eligible producers for that class of oil. The Committee shall immediately notify each producer who is to receive additional allotment base by issuing that producer an allotment base in the appropriate amount.

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Dated: August 8, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–21524 Filed 8–13–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 1748–96; AG Order No. 2104–97]

RIN 1115–AE27

Executive Office for Immigration Review; Periods of Lawful Temporary Resident Status and Lawful Permanent Resident Status to Establish Seven Years of Lawful Domicile

AGENCY: Immigration and Naturalization Service (INS), Executive Office for Immigration Review (EOIR), Justice.

ACTION: Final rule.

SUMMARY: This rule adopts without change an interim rule published in the **Federal Register** by the Immigration and Naturalization Service and the Executive Office for Immigration Review on November 25, 1996, which amended Department of Justice regulations that limit discretion to grant an application for relief under section 212(c) of the Immigration and Nationality Act (the Act) by expanding the class of aliens eligible for section 212(c) relief. Although Congress recently limited the availability of section 212(c) relief, certain classes of aliens remain eligible. This rule allows a 212(c) eligible alien who has adjusted to lawful permanent resident status, pursuant to sections 245A or 210 of the Act, to use the combined period of his or her status as a lawful temporary resident and lawful permanent resident to establish seven (7) years of lawful domicile in the United States for purposes of eligibility for section 212(c) relief. This rule will provide uniformity between the regulation and case law.

DATES: This final rule is effective August 14, 1997.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 305–0470; David M. Dixon, Chief Appellate Counsel, Immigration and Naturalization Service, Suite 309, 5113 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 756–6257.

SUPPLEMENTARY INFORMATION: Two recent enactments affect the availability of relief under section 212(c). The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) restricts the classes of alien criminals eligible for section 212(c) relief. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 repeals and replaces section 212(c), but only for proceedings commenced on or after April 1, 1997. This rule only affects the cases not covered by these new restrictions, i.e., those commenced before April 1, 1997, and not barred by AEDPA.

Under recent 212(c) case law, an alien who has acquired lawful permanent resident status under section 245A of the Act may accrue the seven (7) years of lawful domicile required for purposes of section 212(c) relief from the date of his or her application for temporary resident status. See *Robles* v. *INS*, 58 F.3d 1355 (9th Cir. 1995); *Avelar-Cruz* v. *INS*, 58 F.3d 338 (7th Cir. 1995); *Castellon-Contreras* v. *INS*, 45 F.3d 149 (7th Cir. 1995). The current regulation allows an alien to apply for section 212(c) relief only if he or she has established at least seven consecutive years of lawful permanent resident status immediately prior to filing the application. See 8 CFR 212.3(f)(2). The Board of Immigration Appeals (BIA) has determined that, in cases arising in the Ninth Circuit, an alien may use the period of temporary resident status to establish the requisite seven years. See *In re Carlos Cazares-Alvarez*, Interim Decision 3262 (BIA 1996). However, in cases arising in circuits without such a temporary resident status rule, the BIA has determined that the current regulation requires seven years of lawful permanent resident status. See *In re Hector Ponce de Leon-Ruiz*, Interim Decision 3261 (BIA 1996). The BIA has referred these cases to the Attorney General pursuant to 8 CFR 3.1(h)(1)(ii) to resolve the issue. The issue raised in *White* v. *INS*, 75 F.3d 213 (5th Cir. 1996) (whether 8 CFR 212.3(f)(2) is consistent with 8 U.S.C. 1182(c) and therefore is entitled to deference), has been addressed and rendered moot by section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, 110 Stat. 3009 (September 30, 1996) (repealing section 212(c) and substituting other relief), effective April 1, 1997, codified at section 240A of the Immigration and Nationality Act as amended. The *White* court computed the years of lawful unrelinquished domicile (including the years of lawful temporary resident status) rather than lawful permanent residence in determining eligibility for relief.

The Service published an interim rule with request for comments in the **Federal Register** on November 25, 1996, at 61 FR 59824. The interim rule permitted an alien to demonstrate lawful domicile for section 212(c) relief purposes by combining his or her status as a lawful temporary resident and as a lawful permanent resident under sections 245A or 210 of the Act. Since no comments were received, the Service and EOIR are adopting the interim rule as final without changes.

Effective Date

Since there are no changes between the interim rule and this final rule, the Service believes that ''good cause'' exists to implement this rule effective upon date of publication in the **Federal Register.**

Regulatory Flexibility Act

The Attorney General, in accordance with 5 U.S.C. 605(b) has reviewed this regulation and, by approving it, certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. The affected parties are individuals not small entities, and the impact of the regulation is not an economic one.

