

(3) The ad valorem, surcharge, and specific fees provided for under paragraphs (b)(1) and (b)(2)(i) of this section shall not apply to goods originating in Canada or Mexico within the meaning of General Note 12, HTSUS (see also 19 U.S.C. 3332), where such goods qualify to be marked, respectively, as goods of Canada or Mexico pursuant to Annex 311 of the North American Free Trade Agreement and without regard to whether the goods are marked. For qualifying goods originating in Mexico, the exemption applies to goods entered or released (as defined in this section) after June 29, 1999. Where originating goods as described above are entered or released with other goods that are not originating goods, the ad valorem, surcharge, and specific fees shall apply only to those goods which are not originating goods.

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Approved: June 14, 1999.

Raymond W. Kelly,
Commissioner of Customs.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 99-19807 Filed 8-2-99; 8:45 am]
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DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Public Notice 3077]

RIN 1400-A75

Visas: Passports and Visas Not Required for Certain Nonimmigrants

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Interim rule with request for comments.

SUMMARY: Current law provides for a Visa Waiver Pilot Program (VWPP) for nationals of countries qualifying under the provisions of the Pilot Program and designated by the Attorney General, in consultation with Secretary of State, as countries whose nationals benefit from the waiver of the nonimmigrant B-1/B-2 visa requirement. This interim rule adds Portugal, Singapore and Uruguay as participants in this Program.

DATES: This interim rule is effective August 9, 1999. The Department invites written comments which must be received on or before October 4, 1999.

ADDRESSES: Submit written comments, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Room L-603C, Department of State, Washington, D.C. 20520-0106.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Office, Department of State, Washington, D.C. 20522-0113, (202) 663-1204.

SUPPLEMENTARY INFORMATION: This interim rule amends Part 41, Title 22 of the Code of Federal Regulations relating to visa waivers for certain nonimmigrants pursuant to section 217 of the Immigration and Nationality Act (INA).

History of INA 217

Pub. L. 99-603

Section 313 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603, amended the INA by adding a new section 217. Section 217 provides for a Visa Waiver Pilot Program (VWPP) which waives the nonimmigrant visa requirement for nationals of certain countries having low nonimmigrant visa refusal rates and who are seeking to enter the United States for a period not to exceed ninety days. This original provision authorized the participation of eight countries in the VWPP to be designated by the Secretary of State and the Attorney General, acting jointly, from among countries meeting specific criteria. These original qualifying countries included: France; the Federal Republic of Germany; Italy; Japan, the Netherlands; Sweden; Switzerland; and the United Kingdom. [See **Federal Register** publications 53 FR 24903, June 30, 1988; 53 FR 50161, December 13, 1988; and 54 FR 27120, June 27, 1989.]

Pub. L. 101-649

On November 29, 1990, the President signed the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649, Section 201 of IMMACT 90 revised the VWPP set forth in section 313 of IRCA. It removed the eight-country cap and extended the provisions of the VWPP to all countries that meet the qualifying criteria of the VWPP and are designated by the Attorney General, acting jointly with the Secretary of State, as Pilot Program countries thereunder.

Effective October 1, 1991, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain, having met all of the requirements for participants in the nonimmigrant Visa Waiver Pilot Program, were added as participants in the Program. [See 56 FR 46716, September 13, 1991.] Brunei was designated as a participant in the Visa Waiver Pilot Program in an interim rule published at 58 FR 40581, July 26, 1993.

Pub. L. 103-415

Section 1(m) of Pub. L. 103-415 extended the Visa Waiver Pilot Program through September 30, 1995.

Pub. L. 103-416

Section 210 of the Immigration and Nationality Technical Corrections Act of 1994 (INTC), Pub. L. 103-416, amended section 217 of the INA extending the VWPP to September 30, 1996. Section 211 of INTC created and established criteria for a new probationary qualification status for countries which met the criteria for that status under the VWPP and which were designated by the Secretary of State and the Attorney General, acting jointly, as countries whose nationals benefit from the waiver of the nonimmigrant B-1/B-2 visa requirement.

On March 28, 1995, the Department published an interim rule [59 FR 15872] to implement the provisions of sections 210 and 211 of Pub. L. 103-416. Ireland was determined to be the only country that met the criteria set forth for such probationary qualification status. On July 8, 1996 Argentina was added as a non-probationary VWPP country [61 FR 35628] and Australia became a non-probationary participating country on July 29, 1996 [61 FR 39318].

Pub. L. 104-208

On September 30, 1996 the President signed Pub. L. 104-208, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, (IIRIRA). Section 635 of this law once again amended INA 217 by extending the Program until September 30, 1997. This law also named the Attorney General (in consultation with the Secretary of State) as the principal designator of VWPP countries, eliminated probationary VWPP qualification status and made countries then in probationary status (Ireland being the only country) permanent participating VWPP countries subject to the same disqualification criteria established for other VWPP countries. On September 30, 1997, the Attorney General added Slovenia as a participating country. [See 62 FR 51030.]

