

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Parts 212 and 264

[INS No. 1390-92]

RIN 1115-AD24

#### Mexican and Canadian Nonresident Alien Border Crossing Cards

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by revising the guidelines to clarify and standardize procedures for the application and issuance of border crossing cards to citizens and residents of Mexico or Canada, or British subjects residing permanently in Canada who wish to enter the United States for business or pleasure. This proposed rule promotes uniformity and clarity in the application requirements, decision-making process, and issuance of entry documents, while enhancing effective and efficient border enforcement within the border crossing card program.

**DATES:** Written comments must be submitted on or before April 8, 1996.

**ADDRESSES:** Please submit written comments, in triplicate, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper and timely handling please reference INS No. 1390-92 on your correspondence.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Jaromin, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, Telephone (202) 514-3275.

#### SUPPLEMENTARY INFORMATION:

##### Nonresident Alien Mexican Border Crossing Card

The Nonresident Alien Border Crossing Card, Form I-586 (BCC), is a document of identity issued by the Service at land border Ports-of-Entry (POEs) along the United States and Mexican border to accommodate Mexican nationals residing in the border area. Prevailing United States statutes and regulations require that Mexican nationals be in possession of valid travel documents to prove identity and nationality when applying for admission to the United States. To meet these requirements, the BCC is issued as a service to eligible Mexican citizens who are residents of Mexico for the purpose of facilitating their entry into the United States. A BCC may be used as the sole entry document by a Mexican citizen seeking to enter the United States for business (B-1) or pleasure (B-2) across a land border, or it may be presented in lieu of a B-1/B-2 nonimmigrant visa by a Mexican citizen seeking to enter the United States as a temporary visitor for business or pleasure at POEs other than land border crossings. A BCC holder entering the United States at a southern land border POE who will remain within 25 miles of the Mexican border for 72 hours or less requires no other immigration documentation. A BCC holder who wishes to remain in the United States for longer than 72 hours, or to travel beyond the 25-mile limit, must request permission. Depending on the circumstances of the request, Form I-444 (Mexican Border Visitors Permit) will be issued, or the person's visit to the United States will be controlled by issuing Service Form I-94. Form I-444 conveys permission to remain in the United States for up to 30 days and to travel anywhere within the states of Arizona, California, Nevada, New Mexico or Texas. Form I-94 is used to authorize entry to the United States beyond these states, or for longer periods of time. A BCC holder must remain a resident of Mexico to be eligible to retain and use the card.

The service first began issuing the current Form I-586 BCC in 1980. The previous version of the BCC, Nonresident Alien Mexican Border Crossing Card, Form I-186 BCC, is still in circulation and serves the same

purpose. A Form I-186 BCC in the possession of the rightful cardholder remains valid until revoked or voided, and may be replaced by Form I-586 BCC if it becomes lost, stolen or mutilated, or if the applicant requests a new card for other reasons, such as a name change. The current Form I-586 has a 10 year validity.

When the Service originally began issuing BCCs in the early 1950's the BCCs were issued sparingly and with an expiration date. Over the years, an erosion in the original stringent standards for BCC issuance and a lack of uniformity in issuance procedures from one POE to another have resulted in a large expenditure of time and effort in the detection of mala fide applicants and the revocation of BCCs that have been misused or fraudulently obtained. In Fiscal Year 1993, nearly 25,000 BCCs were intercepted by the Service after issuance for reasons of fraud, counterfeiting, alteration, use by impostors, and other improper use.

The lack of uniformity in issuance procedures has been raised periodically over the years. The changes to the Mexican BCC issuance procedures proposed in this rule were recommended at a border crossing card workshop comprised of representatives from Service Headquarters and the Service's Regional Offices, who determined that current regulations should be amended to strengthen and clarify the border crossing card application process. Additional suggestions came from field offices involved in issuance of the BCC.

#### Requirements and Procedures for Issuance

The documentary evidence necessary for the adjudication of a BCC is similar to that required for a nonimmigrant visa filed at an American Consulate in Mexico. The specific evidentiary requirements may be found at 8 CFR 212.6(b). The purpose of this documentation is to establish that the applicant is a Mexican citizen, has a domicile in Mexico which he or she has no intention of abandoning, and is likely to have adequate funds to pay for all expenses during any proposed visits to the United States. The applicant for a BCC must also meet the definition of a visitor for business or a visitor for pleasure as defined in section 101(a)(15)(B) of the Immigration and

Nationality Act (Act). Section 214(b) of the Act also provides that these conditions be met before issuance of an entry document.

Currently, the documents accepted and standards used in the issuance of the BCC vary widely in different areas, causing inconsistencies in the ability to obtain the benefit, and frequent interception and revocation of BCCs that have been misused or fraudulently obtained. This rule proposes to clarify the standards for issuance of border crossing cards by providing a list of documentary evidence that the applicant may present to a Service officer to establish residence and economic solvency. The list of evidence is comprehensive enough to allow for flexibility on the part of both the applicant and the adjudicating officer, and includes documents that may be accepted as primary as well as secondary evidence.

Insufficient personnel resources, seasonal fluctuations in vehicular and pedestrian traffic, and uneven distribution of application workload have all contributed to increased waiting times for appointments, adjudication of applications, and issuance of BCCs. To help alleviate the increased waiting period for BCC applicants, this rule proposes to expedite the process by providing guidelines for issuance of temporary border crossing documents to applicants who have no prior violations and who appear to meet all requirements for issuance.

The BCC is intended for use by Mexicans living in the immediate border area who are frequent crossers. Because of the disparity in population concentration in Mexican border states, it is difficult to uniformly define the term "border area" for purposes of determining who may apply for a BCC at a Port-of-Entry. Currently, some POEs accept applications from residents of area far distant from the border, resulting in overwhelming workload and diversion of staff from the primary function of inspecting vehicular and pedestrian traffic, which is a mandatory, statutory duty that must take precedence over BCC issuance. In attempting to obtain an equitable distribution of workload, neither limiting nor unduly burdening any particular district, the Service conducted a survey of Service districts along the Mexican border for their opinions concerning the distance into Mexico from which to accept applications. Since population distribution varies so greatly, this rule proposes to set a maximum geographical jurisdiction for acceptance of BCC

applications by Service districts based upon the corresponding Mexican state boundaries. It also allows some discretion on the part of the district director to account for population concentrations along the border, by permitting further limitation or subdivision within that area. One example of this discretion might be for a district director to limit applications for BCCs to Mexican citizens living within a specified number of miles from the border. Another example might be for the district director to specify which of several Ports-of-Entry will accept applications, according to the place of residence in Mexico.

#### Canadian Nonresident Alien Border Crossing Card

The Form I-185, Nonresident Alien Canadian Border Crossing Card (CBCC), is an identity document intended to facilitate the entry into the United States of certain Canadian citizens, and British subjects who are lawful permanent residents of Canada. Since the passport and visa requirements are waived by regulation for Canadian citizens and British subjects residing in Canada when crossing the United States-Canadian border, the CBCC is generally issued to an eligible applicant who is inadmissible to the United States pursuant to section 212(a) of the Act, and who has been granted a waiver of that inadmissibility pursuant to section 212(d)(3)(B) of the Act. According, the CBCC acts as evidence of a permanent waiver of inadmissibility for the holder of the document, because the CBCC currently is valid until revoked.

Current regulations relating to the issuance of CBCCs are included in the provisions for issuance of Mexican BCCs. The proposed regulatory language segregates the provisions of issuance of the two documents and separately addresses issues relating to use of the BCC and CBCC, procedures for application, and procedures and grounds for denial. Variances in application procedures are in part made necessary due to differing documentary requirements for entry to the United States for Mexican nationals and Canadian nationals. Additionally, the volume of applications for the BCC far exceeds that of the CBCC. The proposed rule also proposes an expiration date.

The CBCC has traditionally been used by individuals seeking entry as B-1 or B-2 visitors for business or pleasure. While use of the CBCC for entry is not restricted to these nonimmigrant categories, the proposed language specifically includes entry in any nonimmigrant classification for which a visa is not required. This language will

allow the holder of a CBCC to seek entry in all nonimmigrant categories except E (Treaty Trader/Investor) and K (Fiance/Fiancee), and will serve to facilitate the entry of business persons and thereby comport with provisions of the North American Free Trade Agreement (NAFTA).

The current regulation contains no provision for denial of an application made on Form I-175, Application for Non-Resident Alien's Canadian Border Crossing Card. The proposed rule addresses both the procedural and substantive aspects of denial of Form I-175. No form is currently in use for denial of Form I-175. The proposed rule allows for denial to be made by letter from the district director, thereby precluding the need for distribution of a new form. No appeal from a denial will be available. In cases where a waiver of excludability has been denied, or where the waiver is valid for a restricted number of entries, the proposed rule provides that the Form I-175 application for a CBCC shall also be denied. When restrictions have been placed on the waiver, the district director has the discretion to deny issuance of the CBCC.

As stated previously, the CBCC is currently valid until revoked or voided. The proposed rule provides for a change in the term of validity of the CBCC and allows for issuance of a card valid for a maximum period of 10 years. Aliens who presently submit Form I-192, Application for Advance Permission to Enter as Nonimmigrant (for advance permission to enter as nonimmigrants) are issued waiver forms valid for 6 months to 1 year. Regulations at 8 CFR 212.4(c) allow for such waivers, if granted in conjunction with issuance of a CBCC, to be valid for the validity period of the border crossing card. The proposed rule will allow for periodic review of the cases of those aliens who have applied for and been granted CBCCs. Limiting the period of validity for the CBCC is consistent with the Service practice of limiting validity of other similar identity documents.

#### 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 the rule will not have a significant economic impact on a substantial number of small entities because of the following factors: The BCCs and CBCCs are applied for by individuals, not small entities; and, the rule simply codifies policies and procedures that have been in place for

many years, imposing no additional burden on applicants or small entities.

#### *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 regulations proposed 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. 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.

#### *Paperwork Reduction Act*

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the Provisions of the Paperwork Reduction Act. Clearance numbers for these collection are contained in 8 CFR 299.5, Display of Control Numbers.

#### List of Subjects

#### *8 CFR Part 212*

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

#### *8 CFR Part 264*

Aliens, Registration and fingerprinting, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

### **PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; and 8 CFR part 2.

2. Section 212.6 is amended by:

- a. Revising paragraphs (a) and (b);
- b. Removing paragraphs (c) and (f); and by

c. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d) respectively, to read as follows:

#### **§ 212.6 Nonresident alien border crossing cards.**

(a) *Mexican.* (1) *Use of Nonresident Alien Border Crossing Cards.* The rightful holder of a Nonresident Alien Mexican Border Crossing Card, Form I-186, or Nonresident Alien Border Crossing Card, Form I-586, applying for admission from contiguous territory as a visitor for business or as a visitor for pleasure, may be admitted under § 235.1(f) and (g) of this chapter if found otherwise admissible. Persons in possession of Form I-186 may continue its use because it serves the same purpose as the Form I-586, which is the card currently issued. The Form I-186 remains valid until revoked or voided, and may be replaced by Form I-586 if it becomes lost, stolen or mutilated, or if the applicant requests a new card. An alien in possession of Form I-186 or Form I-586 seeking entry as a visitor for business or pleasure must also present a valid passport and shall be issued Form I-94 if the alien is applying for admission from:

- (i) A country other than Mexico or Canada, or
- (ii) Canada if the alien has been in a country other than the United States or Canada since leaving Mexico.

(2) *Application.* A citizen of Mexico must apply for a nonresident border crossing card on Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. To be considered a complete application, the Form I-190, Application must be accompanied by:

- (i) Evidence of Mexican citizenship in the form of a valid, unexpired Mexican international passport or a valid Mexican Form 13;
- (ii) Three color photographs with a white or off-white background. The photographs must be glossy or matte finish, unretouched, and not mounted. The dimensions of the facial image must be approximately 1 inch from the chin to the top of the hair and from the left cheek to the right ear, and the applicant must be shown in a 3/4 frontal view showing the right side of the face with both the right ear and left eye visible; and,
- (iii) Proof that the applicant has a foreign residence abroad which he or she has no intention of abandoning. Proof includes but is not limited to evidence of economic solvency and established residence in Mexico for a minimum period of the past 6 months immediately prior to the date of the applicant's interview.

(A) *Primary evidence of employment or economic solvency.* Evidence of employment or economic solvency may consist of but is not limited to: pay checks, salary stubs, or an original pay receipt list (no photocopies) where the employee signed for salary for a minimum period of the last 6 months, or evidence of business ownership and current local government business licenses, and local, state, and Federal tax receipts for the current year. An applicant who is not self-supporting must be accompanied at the time of applicant's interview by the person providing support, or the applicant must provide sufficient documentary proof of support, as previously described, on behalf of the person providing support. In cases where an applicant claims to be married to the person providing support, his or her marriage certificate must be presented.

(B) *Secondary evidence of economic solvency (to overcome deficiencies in primary evidence).* Evidence may consist of but is not limited to: current bank statements or transactions showing continuous solvency for a minimum period of the last 6 months immediately prior to the date of interview, or if the applicant is a member of the Mexican Social Security Health Plan, the most recent payment receipt and/or recent identification showing current membership, showing economic solvency.

(C) *Primary evidence of residence abroad.* If an applicant is renting his or her residence, evidence may consist of but is not limited to: rent receipts, utility receipts, or a rental agreement bearing the applicant's name. If an applicant is the property owner of his or her residence, evidence may consist of the residential property deed, utility receipts for the claimed place of residence bearing the applicant's name, or current property tax receipts. When an applicant resides with relatives, the officer may accept evidence of residence in the relative's name if the residential relationship is established to the satisfaction of the adjudicating officer.

(d) *Other forms of secondary evidence of residence abroad which may be accepted.* Evidence may consist of but is not limited to: a manifest of acreage farmed signed by the Secretary of Agriculture with an official seal from the local government, a letter from the Municipal Inspector of Cattle stating the size of an applicant's herd and/or evidence of brand registration, identification card indicating applicant is a cattle rancher or farmer, bookkeeping records, postmarked correspondence, and, if a student, school records. If applying for a border

crossing card during the summer vacation, a student's previous school year documents and evidence of intention to enroll for the following school year are required.

(3) *Submission of Form I-190.* (i) Form I-190, Application for Non-Resident Alien's Mexican Border Crossing Card, shall be properly completed and submitted in accordance with § 212.6(a)(3)(ii) of this part to an immigration officer at a southern land border Port-of-Entry.

(ii) Only residents of the border states in Mexico are eligible to file Form I-190 with an immigration officer at a southern land border Port-of-Entry. District directors may also, at their discretion, further subdivide their area of jurisdiction among specific Port-of-Entry within a district, or further limit the area from which Mexican residents may apply. These limitations may include, but are not restricted to, accepting applications only from residents of a specific municipality with a Mexican border state, or from Mexican nationals residing within a specific distance from the border. The maximum geographical jurisdiction for acceptance of applications for a border crossing card at a Port-of-Entry shall be divided as follows:

(A) The San Diego District may only accept applications from residents of the State of Baja California;

(B) The Phoenix District may only accept applications from residents of the State of Sonora;

(C) The El Paso District may only accept applications from residents of the State of Chihuahua;

(D) The San Antonio District may only accept applications from residents of the States of Coahuila, Nuevo Leon, and the city of Nuevo Laredo;

(E) The Harlingen District may only accept applications from residents of the States of Nuevo Leon and Tamaulipas.

(iii) An applicant who does not reside within this designated border area in Mexico must apply to the American consulate having jurisdiction over his or her place of residence for a nonimmigrant visa or Border Crossing Card.

(4) *Interview.* Each applicant, regardless of age, must appear in person for an interview concerning eligibility for a nonresident alien border crossing card. However, the district director may waive the interview requirement for children under 6 years of age where the parent(s) or legal guardian(s) have a Border Crossing Card.

(5) *Denial of Form I-190.* If the applicant cannot demonstrate that he or she has a foreign residence which he or she has no intention of abandoning, his

or her application for a border crossing card shall be denied. If the application is denied, the applicant shall be given a written notice of denial and the reasons for the denial. There is no appeal from the denial of the Form I-586. The applicant is not precluded from filing a new application, however, the applicant may not submit a subsequent application for a border crossing card to the Service for at least 180 days.

