

special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. It, therefore—(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. For the same reason, the FAA certifies that this

amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 28, 1997.

**Richard O. Gordon,**

*Acting Director, Flight Standards Service.*

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SLAPs; and § 97.35 COPTER SLAPs, identified as follows:

\* \* \* *Effective January 1, 1998*

Columbia, CA, Columbia, NDB OR GPS-A, Orig, CANCELLED

St. Louis, MO, Lambert-St Louis Intl, VOR/DME RWY 17, Orig

St. Louis, MO, Lambert-St Louis Intl, LDA/DME RWY 12L, Amdt 5

St. Louis, MO, Lambert-St Louis Intl, LDA/DME RWY 30L, Amdt 2

St. Louis, MO, Lambert-St Louis Intl, ILS RWY 12L, Amdt 4

St. Louis, MO, Lambert-St Louis Intl, ILS RWY 12R, Amdt 21

St. Louis, MO, Lambert-St Louis Intl, ILS RWY 24R, Amdt 45

St. Louis, MO, Lambert-St Louis Intl, ILS RWY 30L, Amdt 11

St. Louis, MO, Lambert-St Louis Intl, ILS RWY 30R, Amdt 7

Omaha, NE, Eppley Airfield, ILS RWY 18, Amdt 6

\* \* \* *Effective January 29, 1998*

Camden, AR, Harrell Field, VOR/DME RWY 36, Amdt 8

Camden, AR, Harrell Field, NDB RWY 18, Amdt 10

Mason City, IA, Mason City Muni, ILS RWY 35, Amdt 6

Columbus, OH, Port Columbus Intl, NDB OR GPS RWY 10L, Amdt 8

Columbus, OH, Port Columbus Intl, ILS RWY 10L, Amdt 17

Columbus, OH, Port Columbus Intl, RADAR-1, Amdt 17, CANCELLED

\* \* \* *Effective February 26, 1998*

Guntersville, AL, Guntersville Muni, GPS-A, Orig

Klawock, AK, Klawock, GPS RWY 1, Orig

Phoenix, AZ, Phoenix Sky Harbor Intl, VOR/DME or GPS RWY 8R, Amdt 1, CANCELLED

Phoenix, AZ, Phoenix Sky Harbor Intl, VOR/DME-A, Orig

Phoenix, AZ, Phoenix Sky Harbor Intl, LOC BC RWY 26L, Amdt 9

Phoenix, AZ, Phoenix Sky Harbor Intl, ILS RWY 8R, Amdt 10

Phoenix, AZ, Phoenix Sky Harbor Intl, GPS RWY 8R, Orig

Phoenix, AZ, Phoenix Sky Harbor Intl, GPS RWY 26L, Orig

Fallbrook, CA, Fallbrook Community

Airpark, GPS RWY 18, Orig

Brooksville, FL, Hernando County, ILS RWY 9, Amdt 1

Orlando, FL, Executive, VOR/DME RWY 25, Amdt 1

Orlando, FL, Executive, LOC BC RWY 25, Amdt 20

Richmond, KY, Madison, VOR/DME OR GPS RWY 18, Amdt 5

Duluth, MN, Sky Harbor, GPS RWY 32, Orig

Jackson, MN, Jackson Muni, NDB RWY 13, Amdt 8

Jackson, MN, Jackson Muni, GPS RWY 31, Orig

Hatteras, NC, Billy Mitchell, GPS RWY 25, Amdt 1

Somerset, PA, Somerset County, LOC RWY 24, Amdt 3

Somerset, PA, Somerset County, NDB RWY 24, Amdt 5

Somerset, PA, Somerset County, GPS RWY 6, Orig

Somerset, PA, Somerset County, GPS RWY 24, Orig

Fort Worth, TX, Bourland Field, GPS RWY 35, Orig

[FR Doc. 97-33755 Filed 12-24-97; 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 305

#### Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (“Appliance Labeling Rule”)

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule revision.

