

### Who Determines Which Countries Can Transit Without a Visa?

Since TWOV does not involve the issuance of a visa, the Department's role in the day-to-day administration of the TWOV program is minimal. Therefore, the Department's regulation at 22 CFR 41.2(i), for the most part, is merely a restatement of the INS regulation on the same subject. The Department does become involved, however, in the designation of those countries whose citizens are ineligible to utilize the TWOV. The current regulation provides a list of ineligible countries.

### Which Countries Are Added to the List of Countries Whose Citizens Cannot TWOV?

This rule adds Colombia to the list of countries whose citizens cannot TWOV.

### Why Is Colombia Being Added to the List of Countries Whose Citizens Cannot TWOV?

The Department and INS have determined that Colombia's citizens are ineligible to TWOV because of their increasing abuse of the TWOV privilege and Colombia's high nonimmigrant visa refusal rates. Colombian citizens are increasingly using TWOV as an opportunity to claim asylum during their "transit" through the U.S.

### Interim Rule

*How Will the Department of State Amend its Regulations?*

This rule, and the INS rule published elsewhere in this issue, amend the list of countries found at 22 CFR 41.2(i) whose citizens the Department and the INS have determined are not eligible for the transit without visa (TWOV) program.

### Administrative Procedure Act

The Department is implementing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and 553(d)(3). The Department finds it necessary to implement this rule effective immediately to minimize abuse of the TWOV privilege.

### Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of 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 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

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

### 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 OF-156) 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 41

Aliens, nonimmigrants, passports and visas.

In view of the foregoing, the Department amends 22 CFR as follows:

### PART 41—[AMENDED]

1. The authority citation continues to read as follows:

**Authority:** 8 U.S.C. 1104; Pub. L. 105-277, 112 Stat. 2681 *et. seq.*

2. Amend § 41.2 by revising paragraph (i)(2) to read as follows:

**§ 41.2 Waiver by Secretary of State and Attorney General of passport and/or visa requirements for certain categories of nonimmigrants.**

(i) \* \* \*

(2) Notwithstanding the provisions of paragraph (i)(1) of this section, this waiver is not available to an alien who is a citizen of: Afghanistan, Angola, Bangladesh, Belarus, Bosnia-Herzegovina, Burma, Burundi, Central African Republic, People's Republic of China, Colombia, Congo (Brazzaville), India, Iran, Iraq, Libya, Nigeria, North Korea, Pakistan, Russia, Serbia, Sierra Leone, Somalia, Sri Lanka, Sudan.

\* \* \* \* \*

March 12, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

[TD 8940]

RIN 1545-AY73

### Purchase Price Allocation In Deemed and Actual Asset Acquisitions; Correction

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

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains a correction to final regulations relating to deemed and actual asset acquisitions under sections 338 and 1060. The final regulations that were published in the **Federal Register** on Tuesday, February 13, 2001 (66 FR 9925).

**DATES:** This correction is effective March 16, 2001.

**FOR FURTHER INFORMATION CONTACT:** Richard Starke (202) 622-7790 (not a toll-free number).

### SUPPLEMENTARY INFORMATION:

#### Background

The final regulations that are the subject of these corrections are under

sections 338 and 1060 of the Internal Revenue Code.

#### Need for Correction

As published, the final regulations contain an error that may prove to be

misleading and is in need of clarification.

#### Correction of Publication

Accordingly, the publication of the final regulations (TD 8940), that were

the subject of FR Doc. 01-981 is corrected as follows:

1. On page 9929, in the table, the entry for § 1.197-2(k), *Example 23* is corrected to read as follows:

Section	Remove	Add
1.197-2(k), <i>Example 23</i> , paragraph (iv), first sentence	(as these terms are defined in § 1.338-1(c)(13)).	(as these terms are defined in § 1.338-2(c)(17))

#### § 1.338-3 [Corrected]

2. On page 9935, column 3, § 1.338-3, paragraph (b)(3)(iv), paragraph (ii) of *Example 1*, line 9 from the bottom of the paragraph, the language “338(h)(3)(A)(iii). See § 1.338-2(b)(3)(ii)(C).” is corrected to read “338(h)(3)(A)(iii). See § 1.338-3(b)(3)(ii)(C).”.