(6) *Issuance of temporary card.* Prior to the interview with an applicant, the Service will complete appropriate database inquiries for each applicant over the age of 14. Following adjudication by an immigration officer, if the application is approved, a temporary document shall be issued using the third copy of the Form I-190. A photo of the applicant shall be affixed to the temporary document, with the admission stamp partially covering the photo. A scheduled date for pick up of the Form I-586 BCC shall also be stamped on the form. The temporary document shall be issued for a specified period of time in increments to be determined by the district director, based on the current timeframe needed for card production and mailing from the Immigration Card Facility. However, the district director may decline to issue a temporary document if the timeframe for card production and mailing from the Immigration Card Facility is 30 calendar days or less.

(7) *Validity.* The Form I-586 BCC shall be valid for 10 years from the date of issuance or until revoked or voided by the service. Notwithstanding any expiration date which may appear thereon, Form I-186 BCC is valid until revoked or voided. Any Form I-186 BCC or Form I-586 BCC issued to a minor child must be surrendered within 30 days of the child attaining the age of 14 years, and a new Form I-586 BCC may be issued bearing the holder's signature and fingerprint upon submission of a new Form I-190, without fee, and evidence of continued eligibility.

(b) *Canadian.* (1) *Use of Nonresident Alien Canadian Border Crossing Card, Form I-185.* Any Canadian citizen or lawful permanent resident (landed immigrant) of Canada having a common nationality with nationals of Canada, may use Form I-185 CBCC for entry at a United States Port-of-Entry. Entry may be made in any nonimmigrant classification which does not require prior issuance of a visa pursuant to § 212.1.

(2) *Application.* A citizen of Canada or a lawful permanent resident of Canada having a common nationality with nationals of Canada must apply for

a non-resident alien border crossing card on Form I-175, Application for Nonresident Alien's Canadian Border Crossing Card, in duplicate. To be considered a complete application, the Form I-175 must be accompanied by the following:

(i) Evidence of Canadian citizenship, or if a permanent resident of Canada, evidence of valid landed immigrant status and evidence of having common nationality with nationals of Canada;

(ii) Proof that the applicant has a foreign residence abroad which he or she has no intention of abandoning;

(iii) Three color photographs with a white or off-white background. The photographs must be glossy or matte finish, unretouched, and not mounted. The dimensions of the facial image must be approximately 1 inch from the chin to the top of the hair and from the left cheek to the right ear, and the applicant must be shown in a 3/4 frontal view showing the right side of the face with both the right ear and left eye visible; and,

(iv) A fee as prescribed in § 103.7(b)(1) of this chapter.

(v) Additionally, those applicants who are seeking issuance of Form I-185 to function as a waiver of inadmissibility shall submit, in conjunction with Form I-175, a completed Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, and all required documentation pursuant to § 212.4 of this chapter.

(3) *Submission of Form I-175.* Form I-175 shall be properly completed and submitted to an immigration officer at a Canadian border Port-of-Entry located within the district having jurisdiction over the applicant's residence or intended Port-of-Entry.

(4) *Denial of Form I-175.* In the case of an applicant seeking a waiver of inadmissibility, Form I-175 shall be denied in each case in which the accompanying Form I-192 is denied. In the case of an applicant for whom a Form I-192 has been approved for a restricted number of entries, Form I-175 shall be denied. In the case of an applicant for whom a Form I-192 has been approved for multiple entries, Form I-175 may be denied at the discretion of the district director if the waiver is the first such waiver granted to the applicant, or if the waiver order contains any restrictions or limitations on the alien's entry. If the Form I-175 application is denied, the applicant shall be given written notice of and the reasons for the denial by letter from the district director. There is no appeal from the denial of Form I-175, but the denial is without prejudice to a subsequent

application for admission to the United States. The applicant is not precluded from filing a new application, however, the applicant may not submit a subsequent application for a border crossing card to the Service for at least 180 days.

(5) *Issuance of Form I-185.* Following approval of Form I-175, each applicant is required to appear in person for issuance of Form I-185, Nonresident Alien Canadian Border Crossing Card.

(6) *Validity.* Form I-185 shall be valid for 10 years from date of issuance, or until revoked or voided.

\* \* \* \* \*

**PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES**

3. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301-1305.