**SUMMARY:** The Federal Trade Commission (“Commission”) revises Table 1 in section 305.9 of the Commission’s Appliance Labeling Rule (“the Rule”), to incorporate the latest

figures for average unit energy costs as published by the Department of Energy ("DOE") in the **Federal Register** on December 8, 1997. Table I sets forth the representative average unit energy costs for five residential energy sources, which the Commission revises periodically on the basis of updated information provided by DOE.

**DATES:** This rule is effective December 29, 1997. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the **SUPPLEMENTARY INFORMATION** Section, below.

**FOR FURTHER INFORMATION CONTACT:** James Mills, Attorney, 202-326-3035 Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

**SUPPLEMENTARY INFORMATION:** On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201.<sup>1</sup> The Rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in 305.9(a) of the Rule sets forth the representative average unit energy costs to be used for all cost-related requirements of the Rule. As stated in 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE.

On December 8, 1997, DOE published the most recent figures for representative average unit energy costs.<sup>2</sup> Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

How and when industry members must use (or not use) revised Table 1 to calculate cost disclosures for labeling and catalog sales is explained in detail in the paragraphs below. In sum:

- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes

washers, dishwashers, water heaters, and room air conditioners are not permitted to use the DOE cost figures published today to calculate the secondary operating cost figures on labels for their products until the Commission publishes new ranges of comparability for those products.

- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters have no need for the DOE cost figures for making data submissions under 305.8. The energy use information they must submit and use as primary energy use descriptions on labels for these products is now in terms of energy consumption, not operating cost.

- Manufacturers of products covered by the Rule must use the 1998 DOE cost figures published today to calculate operating cost representations in catalogs, point of sale literature and other point of sale representations, and advertisements that are drafted and printed after March 30, 1998.

- Beginning March 30, 1998 manufacturers of clothes dryers, television sets, kitchen ranges and ovens, and space heaters must begin using the 1998 representative average unit costs for energy in all operating cost representations.

#### **For Labeling of Products Covered by the Commission's Rule<sup>3</sup>**

Manufacturers of covered products are not permitted to use the National Average Representative Unit Costs published today on labels for their products until the Commission publishes new ranges of comparability for those products.

Manufacturers of storage-type water heaters must continue to use the 1994 DOE cost figures (8.41 cents per kilowatt-hour for electricity, 60.4 cents per therm for natural gas, \$1.054 per gallon for No. 2 heating oil, and 98.3 cents per gallon for propane) in determining the operating cost disclosures on the labels on their products. This is because the 1994 DOE cost figures were in effect when the 1994 ranges of comparability for storage-

type water heaters were published, and those 1994 ranges are still in effect for those products.<sup>4</sup> Manufacturers of storage-type water heaters must continue to use the 1994 cost figures to calculate the estimated annual operating cost figures on their labels until the Commission publishes new ranges of comparability for storage-type water heaters.

Manufacturers of refrigerators, refrigerator-freezers, freezers, heat pump water heaters, and room air conditioners must continue to derive the operating cost disclosures on labels by using the 1995 National Average Representative Unit Costs (8.67 cents per kilowatt-hour for electricity, 63 cents per therm for natural gas, \$1.008 per gallon for No. 2 heating oil, and 98.5 cents per gallon for propane) that were in effect when the current (1995) ranges of comparability for these products were published.<sup>5</sup> Manufacturers of refrigerators, refrigerator-freezers, freezers, heat pump water heaters, and room air conditioners must continue to use the 1995 DOE cost figures to calculate the operating cost disclosure disclosed on labels until the Commission publishes new ranges of comparability for refrigerators, refrigerator-freezers, freezers, heat pump water heaters, or room air conditioners based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figure for electricity in effect at that time.