#### § 1.338-6 [Corrected]

3. On page 9944, column 3, § 1.338-6, paragraph (d), paragraph (ix) of *Example 1* line 1, the language “The liabilities of T as of the beginning” is corrected to read “The liabilities of T1 as of the beginning”.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 01-7934 Filed 3-29-01; 8:45 am]

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## CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

### 40 CFR Part 1610

#### Attorney Misconduct, Sequestration of Witnesses, and Exclusion of Counsel

**AGENCY:** Chemical Safety and Hazard Investigation Board.

**ACTION:** Final rule.

**SUMMARY:** This document sets forth new regulations of the Chemical Safety and Hazard Investigation Board (“CSB”) concerning sanctions for repeated attorney misconduct, and the sequestration of witnesses and exclusion of counsel in depositions conducted under subpoena in CSB investigations.

**DATES:** This rule is effective March 30, 2001.

**FOR FURTHER INFORMATION CONTACT:** Raymond C. Porfiri, (202) 261-7600.

**SUPPLEMENTARY INFORMATION:** The Chemical Safety and Hazard Investigation Board (“CSB” or “Board”) is mandated by law to “Investigate (or cause to be investigated), determine and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any accidental release [within its jurisdiction] resulting in a fatality, serious injury or substantial property damages.” 42 U.S.C. 7412(r)(6)(C)(i). The Board has developed practices and procedures concerning witness representation in CSB investigations at 40 CFR 1610.1 (66 FR 1050, Jan. 5, 2001).

These regulations amplifies those rules. Because these regulations provide for the possibility of suspension of attorneys from practice before the Board in certain circumstances, the Board determined that the rules and the procedures herein should be published for comment as a proposed rule. These regulations were published as a proposed rule in the **Federal Register** of February 5, 2001 (66 FR 8926). The proposed rule provided for a 30-day comment period. No comments were received in response to the proposed rule and invitation for comments. This final rule is unchanged from the proposed rule.

New section 1610.2 provides for sanctions against attorneys who are involved in repeated acts of misconduct and for hearing procedures for issuing suspensions from practice before the Board.

New section 1610.3 provides for the sequestration of witnesses in investigative proceedings and for the exclusion of attorneys representing multiple witnesses in investigations from witness depositions where the person conducting the deposition, after consultation with the Office of General Counsel, determines that the CSB has concrete evidence that the presence of such attorney would obstruct or impede the investigation. This “concrete

evidence” standard meets the test set forth by the court in *Professional Reactor Operator Society v. Nuclear Regulatory Commission*, 939 F.2d 1047 (D.C. Cir 1991). See also *SEC v. Csapo*, 533 F.2d 7 (D.C. Cir. 1976).

#### Regulatory Flexibility Act

The Board, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this regulation and certifies that it will not have a significant economic impact on a substantial number of 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 \$100,000,000 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, Pub. L. 104-4, 109 Stat. 48.

Dated: March 21, 2001.

Christopher W. Warner,  
General Counsel.

#### List of Subjects in 40 CFR Part 1610

Administrative practice and procedure, Investigations.

For the reasons set forth in the preamble, the Chemical Safety and Hazard Investigation Board amends 40 CFR part 1610 as follows:

#### PART 1610—ADMINISTRATIVE INVESTIGATIONS

1. The authority citation for part 1610 continues to read as follows:

**Authority:** 42 U.S.C. 7412(r)(6)(C)(i), 7412(r)(6)(L), 7412(r)(6)(N).

2. Add § 1610.2 and § 1610.3 to read as follows: