

Section 1412.304 Provisions relating to tenants and sharecroppers.

This rule changes the date by which all landowners, tenants and sharecroppers failing to reach an agreement regarding the division of contract payments for a fiscal year, must execute a contract to be eligible to receive the contract payment for such fiscal year. If the landowners, tenants and sharecroppers on a farm fail to reach an agreement regarding the division of contract payments for a fiscal year, the county committee shall make the payment at a later date if all persons eligible to receive a share of the contract payment, have executed a contract no later than August 1 of that fiscal year, and subsequently agree to the division of contract payment.

List of Subjects in 7 CFR Part 1412

Contract acreage, Contract payments, Production flexibility contract, Succession-in-interest.

Accordingly, 7 CFR part 1412 is amended as follows:

PART 1412—PRODUCTION FLEXIBILITY CONTRACTS FOR WHEAT, FEED GRAINS, RICE, AND UPLAND COTTON

1. The authority citation for part 1412 continues to read as follows:

Authority: 7 U.S.C. 7201 *et seq.*; and 15 U.S.C. 714b and 714c.

2. Section 1412.201 is amended by adding paragraph (c) to read as follows:

§ 1412.201 Production flexibility contract.
* * * * *

(c) All producers sharing in the contract payments on a farm whose payment shares have not been designated for a fiscal year, must sign the contract designating payment shares and provide supporting documentation as specified in parts 1400, 1405, and 12 of this title, no later than August 1 of the fiscal year to be eligible to earn a contract payment in that fiscal year. If all producers have not signed the contract by this deadline; no producers on the contract will be eligible for a payment for that farm for that fiscal year.

3. Section 1412.207 paragraph (d) is revised to read as follows:

§ 1412.207 Succession-in-interest to a production flexibility contract.
* * * * *

(d) A producer or owner must inform the county committee of changes in interest not later than:

(1) August 1 of the fiscal year in which the change occurs, if producers on the contract remain the same, but payment shares change; or

(2) August 1 of the fiscal year in which the change occurs, if a new producer is being added to the contract.
* * * * *

4. Section 1412.302 paragraph (b) is revised to read as follows:

§ 1412.302 Contract payment provisions.
* * * * *

(b) At the option of the producer, for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be paid on December 15 or January 15, as requested by the producer. To receive the advance payment the producers on the farm must be in compliance with all requirements of the contract at the time of the advance payment. For fiscal year 1998 and each subsequent fiscal year, all producers sharing in the contract payment on the farm must, no later than 15 days prior to the final date to issue the advance payment sign the contract designating payment shares and provide supporting documentation as specified in parts 1400, 1405, and 12 of this title, if applicable; and request the advance payment. If all producers on the farm have not signed the contract designating payment shares, according to this paragraph, then no producers will be eligible for an advance payment for that farm for that fiscal year.
* * * * *

5. Section 1412.303 is amended by removing paragraph (a)(6) and revising paragraphs (a)(2) and (a)(4) to read as follows:

§ 1412.303 Sharing of contract payments.

(a) * * *
(2) A lease will be considered a cash lease if the lease provides for only a guaranteed sum certain cash payment, or a fixed quantity of the crop (for example, cash, pounds, or bushels per acre).
* * * * *

(4) A lease shall be considered a share lease if the lease provides for both a guaranteed amount such as a fixed dollar amount or quantity and a share of a crop or crop proceeds, including leases which provide for the greater of a guaranteed amount or share of the crop or crop proceeds.
* * * * *

6. Section 1412.304 paragraph (b) is revised to read as follows:

§ 1412.304 Provisions relating to tenants and sharecropper.
* * * * *

(b) Notwithstanding the provisions set forth at § 1412.302(c), if the landowners, tenants and sharecroppers on a farm fail to reach an agreement regarding the division of contract payments for a fiscal year, the county committee shall

make the payment at a later date if all persons eligible to receive a share of the contract payment, have executed a contract not later than August 1 of the applicable fiscal year and subsequently agree to the division of contract payment.

Signed at Washington, DC, on October 15, 1997.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245

[EOIR No. 119 I; A.G. ORDER No. 2120-97]

RIN 1125-AA20

Executive Office for Immigration Review; Adjustment of Status to That of Person Admitted for Permanent Residence

AGENCY: Executive Office for Immigration Review, Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the date by which aliens must file and pay for their applications for adjustment of status pursuant to section 245(i) of the Immigration and Nationality act. Such applications are adjudicated by the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Courts, or the Immigration and Naturalization Service. This rule also clarifies the procedure for paying for such adjustment applications when filed in conjunction with motions to reopen or reconsider.

DATES: *Effective Date:* This rule is effective October 23, 1997.

Comment Date: Written comments must be received on or before December 22, 1997.

ADDRESSES: Please submit written comments to Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia, 22041.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400,

Falls Church, Virginia, 22041, telephone (703) 305-0470.

SUPPLEMENTARY INFORMATION: On August 26, 1994, Congress enacted the Department of Commerce, Justice, State, and the Judiciary and Related agencies Appropriations Act of 1995, Pub. L. 103-317. Section 506(b) of this law added a new section 245(i) to the Immigration and Nationality Act (the Act) which allows certain persons already in the United States to adjust status, despite the provisions of section 245 (a) and (c) of the Act, upon payment of a fee in addition to the base filing fee for an adjustment of status application.

On July 23, 1997, the Immigration and Naturalization Service (Service) published an interim rule with request for comments (62 FR 39417) concerning adjustment of status applications filed pursuant to section 245(i) of the Act. The supplementary information to the interim rule reiterated that the provisions of section 245(i) apply only to applications filed on or after October 1, 1994, and before October 1, 1997. See section 506(c) of Pub. L. 103-317. However, timely filed applications may still be adjudicated after September 30, 1997. On September 30, 1997, the Executive Office for Immigration Review published a similar rule (62 FR 50999) that enabled the Executive Office for Immigration Review to complete adjudication of timely filed section 245(i) adjustment applications after September 30, 1997.

This program was due to terminate on October 1, 1997. However, on September 30, 1997, Congress extended the program until October 23, 1997. This interim rule reflects that applications filed subsequent to October 1, 1994, and prior to October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i) of the Act, will be adjudicated to completion by an officer of the service or EOIR.

This interim rule makes it clear that the Service and EOIR may consider a motion to reopen or reconsider an application for adjustment of status on the basis of section 245(i) of the Act if the applicant submitted a copy of the application for adjustment of status, a copy of Supplement A to Form I-485, and any other required documentation on or after October 1, 1994, and before October 23, 1997, or any other such date as Congress may determine in an extension of section 245(i) of the Act. However, in order to receive the benefit of a motion to reopen or reconsider that has been granted, the applicant must have remitted to the Immigration and Naturalization Service any additional

sum required by section 245(i) (the additional sum is currently \$1,000) before October 23, 1997, or any other such date as Congress may determine in an extension of this provision. This procedure is different from the procedures previously in effect for filing motions to reopen or reconsider with EOIR and which continue to apply to all other motions filed with EOIR. Those individuals who have properly filed motions to reopen or reconsider in order to apply for adjustment of status under section 245(i) but who have not yet paid the required fee, or those individuals whose motions have been granted in the past but who have not yet paid the required fee, must now pay that fee with the Immigration and Naturalization Service before October 23, 1997 or any other such date as Congress may determine in an extension of this provision.

The implementation of this rule as an interim rule, with immediate effect, and with provisions for post-promulgation public comment, is based upon the "good cause" exceptions found at 5 U.S.C. 553b (B) and (d)(3). Immediate implementation of this rule will ensure that all applicants for adjustment of status under section 245(i) are aware of the extended application period and the revised procedures for paying the application fee when submitting a motion to reopen or reconsider.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule affects only those aliens who are applying to adjust their status under section 245(i) of the Immigration and Nationality Act. Therefore, this rule does not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal 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

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866 and, accordingly, this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This rule has no federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

Executive Order 12988, Civil Justice Reform

The rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

List of Subjects in 8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, part 245 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. The authority citation for part 245 continues to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1255; 8 CFR part 2.

2. In § 245.10, paragraphs (c), (d), and (f) are revised to read as set forth below:

3. In § 245.10, paragraph (e) is amended in the last sentence by removing the reference to "October 1, 1997" and replacing it with "October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i)".

§ 245.10 Adjustment of status upon payment of additional sum under Public Law 103-317.

