

# Rules and Regulations

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 204

[INS No. 1647-95]

RIN 1115-AE24

#### Priority Dates for Employment-Based Petitions

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts without change, an interim rule published in the Federal Register by the Immigration and Naturalization Service ("the Service") on June 27, 1996, that eliminated a requirement that an employment-based petition, based on a labor certification which was accepted by a state employment agency before October 1, 1991, must be filed with the Service before October 1, 1993, in order to maintain a pre-October 1, 1991, priority date. This final rule is necessary to implement section 218 of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA).

**EFFECTIVE DATE:** January 31, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Michael W. Straus, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3412, Washington, DC 20536, telephone (202) 514-5014.

**SUPPLEMENTARY INFORMATION:** On October 25, 1994, the President signed into law the Immigration and Nationality Technical Corrections Act of 1994 (INTCA), Pub. L. 103-416. Before the enactment of INTCA, if an employer filed a labor certification with a state employment agency prior to October 1, 1991, the employer was required to file an employment-based petition with the Service by September 30, 1993, in order

to maintain the pre-October 1, 1991, priority date. Section 218 of INTCA eliminated this provision. As a result, the priority date for all employment-based petitions accompanied by a labor certification is the date the State employment office accepted the labor certification.

On June 27, 1996, at 61 FR 33304-05, the Service published an interim rule with request for comments implementing section 218 of INTCA in the Federal Register. Interested persons were invited to submit written comments on or before August 26, 1996. The Service received no comments. For the reasons given in the June 27, 1996, interim rule, the Service will adopt the interim rule as final without change.

#### Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, 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. This rule affects only a very limited number of petitioners and aliens who filed requests for labor certifications prior to October 1, 1991.

#### Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, 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 12612

The 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 Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### Executive Order 12988

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

#### List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

Accordingly, the interim rule amending 8 CFR part 204, which was published in the Federal Register at 61 FR 33304-05 on June 27, 1996, is adopted as a final rule without change.

Dated: January 17, 1997.

Doris Meissner,

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 97-2424 Filed 1-30-97; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 96-ACE-21]

#### Amendment to Class E Airspace; Omaha, NE

**AGENCY:** Federal Aviation Administration [FAA], DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Omaha, NE, to accommodate a planned Global Positioning System (GPS), installation of an Instrument Approach System (ILS), and other amended Standard Instrument Approach Procedures (SIAPs) at Eppley Airfield. This action will provide for additional controlled airspace for departing aircraft and deletes the extension to the southeast and reduces the extension to the northwest of the airport.

**EFFECTIVE DATE:** 0901 UTC, May 22, 1997.

**FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106; telephone (816) 426-3408.

**SUPPLEMENTARY INFORMATION:**

#### History

On November 29, 1996, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying the Class E airspace area at Omaha, NE (61 FR 60658). The proposed action would

provide additional controlled airspace to accommodate the SIAPs to Eppley Airfield.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the Class E airspace area at Omaha, NE, by providing additional controlled airspace for aircraft executing the SIAPs to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

#### **PART 71—[AMENDED]**

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

#### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace

Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

*Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ACE NE E5 Omaha, NE [Revised]

Eppley Airfield, NE

(Lat. 42°18'09"N., long. 95°53'39"W.)

Offutt AFB, NE

(Lat 41°07'06"N. long. 95°54'45"W.)

Council Bluffs Municipal Airport, IA

(Lat 41°15'34"N., long. 95°45'36"W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Eppley Airfield and within 3 miles each side of the Eppley Airfield ILS localizer course to Runway 14R extending from the 6.9-mile radius to 12 miles northwest of the airport and within a 7-mile radius of Offutt AFB and within 4.3 miles each side of the Offutt ILS localizer course extending from the 7-mile radius to 7.4 miles southeast of the AFB and within a 6.3-mile radius of the Council Bluffs Municipal Airport excluding that portion which lies within the Eppley Airfield and Offutt AFB Class E5 airspace.

\* \* \* \* \*

Issued in Kansas City, MO on January 15, 1997.

Herman J. Lyons, Jr.,

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 97-2419 Filed 1-30-97; 8:45 am]

**BILLING CODE 4910-13-M**

#### **14 CFR Part 71**

**[Docket No. 96-ACE-18]**

#### **Amendment to Class E Airspace, Jefferson City, MO**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This rule amends the Class E airspace area at Jefferson City Memorial Airport, Jefferson City, MO. The effect of this rule is to provide additional controlled airspace for aircraft executing Standard Instrument Approach Procedures (SIAP) and for departing aircraft to transition into controlled airspace at Jefferson City, MO.

**EFFECTIVE DATE:** 0901 UTC, March 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Operations Branch, ACE-530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a

request for comments in the Federal Register on November 19, 1996 (61 FR 58784). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 27, 1997. No adverse comments were received, and thus this notice confirms that this final rule will become effective on that date.

Issued in Kansas City, MO on January 14, 1997.

Herman J. Lyons Jr.,

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 97-2420 Filed 1-30-97; 8:45 am]

**BILLING CODE 4910-13-M**

#### **14 CFR Part 71**

**[Airspace Docket No. 97-ACE-1]**

#### **Removal of Class E Airspace; Wentzville, MO**

**AGENCY:** Federal Aviation Administration [FAA], DOT.

**ACTION:** Final rule.

**SUMMARY:** This action removes the Class E airspace at Wentzville, MO. The only standard instrument approach procedure (SIAP) at the Wentzville Airport, Wentzville, MO, was canceled April 23, 1996. The reason for cancellation was the Wentzville Airport reverted to private-use status in August 1995.

**EFFECTIVE DATE:** January 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106; telephone (816) 426-3408.

#### **SUPPLEMENTARY INFORMATION:**

##### History

On March 19, 1996, the President, Wentzville Airport, Inc. requested cancellation of the instrument approach procedure and advised that the airport was converted to a private-use airport in August 1995. Based on that request the Class E controlled airspace area is no longer necessary.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes the Class E airspace at