Unfunded Mandates Reform Act

This rule will not result in the expenditure by State, local, and tribunal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

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

Naturalization Service and the Executive Office for Immigration Review, 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 adopted herein 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. 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 final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 8 CFR part 212 which was published at 61 FR 59824 on November 25, 1996, is adopted as a final rule without change.

Dated: August 7, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97–21458 Filed 8–13–97; 8:45 am]

BILLING CODE 4410–10–M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Regulation E; Docket No. R–0959]

Electronic Fund Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing amendments to Regulation E (Electronic Fund Transfers). The revisions implement an amendment to the Electronic Fund Transfer Act (EFTA), contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that exempts certain electronic benefit transfer (EBT) programs from the EFTA. Generally, EBT programs involve the issuance of access cards and personal identification numbers to recipients of government benefits so that they can obtain their benefits through automated teller machines and point-of-sale terminals. The Board's amendments to Regulation E exempt needs-tested EBT programs that are established or administered by state or local government agencies. Federally administered EBT programs and state and local employment-related EBT programs (such as state pension programs) remain covered by Regulation E subject to modified requirements.

EFFECTIVE DATE: September 15, 1997.

FOR FURTHER INFORMATION CONTACT: Jane Jensen Gell, Senior Attorney, Division of Consumer and Community Affairs, at (202) 452–3667; for users of Telecommunications Device for the Deaf (TDD) only, contact Diane Jenkins at (202) 452–3544.

SUPPLEMENTARY INFORMATION:

I. Background

EFT Act and Regulation E

Regulation E implements the Electronic Fund Transfer Act (EFTA). The act and regulation cover any consumer electronic fund transfer (EFT) initiated through an automated teller machine (ATM), point-of-sale (POS) terminal, automated clearinghouse, telephone bill-payment system, or home banking program. The act and Regulation E establish rules that govern these and other EFTs. The rules restrict the unsolicited issuance of ATM cards and other access devices; require disclosure of terms and conditions of an EFT service; document EFTs by means of terminal receipts and periodic account statements; limit consumer liability for unauthorized transfers; and establish procedures for error resolution.

The EFTA is not limited to traditional financial institutions holding consumers' accounts. For EFT services made available by entities other than an account-holding financial institution, the act directs the Board to assure, by regulation, that the provisions of the act are made applicable. The regulation also applies to entities that issue access devices and enter into agreements with consumers to provide EFT services.

Electronic Benefit Transfer Programs

Electronic benefit transfer (EBT) programs are designed to deliver government benefits such as food stamps, supplemental security income (SSI), and social security. These systems function much like commercial systems for EFT. Eligible recipients receive magnetic-stripe cards and personal identification numbers and they access benefits through electronic terminals. In the case of cash benefits such as SSI, the terminals may include ATMs that are part of existing commercial networks; for food stamp benefits, POS terminals in grocery stores are typically used.

EBT offers numerous advantages over paper-based delivery systems, both for recipients and for program agencies. For recipients, these advantages include faster access to benefits, greater convenience in terms of times and locations for obtaining benefits, improved security because funds may be accessed as needed, lower costs because recipients avoid check-cashing fees, and greater privacy and dignity. For agencies, EBT programs offer a system that can more efficiently deliver benefits for both state and federal programs by reducing the cost of benefit delivery, facilitating the management of program funds, and helping to reduce fraud.

In March 1994, the Board amended Regulation E to bring EBT programs expressly within its coverage. 59 FR 10678 (March 7, 1994). The special provisions, contained in § 205.15, apply most of the requirements of the regulation—including those relating to liability for unauthorized transactions and to error resolution—with some modifications. The major exception related to providing periodic statements of account activity: EBT programs need not provide periodic statements as long as (1) account balance information is made available to benefit recipients via telephone and electronic terminals and (2) a written account history is given upon request.

The basic premise underlying the Board's 1994 amendments to Regulation E was that all consumers using EFT services should receive substantially the same protection under the EFTA and Regulation E. To enable states to test and implement their EBT programs, the Board delayed the date of mandatory compliance to March 1, 1997.

II. Revised Regulatory Provisions

On August 22, 1996, the Congress enacted amendments to the EFTA as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a comprehensive welfare reform law (Pub. L. 104–193, 110 Stat. 2105). These amendments exempt ''needs-tested'' EBT programs established or administered under state or local law. (''Needs-tested'' EBT programs generally take a recipient's income or other resources into account to determine the appropriate level of benefits.) The exemption was enacted by the Congress at the urging of state and local officials, who expressed concern about the costs of compliance with the EFTA and