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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1647-95]

RIN 1115-AE24

Priority Dates for Employment-Based Petitions

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

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

EFFECTIVE DATE: January 31, 1997.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only a very limited number of petitioners and aliens who filed requests for labor certifications prior to October 1, 1991.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

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

List of Subjects in 8 CFR Part 204

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

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

Dated: January 17, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-ACE-21]

Amendment to Class E Airspace; Omaha, NE

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: 0901 UTC, May 22, 1997.

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

SUPPLEMENTARY INFORMATION:

History

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