Manufacturers of instantaneous water heaters must continue to base the required secondary operating cost disclosures on labels on the 1996 National Average Representative Unit

<sup>4</sup> The 1994 DOE cost figures were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699). The current (1994) ranges of comparability for storage-type water heaters were published on September 23, 1994 (59 FR 48796). On August 21, 1995 (60 FR 43367), on September 16, 1996 (61 FR 48620), and again on August 25, 1997 (62 FR 44890), the Commission announced that the 1994 ranges for storage-type water heaters will continue to remain in effect.

<sup>5</sup> The 1995 DOE cost figures were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9296). The current (1995) ranges of comparability for heat pump water heaters were published on August 21, 1995 (60 FR 43367). The current (1995) ranges for refrigerators, refrigerator-freezers, freezers, and room air conditioners were published on November 13, 1995 (60 FR 56945). On September 16, 1996 (61 FR 48620), and again on August 25, 1997 (62 FR 44890), the Commission announced that the 1995 ranges for heat pump water heaters and room air conditions would continue to remain in effect. On October 28, 1996 (61 FR 55563), the Commission announced that the 1995 ranges for refrigerators, refrigerator-freezers would continue to remain in effect.

<sup>1</sup> 44 FR 66466. Since its promulgation, the rule has been amended five times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), certain lamp products (59 FR 25176, May 13, 1994), and pool heaters and certain residential water heater types (59 FR 49556, Sept. 28, 1994). Obligations under the rule concerning fluorescent lamp ballasts, lighting products, plumbing products and pool heaters are not affected by the cost figures in this notice.

<sup>2</sup> 62 FR 64574.

<sup>3</sup> Sections 305.11(a)(5)(i)(H)(2) and (3) of the Rule (16 CFR 305.11(a)(5)(i)(H)(2) and (3)) require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). The labels also must disclose, below this secondary estimated annual operating cost, the fact that the estimated annual operation cost is based on the appropriate DOE energy cost figure, and must identify the year in which the cost figure was published.

Costs for electricity (8.6 cents per kilowatt-hour), natural gas (62.6 cents per therm), propane (90 cents per gallon), and/or heating oil (92 cents per gallon) that were published by DOE on January 19, 1996,<sup>6</sup> and by the Commission on February 14, 1996,<sup>7</sup> and that were in effect when the 1996 ranges of comparability for these products were published.<sup>8</sup>

Manufacturers of clothes washers and dishwashers must continue to base the required secondary operating cost disclosures on labels on the 1997 National Average Representative Unit Costs for electricity (8.31 cents per kilowatt-hour), natural gas (61.2 cents per therm), propane (98 cents per gallon), and/or heating oil (99 cents per gallon) that were published by DOE on November 18, 1996,<sup>9</sup> and by the Commission on February 5, 1997,<sup>10</sup> and that were in effect when the 1997 ranges of comparability for these products were published.<sup>11</sup>

**For 1997 Submissions of Data Under Section 305.8 of the Commission's Rule**

Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of 305.8 of the Rule. Pursuant to amendments to the Rule published on July 1, 1994<sup>12</sup> (with extended compliance dates published on December 8, 1994<sup>13</sup>), the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilowatt-hour use per year for electricity, therms per year for

natural gas, or gallons per year for propane and oil). Thus, the 1998 (and all subsequent) data submissions under 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, not cost. The energy efficiency descriptors for the other products covered by the Rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency.

For convenience, the annual dates for data submission are repeated here:

- Clothes washers: March 1
- Water heaters: May 1
- Furnaces: May 1
- Room air conditioners: May 1
- Pool Heaters: May 1
- Dishwashers: June 1
- Central air conditioners: July 1
- Heat pumps: July 1
- Refrigerator: August 1
- Refrigerators-freezers: August 1
- Freezers: August 1

**For Energy Cost Representations Respecting Covered Products in Catalogs**

Energy cost representations in catalogs that are drafted and printed while the 1998 cost figures are in effect must be derived using the 1998 energy costs beginning March 30, 1998.

