

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 require consultations or warrant the preparation of a federalism summary impact statement.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

#### **List of Subjects in 22 CFR Part 41**

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department of State amends 22 CFR chapter I as follows:

#### **PART 41—[Amended]**

1. The authority citation for Part 41 continues to read as follows:

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

2. Revise § 41.41(a) to read as follows:

##### **§ 41.41 Crewmen.**

(a) *Alien classifiable as crewman.* An alien is classifiable as a nonimmigrant crewman upon establishing to the satisfaction of the consular officer the qualifications prescribed by INA 101(a)(15)(D), provided that the alien has permission to enter some foreign country after a temporary landing in the United States, unless the alien is barred from such classification under the provisions of INA 214(f).

\* \* \* \* \*

3. Revise § 41.121(a) and (b) to read as follows:

##### **§ 41.121 Refusal of individual visas.**

(a) *Grounds for refusal.* Nonimmigrant visa refusals must be based on legal grounds, such as one or more provisions of INA 212(a), INA 212(e), INA 214(b),

(f) or (l) (as added by Section 625 of Pub. L. 104–208), INA 221(g), or INA 222(g) or other applicable law. Certain classes of nonimmigrant aliens are exempted from specific provisions of INA 212(a) under INA 102 and, upon a basis of reciprocity, under INA 212(d)(8). When a visa application has been properly completed and executed in accordance with the provisions of INA and the implementing regulations, the consular officer must either issue or refuse the visa.

(b) *Refusal procedure.* (1) When a consular officer knows or has reason to believe a visa applicant is ineligible and refuses the issuance of a visa, he or she must inform the alien of the ground(s) of ineligibility (unless disclosure is barred under INA 212(b)(2) or (3)) and whether there is, in law or regulations, a mechanism (such as a waiver) to overcome the refusal. The officer shall note the reason for the refusal on the application. Upon refusing the nonimmigrant visa, the consular officer shall retain the original of each document upon which the refusal was based, as well as each document indicating a possible ground of ineligibility, and should return all other supporting documents supplied by the applicant.

(2) If an alien, who has not yet filed a visa application, seeks advice from a consular officer, who knows or has reason to believe that the alien is ineligible to receive a visa on grounds which cannot be overcome by the presentation of additional evidence, the officer shall so inform the alien. The consular officer shall inform the applicant of the provision of law or regulations upon which a refusal of a visa, if applied for, would be based (subject to the exception in paragraph (b)(1) of this section). If practicable, the consular officer should request the alien to execute a nonimmigrant visa application in order to make a formal refusal. If the individual fails to execute a visa application in these circumstances, the consular officer shall treat the matter as if a visa had been refused and create a record of the presumed ineligibility which shall be filed in the consular office.

\* \* \* \* \*

4. Amend § 41.122(a)(1) by adding before the semicolon " , or was issued a visa in contravention of INA 222(g)".

#### **PART 42—[AMENDED]**

5. The authority citation for Part 42 continues to read as follows:

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

6. Revise § 42.81(a) to read as follows:

##### **§ 42.81 Procedure in refusing individual visas.**

(a) *Issuance or refusal mandatory.*

When a visa application has been properly completed and executed before a consular officer in accordance with the provisions of INA and the implementing regulations, the consular officer must either issue or refuse the visa under INA 212(a) or INA 221(g) or other applicable law. Every refusal must be in conformance with the provisions of 22 CFR 40.6.

\* \* \* \* \*

Dated: December 19, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 01–3754 Filed 2–14–01; 8:45 am]

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## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

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

[TD 8911]

RIN 1545–AV92

#### **Relief for Service in Combat Zone and for Presidentially Declared Disaster; Correction**

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

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations that were published in the **Federal Register** on December 15, 2000 (65 FR 78409). This document relates to the postponement of certain tax-related deadlines due either to service in a combat zone or a Presidentially declared disaster.

**DATES:** This correction is effective December 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** Bridget E. Finkenaur (202) 622–4940 (not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The final regulations that are the subject of these corrections are under section 7508 of the Internal Revenue Code.

##### **Need for Correction**

As published, the final regulations (TD 8911) contain errors that may prove to be misleading and are in need of clarification.

##### **Correction of Publication**

Accordingly, the publication of the final regulations (TD 8911), which are

the subject of FR Doc. 00-31500, is corrected as follows:

**§ 301.7508A-1 [Corrected]**

1. On page 78412, column 2, § 301.7508A-1, paragraph (g), paragraph (i) of *Example 4*, the second line from the bottom of the paragraph, the language "payments. H and W's principal residence is" is corrected to read "payments. H's and W's principal residence is."

2. On page 78412, column 2, § 301.7508A-1, paragraph (g), paragraph (iii) of *Example 4*, line 1, the language "Because H and W's principal residence" is corrected to read "Because H's and W's principal residence".

3. On page 78412, column 2, § 301.7508A-1, paragraph (g), paragraph (iii) of *Example 4*, line 4, the language "date of H and W's 2001 Form 1040 and" is corrected to read "date of H's and W's 2001 Form 1040 and".

4. On page 78412, column 3, § 301.7508A-1, paragraph (g), paragraph (iii) of *Example 4*, line 6 from the top of the column, the language "Accordingly, H and W's 2001 Form 1040 and" is corrected to read "Accordingly, H's and W's 2001 Form 1040 and".

5. On page 78412, column 3, § 301.7508A-1, paragraph (g), paragraph (i) of *Example 5*, line 6, the language "of section 7508A, under section 6511(a), H" is corrected to read "of section 7508A, under section 6511(a), H's".

6. On page 78413, column 1, § 301.7508A-1, paragraph (g), paragraph (i) of *Example 8*, second line from the bottom of the paragraph, the language "the 2001 taxable year. H and W's principal" is corrected to read "the 2001 taxable year. H's and W's principal".

7. On page 78413, column 1, § 301.7508A-1, paragraph (g), paragraph (iii) of *Example 8*, line 1, the language "Because H and W's principal residence" is corrected to read "Because H's and W's principal residence".

8. On page 78413, column 1, § 301.7508A-1, paragraph (g), paragraph (iii) of *Example 8*, line 12, the language "extension. Therefore, H and W's return and" is corrected to read "extension. Therefore, H's and W's return and".

**Cynthia E. Grigsby,**

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

[FR Doc. 01-3774 Filed 2-14-01; 8:45 am]

**BILLING CODE 4830-01-P**

**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Parts 4022 and 4044**

**Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in March 2001. Interest assumptions are also published on the PBGC's web site (<http://www.pbgc.gov>).

**EFFECTIVE DATE:** March 1, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during March 2001, (2)

adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during March 2001, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during March 2001.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 6.40 percent for the first 20 years following the valuation date and 6.25 percent thereafter. These interest assumptions represent a decrease (from those in effect for February 2001) of 0.10 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 4.75 percent for the period during which a benefit is in pay status, and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions are unchanged from those in effect for February 2001.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during March 2001, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).