* * * * *

(c) *Application period.* The Service or the Executive Office for Immigration Review may approve an application for adjustment of status pursuant to section 245(i) of the Act if such application was filed either on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i). If an alien attempts to file an adjustment of status application under the provisions of section 245(i) outside

of this time period, the Service will accept the application and base filing fee, as set forth in § 103.7(b)(1) of this chapter, return the additional sum of \$1,000 to the alien, and either the Service or the Executive Office for Immigration Review will adjudicate the application pursuant to section 245(a) of the Act. If the alien, in such a case, is not eligible for adjustment of status, either the Service will issue a written notice advising the alien of the denial of the application for adjustment of status, or the Executive Office for Immigration Review will deny the application for adjustment of status.

(d) *Adjustment application filed on or after October 1, 1994, dated before October 23, 1997 or any other such date as Congress may determine in an extension of this provision, without Supplement A to Form I-485 and additional sum.* An adjustment of status applicant will be allowed the opportunity to amend an adjustment of status application filed in accordance with § 103.2 of this chapter on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i) of the Act, in order to request consideration under the provisions of section 245(i), if it appears that the alien is not otherwise ineligible for adjustment of status. If the application for adjustment of status is pending before the Service, the Service shall notify the applicant in writing of the Service's intent to deny the adjustment of status application, and any other requests for benefits that derive from the adjustment application, unless Supplement A to Form I-485 and any required additional sum is filed within 30 days of the date of the notice. If the application for adjustment of status is pending before the Executive Office for Immigration Review, the Executive Office for Immigration Review will deny the application and permit the applicant to file a motion to reopen in accordance with §§ 3.2(c) and 3.23 of this chapter along with proof of payment to the Immigration and Naturalization Service of the additional sum within 30 days of the denial.

* * * * *

(f) *Completion of processing of pending applications.* (1) An application for adjustment of status filed on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i) of the Act, shall be adjudicated to completion by an officer of the Service or by the Executive Office for Immigration Review, regardless of whether the final decision

is made after the termination of this program. The provisions of paragraph (d) of this section regarding amended applications shall apply to all such applications. The Service or the Executive Office for Immigration Review may consider a motion to open or reconsider an application for adjustment of status on the basis of section 245(i) if the applicant submitted a copy of the application for adjustment of status, a copy of Supplement A to Form I-485, and any other required documentation on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i). However, in order to receive the benefit of a motion to reopen or reconsider that has been granted, the applicant must have remitted to the Immigration and Naturalization Service before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i), any additional sum required by section 245(i). Even if a motion to reopen or reconsider is granted, failure to pay the additional sum to the Immigration and Naturalization Service before October 23, 1997 or any other such date as Congress may determine in an extension of 245(i) will result in the ultimate denial of the application for adjustment of status.

(2) Any application for adjustment of status submitted pursuant to section 245(i) and considered in deportation or removal proceedings must be filed between October 1, 1994, and October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i).

* * * * *

Dated: October 18, 1997.

Janet Reno,

Attorney General.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-80-AD; Amendment 39-10174; AD 97-22-03]

RIN 2120-AA64

Airworthiness Directives; Extra Flugzeugbau, GmbH. Model EA-300/200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Extra Flugzeugbau, GmbH. (Extra) Model EA-300/200 airplanes. This action requires installing a seat belt safety cover. A recent report of an Extra Model EA-300/200 airplane seat belt falling into the rear rudder pedal controls, interfering with the rudder pedals, and causing loss of directional control prompted this action. The action specified by this AD is intended to prevent a loss of directional control caused by seat belt interference with the rear rudder pedal controls, which could cause loss of control of the airplane.

DATES: Effective November 24, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1997.

Comments for inclusion in the Rules Docket must be received on or before December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 97-CE-80-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Extra Flugzeugbau, GmbH, Schwarze Heide 21, 46569 Hünxe, Germany; telephone 49-2858-9137-0; facsimile 49-2858-9137-30. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 97-CE-80-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Project Officer, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-3962; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition could exist on Extra Model EA-300/200 airplanes. The LBA advises that the pilot's seat belt may fall into the rear rudder pedal controls, hampering rudder control and possibly causing loss of directional control. This occurred on one of the affected airplanes in Germany.