**For Energy Cost Representations Respecting Products Covered by EPCA But Not by the Commission's Rule**

Manufacturers of products covered by section 323(c) of EPCA, 42 U.S.C. 6293(c), but not by the Appliance Labeling Rule (clothes dryers, television

sets, kitchen ranges and ovens, and space heaters) must use the 1998 DOE energy costs in all operating cost representations beginning March 30, 1998.

**Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603-604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 605). The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 16 CFR Part 305**

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

**PART 305—[AMENDED]**

Accordingly, 16 CFR Part 305 is amended as follows:

1. The authority citation for Part 305 continues to read:

**Authority:** 42 U.S.C. 6294.

2. Section 305.9(a) is revised to read as follows:

**§ 305.9 Representative average unit energy costs.**

(a) Table 1 contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1998)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu <sup>1</sup>
Electricity .....	8.42¢/kWh <sup>2,3</sup> .....	\$0.0842/kWh .....	\$24.68
Natural Gas .....	61.9¢/therm <sup>4</sup> or \$6.36/MCF <sup>5,6</sup> .....	\$0.00000619/Btu .....	6.19
No. 2 heating oil .....	\$.95/gallon <sup>7</sup> .....	\$0.0000685/Btu .....	6.85
Propane .....	\$0.95/gallon <sup>8</sup> .....	\$0.00001039/Btu .....	10.39
Kerosene .....	\$1.01/gallon <sup>9</sup> .....	\$0.0000748/Btu .....	7.48

<sup>1</sup> Btu stands for British thermal unit.  
<sup>2</sup> kWh stands for kilowatt hour.  
<sup>3</sup> 1 kWh=3,412 Btu.  
<sup>4</sup> 1 therm=100,000 Btu. Natural gas prices include taxes.  
<sup>5</sup> MCF stands for 1,000 cubic feet.

<sup>6</sup> 61 FR 1366.  
<sup>7</sup> 61 FR 5679.

<sup>8</sup> The current ranges for instantaneous water heaters were published on September 16, 1996 (61 FR 48620). On August 25, 1997 (62 FR 44890), the Commission announced that the 1996 ranges for

instantaneous water heaters would continue to remain in effect.

<sup>9</sup> 61 FR 58679.  
<sup>10</sup> 62 FR 5316.

<sup>11</sup> The current (corrected) ranges for clothes washers were published on August 6, 1997 (62 FR

42209); the current ranges for dishwashers were published on August 25, 1997 (62 FR 44890).

<sup>12</sup> 59 FR 34014.  
<sup>13</sup> 59 FR 63688.

<sup>6</sup>For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,027 Btu.<sup>7</sup>For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.<sup>8</sup>For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.<sup>9</sup>For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

\* \* \* \* \*

**Donald S. Clark,**

Secretary.

[FR Doc. 97-33686 Filed 12-24-97; 8:45 am]

BILLING CODE 6750-01-M

**DEPARTMENT OF STATE****Bureau of Consular Affairs****22 CFR Part 40**

[Public Notice 2674]

**VISAS: Public Charge****AGENCY:** Department of State, Bureau of Consular Affairs.**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule amends Department of State regulations by establishing uniform procedures for the acceptance of affidavits of support by consular posts abroad as required by the Immigration and Nationality Act (INA). This rule is necessary to ensure proper adjudication of immigrant visas under the INA.

**DATES:** Effective Date: This interim rule is effective on December 19, 1997. Comment Date: Submit comments on or before February 27, 1998.

**ADDRESSES:** Please submit written comments to the Chief, Legislation and Regulations Division, Visa Office, Room L603-C, SA-1, Washington, D.C. 20520-0106. Comments will be made available for public inspection at the Department of State's Public Reading Room, 2201 C Street, NW, Washington, DC, 20520.

**FOR FURTHER INFORMATION CONTACT:** Ron Acker, Visa Regulations Coordinator, Legislation and Regulations Division, Visa Office, Room L603-C, SA-1, Washington, DC, 20520-0106 (ackerrl@SA1WPOA.us-state.gov).