4. In § 264.1, paragraph (b) is amended by adding in proper numerical sequence the entry for Form "I-586", to read as follows:

**§ 264.1 Registration and fingerprinting.**

\* \* \* \* \*

(b) \* \* \*

\* \* \* \* \*

I-586, Nonresident Alien Border Crossing Card—Citizens of Mexico residing in Mexico.

\* \* \* \* \*

5. Section 264.4 is revised to read as follows:

**§ 264.4 Application to replace a Nonresident Alien Border Crossing Card.**

Pursuant to § 212.6(d) of this chapter, an application for a replacement Nonresident Alien Canadian Border Crossing Card must be filed on Form I-175, and an application for a replacement Nonresident Alien Border Crossing Card for Mexican citizens must be filed on Form I-190. A fee for the filing of either Form I-175 or Form I-190, as prescribed in § 103.7(b) of this chapter, must be submitted at the time of application.

Dated: December 10, 1995.

Doris Meissner,

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 96-2453 Filed 2-5-96; 8:45 am]

BILLING CODE 4410-10-M

**8 CFR Part 274a**

[INS No. 1713-96]

RIN 1115-AB73

**Extension of Application Deadline for Participation in the Demonstration Project Concerning Electronic Options for Processing of Forms I-9**

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

**ACTION:** Notice extending deadline for submission of applications.

**SUMMARY:** The Immigration and Naturalization Service (Service) published a notice in the Federal Register on November 30, 1995 at 60 FR 61630. The notice provided application requirements and guidance to businesses, consortium of businesses, or other employing entities which might be interested in participating in a demonstration project dealing with the electronic production and/or storage of a Form I-9, Employment Eligibility Verification Form. The proposed demonstration project discussed in the notice was the result of numerous inquiries made by members of the business community expressing a desire to electronically produce and/or store the Form I-9.

This subsequent notice serves to inform the public that the Service has decided to extend the deadline for applications for the demonstration project. This extension is in response to the considerable number of requests the Service has received from the business community to allow for additional time to prepare applications.

**DATES:** Written applications, responding to all of the Application Requirements and Criteria cited in the November 30, 1995 Federal Register notice published at 60 FR 61630, or available on the Internet at [gopher:justice.usdoj.gov](http://gopher:justice.usdoj.gov), must be submitted on or before March 8, 1996.

**ADDRESSES:** Please submit an original application and five copies to the Immigration and Naturalization Service, 425 I Street, NW., Room 1000, Washington, DC 20536, Attention: Form I-9 Demonstration Project.

**FOR FURTHER INFORMATION CONTACT:** Robert Atwater, Immigration and Naturalization Service, 425 I Street, NW., Room 1000, Washington, DC 20536, telephone (202) 514-2998.

Dated: February 1, 1996.

Doris Meissner,

*Commissioner.*

[FR Doc. 96-2486 Filed 2-1-96; 2:12 pm]

BILLING CODE 4410-10-M

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 2**

RIN 3150-AF23

**Petition for Rulemaking; Procedure for Submission**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule: Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a notice of proposed rulemaking published in the Federal Register on March 28, 1995 (60 FR 15878), pertaining to petitions for rulemaking. The proposed rule would have provided incentive of more expeditious disposition by the NRC to those petitioners who submitted detailed supporting information in their petitions which facilitated NRC review. The proposed rule would also have delineated factors that affect priorities for review of the petitions. In lieu of the proposed rulemaking, the information in the proposed rule together with additional guidance will be provided in a Regulatory Guide to be developed by the NRC and distributed to the industry and the public.

**FOR FURTHER INFORMATION CONTACT:** T. Y. Chang, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6450.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 28, 1995 (60 FR 15878), the NRC published a notice of proposed rulemaking for public comment in the Federal Register, entitled "Petition for Rulemaking; Procedure for Submission", to amend § 2.802, Petition for Rulemaking. The proposed rule would have provided incentive of more expeditious disposition by the NRC to those petitioners who submitted detailed supporting information in their petitions which facilitated NRC review. The proposed rule would also have delineated factors that affect priorities for review of the petitions.

Twelve comment letters were received on the proposed rule. The industry and various Federal and local governmental agencies generally commended the NRC for proposing ways to improve the process of petitioning for rulemaking, but most commenters thought it is unnecessary to codify the criteria for expedited processing of petitions for rulemaking in the Code of Federal Regulations.