Pub. L. 105-173

Pub. L. 105-173 extended the VWPP through April 30, 2000. This law also modified the statutory language relating to low visa refusal rates that could extend the VWPP to additional countries previously unable to qualify.

Requirements for VWPP Participation

For a country to qualify as a participant in the VWPP, the country:

- Must agree to waive the visa requirement for nationals of the United States entering for business or pleasure for ninety (90) days or less,
- Must meet statutorily prescribed limits on visa refusal rates for the prior two year period, as well as the prior year;
- Must meet statutorily prescribed limits on rates of exclusion at ports of entry and on overstay rates,
- Must have a machine readable passport program. VWPP travelers must meet the following conditions:
 - They must present a valid passport;
 - They must be seeking entry into the United States for business or pleasure;
 - They must be seeking entry into the United States for ninety days or less (no extensions or changes/adjustments of status are allowed);
 - They must possess an onward or return ticket if traveling by air or sea;
 - They must not be ineligible under the Immigration and Nationality Act;
 - They must agree to waive any right to appeal a denial of entry.

Addition of Qualifying Countries

Portugal, Singapore and Uruguay

The Attorney General, in consultation with the Secretary of State, has recently determined that Portugal, Singapore, and Uruguay have met the statutory requirements of INA 217 and, effective August 9, 1999, are eligible to participate in the Visa Waiver Pilot Program.

Interim Rule

The Department is promulgating this regulation in conjunction with the Immigration and Naturalization Service (INS) because section 217 of the INA, requires action by the Attorney General, in consultation with the Secretary of State. [See INS Rule also published in this **Federal Register** issue.]

The Department is implementing this regulation as an interim rule, with a 30-day provision for post-promulgation public comments. Publication as an interim rule is based upon the "good cause" exceptions set forth at 5 U.S.C. 553(b)(B) and 553(d)(3). Because this rule will facilitate tourist and business travel to and from the designated countries, delay for pre-promulgation public comment would be contrary to the public interest.

In accordance with 5 U.S.C. 605(b) [Regulatory Flexibility Act], the Department certifies that this rule does not have a "significant adverse economic impact" on a substantial

number of small entities, because it is inapplicable. This rule is exempt from E.O. 12866 [Regulatory Planning and Review] but has been coordinated with the Immigration and Naturalization Service because action by the Attorney General is required under section 217 of the INA, as amended. The rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. The Department has reviewed the rule as required by E.O. 12988 [Civil Justice Reform] and certifies it to be in compliance therewith.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports, Temporary visitors, Visas, Waivers.

This interim rule, with request for comments, amends Part 41, Title 22 as follows:

PART 41—[AMENDED]

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

Authority: 8 U.S.C. 1104.

§ 41.2 [Amended]

2. Amend paragraph (l)(2) of § 41.2 by removing the period at the end of the paragraph and adding "Portugal, Singapore and Uruguay" (effective August 9, 1999)" at the end of the sentence.

Dated: June 25, 1999.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 99-19923 Filed 8-2-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD11-99-012]

**Drawbridge Operation Regulations; Sacramento River, California
Department of Transportation Highway Bridge at Mile 90.1, at Knights Landing, Between Sutter and Yolo Counties, CA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The U.S. Coast Guard has issued a temporary deviation to regulations governing opening of the California Department of Transportation (Caltrans) Knights Landing bascule bridge over the Sacramento River at Knights Landing, CA. The bridge need open for vessels only on 24 hours

advance notice from August 2 through September 14, 1999. Additionally, only the south leaf of the bridge will be in service during this period. The bridge is normally operated on 12 hour advance notice, but Caltrans needs additional notice to facilitate replacement of the submarine power cable.

DATES: Effective period of the deviation is August 2, 1999, through September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Olmes, Bridge Administrator, Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, telephone (510) 437-3515.

SUPPLEMENTARY INFORMATION: Caltrans notified the Eleventh Coast Guard District of the need for the submarine cable replacement on June 25, 1999. These dates represent the only available work window, due to potential impacts to sensitive species at other times. Although alternate routes past the bridge are not available, there would be little or no impact to vessel traffic since vessels can still transit the bridge with advance notice. The horizontal clearance through the bridge with one leaf operation is 100 feet, which is adequate for all vessels normally using the waterway in the Knights Landing area. The bridge provides 30 feet vertical clearance above Low Water and is opened only a few times each year for large recreational vessels or marine construction or dredging equipment.

This deviation from the normal operating regulations in 33 CFR 117.189(b) is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: July 22, 1999.

T.H. Collins,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 261**

[SW-FRL-6409-3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition submitted by Occidental Chemical Inc. (Occidental) to exclude from hazardous waste control (or delist) a certain solid