April 11, 2006.

Michael Chertoff,

Secretary.

[FR Doc. 06-3655 Filed 4-17-06; 8:45 am]

BILLING CODE 4410-10-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150-AH86

List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System Revision 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the BNG Fuel Solutions Corporation (FuelSolutions™) cask system listing within the "List of approved spent fuel storage casks" to include Amendment No. 4 to Certificate of Compliance Number 1026. Amendment No. 4 will change Technical Specification (TS) requirements related to periodic monitoring during storage operations. Specifically, the amendment will revise the TS to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner temperature to satisfy the periodic