**SUPPLEMENTARY INFORMATION:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104 208, which, among numerous other changes, amended section 212(a)(4) of the Immigration and Nationality Act (INA) to provide that an alien is excludable or inadmissible to the United States based upon the likelihood of becoming a public charge if the alien is seeking an immigrant visa, admission as an immigrant, or adjustment of status as:

(a) An immediate relative, (b) a family-

based immigrant, or (c) an employment-based immigrant (if a sponsoring relative is the petitioning employer or owns a significant ownership interest in the entity that is the petitioning employer) unless the alien is the beneficiary of an affidavit of support filed under INA section 213A. INA 213A specifies the conditions that must be met in order for an affidavit of support to be acceptable for use by a visa applicant to establish eligibility under INA 212(a)(4)(C).

Under the provisions of IIRIRA (Title V, Subtitle C, Section 551(c)), the Attorney General is responsible for promulgating the standard forms to be used in connection with the filing of affidavits of support and in establishing the effective date upon which such forms are required. The Immigration and Naturalization Service (INS) published an interim rule on October 20, 1997 (**Federal Register**, Vol. 62, No. 202, pp. 54346-54356) describing the new "Affidavit of Support" (Form I-864), and two ancillary forms, the "Contract Between Sponsor and Household Member" (Form I-864A), and the "Sponsor's Notice of Change of Address" (Form I-865). INS's rule included procedural instructions for filling out the forms, and established December 19, 1997 as the effective date on which these forms would be required for submission to immigration and consular officers.

The net effect of the new affidavit of support is that it must be fully executed in compliance with the provisions of INA 213A in order for an alien (as described above) to meet the requirements of INA 212(a)(4)(C). An affidavit of support that has been appropriately executed and submitted does not, however, necessarily establish that an alien is not within the purview of the public charge provisions of 212(a)(4)(A). That decision remains vested with the reviewing immigration or consular officer, who must be satisfied that the alien is otherwise not likely to become a public charge upon entering the United States.

Accordingly, the Department is (1) adding new regulations at 22 CFR 40.41(b) and (c), (2) amending regulations at 22 CFR 40.41(a), (b), and (d) to reflect the new affidavit of support requirements, and (3), redesignating 22 CFR 40.41(b), (c), and (d) as 40.41(d), (e), and (f), respectively. In addition, the current description of the poverty line contained in new 40.41(f), formerly (d),

is being eliminated and replaced with a reference to new section, INA 213A(h), which contains the definition of the poverty line to be used for 213A purposes. Since both the old and the new description refer to the same poverty line established by the Department of Health and Human Services, this change will simply make uniform all references to the poverty line for purposes of 212(a)(4) in accordance with the latest description. The new (f) is also retitled to reflect the revised language.

**Interim Rule**

This rule modifies 22 CFR, Subchapter E, Subpart E to reflect changes made by IIRIRA. Title V, Subtitle C, of IIRIRA, which is implemented by this rule became effective December 19, 1997. The issuance of this rule as an interim rule, with provisions for post-promulgation public comments, is based upon the "good cause" exception found at 5 U.S.C. 553(b)(B) and 553(d)(3) because it implements statutory provisions and an effective date set under statutory authority.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule and it has been determined, and the Assistant Secretary for Consular Affairs hereby certifies, that it will not have a significant economic impact on a substantial number of small entities. The rule has no economic effect beyond that of the statutory requirements already in effect which it implements.

As required by 5 U.S.C. chapter 8, the Department has screened this rule and determined that it is not a major rule, as defined in 5 U.S.C. 80412.

This rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act.

This rule has been reviewed as required by E.O. 12988 and determined to meet the applicable regulatory standards it describes. Although exempted from E.O. 12866, this rule has been reviewed to ensure consistency with it.

**List of Subjects in 22 CFR Part 40**

Aliens, Immigrants, Immigration, Nonimmigrants, Passports and visas.

In view of the foregoing, 22 CFR is amended as follows: