

Committee for the Olympic Games as an "Olympic Family Member."

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5. By removing the period at the end of paragraph (k)(2)(ii) and inserting a semicolon and the word "or" in its place; and adding a new paragraph (k)(3) to § 41.113 to read as follows:

§ 41.113 Procedures in issuing visas.

* * * * *

(k) * * *

(3) Is the holder of an official identity card which has been issued for participation in the 1996 Games of the XXVI Olympiad, Atlanta, Georgia under the Olympic Rules Bylaws upon which a visa stamp is affixed and which includes the following information:

- (i) The name, date and place of birth of the alien;
- (ii) The nationality of the alien;
- (iii) The alien's passport number; and
- (iv) The signature of the head of the sponsoring National Olympic Committee or other responsible organization.

Dated: December 21, 1995.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96-729 Filed 1-19-96; 8:45 am]

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22 CFR Part 42

[Public Notice 2319]

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

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: This final rule promulgates changes to the regulations implementing the Diversity Immigrant Program provided for in INA 201(a)(3), 201(e), 203(c), and 204(a)(1)(G), as amended. After analysis of the comments received, the Department has decided to make the changes proposed in its Notice of Proposed Rule Making of November 13, 1995.

EFFECTIVE DATE: February 21, 1996.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully III, Director, Office of Legislation, Regulations, and Advisory Assistance, Bureau of Consular Affairs, Department of State, (202) 663-1184.

SUPPLEMENTARY INFORMATION: Public Notice 2284 at 60 FR 56961 proposed amendments to § 42.33 of 22 CFR Part 42 which implements the Diversity Immigrant Program established by INA 201(a)(3), 201(e), 203(c), 203(e)(2), and

204(a)(1)(G), as amended. Specifically, the Department proposed to modify the petitioning procedure by requiring that aliens petitioning for selection to compete sign their petition and include, with the petition, a photograph of the kind required with applications for nonimmigrant visas, on the reverse of which the alien must have printed his or her name. In addition, the Department proposed to include authority for the collection of a processing fee in case it is decided that such a fee should be charged.

During the comment period, the Department received three comments. One commenter agreed that it would not be unreasonable to impose a processing fee to cover the cost of the selection process; the other two did not comment on the fee issue.

All three commenters opposed the proposals to require signature of the petition and submission of a photograph with the petition. All three represent organizations which, presumably for a fee, assist aliens in preparing and submitting their petitions for consideration under the Diversity Immigrant Program. All three emphasized the "hardships" that these new requirements would impose upon aliens who use their services. One of the three set forth a detailed step-by-step description of the organization's handling of petitions for its clients, pointing out how imposition of these new requirements would be inconsistent with the procedures the organization has established, at least with respect to the mail-in period for consideration during Fiscal Year 1997.

Effectively, all three commenters are opposing these proposed new requirements because, at least with respect to the forthcoming mail-in period, they make it difficult for the organizations to conduct this aspect of their business as they have done up until now. All three assert that this will impose a hardship on their clients. The Department does not believe, however, that implementation of this change can be said to impose a hardship on such aliens. Notice of the revised requirements is being disseminated world-wide as part of the annual notice of the mail-in period. This dissemination is occurring more than a month before the first day of the mail-in period and the period itself will be a full thirty days.

The Department has long been aware that there are organizations, both in the United States and elsewhere, that have assisted aliens to compete in the various immigrant visa lotteries that have existed since 1987, including the current Diversity Immigrant Visa

Program. The Department neither encourages nor discourages such activities, but merely acknowledges their existence. At the same time, the Department does not believe that it is either necessary, or even appropriate, that it should refrain from establishing such requirements and procedures as it considers necessary to ensure the integrity of the process, simply because their establishment may inconvenience some such organizations and the arrangements they have made for assisting their clients. Also, the Department believes that those aliens who are genuinely motivated to compete for immigration under the Diversity Immigrant Program will not find it impossible, or even unduly difficult, to have their petitions reach the designated address by the expiration of the mail-in period.

The Department also believes that whatever inconvenience may be caused by these changes must be weighed against the abuses they are designed to prevent. During the comment period, the Department received yet another communication from an immigrant visa issuing office about an apparent impostorship. The alien concerned had a name very common in the country, equivalent to John Smith in the United States. Vital records in the country are unreliable and incomplete. This alien recently approached the consular office asserting that he was the "John Smith" who had been selected in the FY 95 mail-in period. The office's records reflect that some months previously it had issued a Diversity Immigrant visa to a "John Smith" with the same date and place of birth as the alien now claiming to be the rightful winner. Had these new requirements been in effect for the FY 95 mail-in period, the consular officer would have been able to match the photograph with the applicant and the signature on the petition with other samples of the applicant's handwriting. As it is, there is no possible way to ascertain which of the two "John Smiths" was, in fact, the one whose application was selected during the FY 95 mail-in period. As a result, the Department has concluded that it should make the changes as proposed.

Two of the commenters opposed the photograph requirement on the ground that some potential petitioners may find it difficult to obtain a photograph meeting the specifications set forth in the proposed rule. The Department finds it difficult to take this comment seriously, since the requirement proposed is identical with the photograph requirement for nonimmigrant visa applicants which has been in effect for decades. Every

year more than 5 million nonimmigrant visa applicants in countries throughout the world manage to comply with this requirement, and the Department cannot believe that those wishing to compete for consideration under the Diversity Immigrant Visa Program will have any greater difficulty than the millions upon millions of nonimmigrant visa applicants have had.

Finally, one of the commenters asked whether the petitioner was required to sign the sheet of paper containing the information or whether the information could appear on one sheet of paper and the signature on another which would be stapled to it. The commenter urged that the latter be allowed, because of processing problems which the organization would otherwise have, and commented that it was not clear from the proposed rule whether its suggested alternative was legitimate. It was the Department's intent that the petition continue to be a single sheet of paper, on which the petitioner is to type or print legibly the information required and which the petitioner will sign below the last line of information. The Department finds no basis for complicating the process by having the information on one sheet of paper and a signature on a separate blank sheet of paper stapled to it. Moreover, the Department does not believe that either the Supplementary Information in the proposed rule or the proposed text of 22 CFR 42.33(b)(1) can reasonably be read to mean anything other than that. In any event, the Department hereby re-emphasizes that all petitions are to consist of a single sheet of paper on which are inscribed both the required information about the petitioner and the petitioner's signature.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required under E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

List of Subjects in 22 CFR Part 42

Aliens, Documentation, Immigrants, Passports and visas.

PART 42—[AMENDED]

1. The authority citation for Part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Section 42.33 is amended by revising paragraph (b)(1) and by adding paragraph (i) to read as follows:

§ 42.33 Diversity immigrants.

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(b) *Petition for consideration*—(1) *Form of petition.* An alien claiming to be entitled to compete for consideration under INA 203(c) shall file a petition for such consideration. The petition shall consist of a sheet of paper on which shall be typed or legibly printed in the Roman alphabet the petitioner's name; date and place of birth (including city and country, province or other political subdivision of the country); the country of which the alien claims to be a native, if other than the country of birth; name[s] and date[s] and place[s] of birth of spouse and child[ren], if any; a current mailing address; and location of consular office nearest to current residence or, if in the United States, nearest to last foreign residence prior to entry into the United States. The alien shall sign his or her signature on the sheet of paper, using his or her usual signature. The alien shall also affix to the sheet of paper a recent photograph of himself or herself. The photograph shall be 1½ inches square (37mm × 37mm) and the alien shall clearly print his or her name in the Roman alphabet on the reverse of the photograph before affixing the photograph to the sheet of paper.

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(i) *Processing fee.* In addition to collecting the immigrant visa application and, if applicable, issuance fees, as provided in § 42.71(b) of this part, the consular officer shall also collect from each applicant for a visa under the Diversity Immigrant Visa Program such processing fee as the Secretary of State shall prescribe.

Dated: January 16, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-95-069]

Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of deviation from regulations and request for comments.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the J.D. Butler (Hillsboro Boulevard, State Road 810) drawbridge, mile 1050.0, at Deerfield Beach, from December 1, 1995 through February 28, 1996. This deviation authorizes the bridge owner to open the draw on signal, except that, from 7 a.m. to 6 p.m., Monday through Thursday, the draw need open only on the hour, 20 minutes after the hour, and forty minutes after the hour; and from 7 a.m. to 6 p.m., Friday through Sunday and federal holidays, the draw need open only on the hour and half-hour. The purpose of this temporary change in opening schedule from Friday through Sunday and federal holidays is to test the feasibility of establishing a permanent change to the seasonal opening restrictions to reduce severe vehicular traffic congestion without unreasonably impacting navigation.

DATES: This deviation is effective from December 1, 1995 through February 28, 1996, unless sooner terminated.

Comments on the alternate schedule must be received on or before February 28, 1996.

ADDRESSES: Comments may be mailed to Commander (oan), Seventh Coast Guard District, Brickell Plaza Federal Building, Room 406, 909 SE. 1st Avenue, Miami, Florida 33131-3050. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Rich, Bridge Management Specialist, Seventh Coast Guard District, at 305-536-5117.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this evaluation of possible changes to the regulations governing the J.D. Butler Drawbridge over the Atlantic Intracoastal Waterway by submitting written data, or arguments for or against this deviation. Persons submitting comments should include their name, address, identify this rulemaking (CGD7-95-069) and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period and determine whether to