

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM06-10-000]

New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities; Correction

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in a final rule that the Federal Energy Regulatory Commission (Commission) published in the **Federal Register** on November 1, 2006. That action amended the Commission's regulations governing small power production and cogeneration in response to section 1253 of the Energy Policy Act of 2005.

DATES: These corrections are effective January 2, 2007.

FOR FURTHER INFORMATION CONTACT:

Samuel Higginbottom (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, at (202) 502-8561.

SUPPLEMENTARY INFORMATION: In FR Document 06-8928, published November 1, 2006 (71 FR 64342), make the following corrections:

■ On page 64372, column 2, in § 292.303(c)(1), in the last sentence, after "interconnection" add "costs". The sentence is corrected to read: "The obligation to pay for any interconnection costs shall be determined in accordance with § 292.306.

■ On page 64372, column 2, in "§ 292.303(d), in the first sentence, after "purchase energy", remove "and" and add in its place "or". Sentence is corrected to read: "If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may transmit energy or capacity to any other electric utility".

■ On page 64373, column 1, in § 292.309(f)(2), in the last sentence after "facility output or" add the word "capacity". Sentence is corrected to read: "The qualifying facility may show

that it is located in an area where persistent transmission constraints in effect cause the qualifying facility not to have access to markets outside a persistently congested area to sell the qualifying facility output or capacity".

■ On page 64374, second column, in § 292.312(b), after, "an existing qualifying cogeneration" remove "qualifying". The sentence is corrected to read: "After August 8, 2005, an electric utility shall not be required to enter into a new contract or obligation to sell electric energy to a qualifying small power production facility, an existing qualifying cogeneration facility, or a new qualifying cogeneration facility if the Commission has found that;"

Magalie R. Salas,

Secretary.

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DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice: 5646]

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This final rule amends guidance to consular offices for the waiver of personal appearance of applicants for nonimmigrant visas contained at 22 CFR 41.102, to conform to the requirements of Section 222(h) of the Immigration and Nationality Act, as added by section 5301 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The final rule replaces the interim rule published in the **Federal Register** on July 7, 2003 and reflects legislation enacted subsequent to that rule.

DATES: This rule is effective on December 18, 2006.

FOR FURTHER INFORMATION CONTACT: Charles Robertson, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1221, e-mail (robertsonce3@state.gov).

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

Section 5301 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) added a new Section 222(h) to the Immigration and Nationality Act (INA). Section 222(h)

sets out detailed statutory requirements for personal interviews of non-immigrant visa applicants in the INA for the first time. Previously, INA Section 222(e) left the question of personal appearance of nonimmigrant visa applicants to be defined by regulation. The Department's interim rule published on July 7, 2003 (68 FR 40168) defined the requirements for personal appearance. This final rule replaces the previous interim rule to reflect the requirements of IRTPA and the new INA Section 222(h). Most of new Section 222(h) can be implemented through the Department's existing personal appearance regulations and current requirements for fingerprint collection, but a few changes in the regulations are needed to conform fully to the new interview requirements. The most significant change is that a consular officer must now interview persons in the same age ranges as persons covered by the biometric collection requirement. In addition to the existing list of situations in which an interview may not be waived, the personal interview requirement may not be waived for NIV applicants from third countries and applicants who have been previously refused visas or found ineligible for visas, where that ineligibility was not overcome.

Are there any exceptions to these new requirements?

Section 5301 of IRTPA provides for some exceptions from the new interview requirements. In addition, as the President noted in the signing statement for IRTPA, the interview requirement is viewed "as advisory" with respect to foreign diplomats or foreign officials, because it otherwise would impermissibly burden the President's constitutional authority to conduct foreign relations. Therefore, the regulations continue to permit exemptions from the interview requirements of persons in A-1, A-2, C-2, C-3, G-1, G-2, G-3 G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO 6 classifications, and applicants for diplomatic or officials visas as described in 22 CFR 41.26 and 41.27.

Regulatory Findings

Administrative Procedure Act

This regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553 (a)(1), is not subject to the rule making procedures set forth at 5 U.S.C. 553.