

(4) If the alien was not in valid H-1A nonimmigrant status on October 11, 1996, evidence that the alien was within the United States on October 11, 1996. For purposes of this provision, an alien will be deemed to have been within the United States on October 11, 1996, who, although not physically present in the United States on that date, was subsequently admitted to the United States in H-1A classification pursuant to an unexpired H-1A visa.

* * * * *

§ 214.2 [Amended]

3. In § 214.2, newly redesignated paragraph (h)(9)(iii)(B)(2)(ii) is amended in the second sentence by revising the phrase "Chief of the Administrative Appeals Unit, Central Office" to read: "Director, Administrative Appeals Office, Headquarters".

Dated: February 28, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97-5660 Filed 3-6-97; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-ANE-44]

Removal of Class D and E Airspace; South Weymouth, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action removes the Class D and Class E airspace areas at South Weymouth, MA due to the closure of the South Weymouth Naval Air Station (KNZW).

EFFECTIVE DATE: This rule was effective 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, Operations Branch, ANE-530.3, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION: The FAA published this direct final with a request for comments in the Federal Register on December 19, 1996 (61 FR 66908). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule

advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on January 30. No adverse comments were received, and thus this notice confirms that this final rule became effective on that date.

Issued in Burlington, MA, on February 28, 1997.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

[FR Doc. 97-5716 Filed 3-6-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 96-ANE-46]

Amendment to Class E Airspace; Springfield/Chicopee, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action modifies the Class E airspace at Springfield/Chicopee, MA by removing the Class E airspace extending upward from the surface, effective during the times when the Airport Traffic Control Tower (ATCT) is not operating. This action results from the elimination of continuous weather reporting at Westover ARB/Metropolitan Airport (KCEF).

EFFECTIVE DATE: This rule was effective 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Sandra V. Bogosian, Operations Branch, ANE-530.4, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7534; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION: The FAA published this direct final with a request for comments in the Federal Register on December 19, 1996 (61 FR 66911). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on January 30. No adverse comments were received, and thus this notice confirms

that this final rule became effective on that date.

Issued in Burlington, MA, on February 28, 1997.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

[FR Doc. 97-5714 Filed 3-6-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 97-ANE-11]

Amendment to Class E Airspace; Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action modifies the Class E airspace at Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA by removing from their descriptions references to Class E airspace areas removed by previous actions. This action is necessary to keep the descriptions of controlled airspace areas operationally current.

DATES: Effective 0901 UTC, May 22, 1997.

Comments for inclusion in the Rules Docket must be received on or before April 7, 1997.

ADDRESSES: Send comments on the rule to: Manager, Operations Branch, ANE-530, Federal Aviation Administration, Docket No. 97-ANE-11, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7530; fax (617) 238-7596.

The official docket file may be examined in the Office of the Assistant Chief Counsel, New England Region, ANE-7, Room 401, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7050; fax (617) 238-7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Manager, Operations Branch at the first address listed above.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, Operations Branch, ANE-530.3, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION: On February 16, 1996, the FAA published final rule that removed the Class E airspace at Moore Army Airfield, Fort

Devens, MA (61 FR 5937), and on December 19, 1996, a final rule that removed the Class E airspace at Fall River Municipal Airport, Fall River, MA (61 FR 66910). Each of those actions was due to the closure of the airport at those locations. Due to the close proximity of those airports to other airports, however, the descriptions of controlled airspace at other locations in the vicinity of the closed airports still contain references to the removed airspace areas. This action revises the descriptions of Class E airspace areas at Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA by removing from their descriptions references to Class E airspace areas removed by those previous actions. This action is necessary to keep the descriptions of controlled airspace operationally current.

Class E airspace designations for airspace areas extending upward from 700 feet above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in this Order.

The Direct Final Order Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. 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. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **FEDERAL REGISTER** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit a comment, a document withdrawing the direct final rule will be published in the **FEDERAL REGISTER**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded

by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-ANE-11." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air

navigation. It is certified that these proposed rules will not have 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 71

Airspace, Incorporation by reference, navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Subpart E—Class E Airspace

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.

* * * * *

ANE MA E5 Mansfield, MA

Mansfield Municipal Airport, MA
(Lat. 42°00'00"N, long. 71°11'48"W)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of Mansfield Municipal Airport; excluding that airspace within the Boston, MA, Hopedale, MA, North Kingstown, RI, and Pawtucket, RI, Class E airspace areas.

* * * * *

ANE MA E5 Taunton, MA

Taunton Municipal Airport, MA
(Lat. 41°52'28"N, long. 71°01'01"W)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Taunton Municipal Airport; excluding that airspace within the Boston, MA, New Bedford, MA, and Mansfield, MA, Class E airspace areas.

* * * * *

ANE NH E5 Nashua, NH

Nashua, Boire Field, NH
(Lat. 42°46'54"N, long. 71°30'53"W)

CHERN NDB

(Lat. 42°49'24"N, long. 71°36'08"W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Boire Field, and within that area bounded by a line beginning at lat. 42°53'54"N, long. 71°30'47"W; to lat. 43°02'25"N, long.

71°13'28"W; to lat. 42°55'15"N, long. 71°06'58"W; to lat. 42°38'30"N, long. 71°21'48"W; to lat. 42°40'30"N, long. 71°27'03"W, and within 4 miles each side of the CHERN NDB 303° bearing extending from the 7-mile radius to 10 miles northwest of the NDB; excluding that airspace within the Portsmouth, NH, and Boston, MA, Class E airspace areas.

* * * * *

ANE RI E5 Newport, RI

Newport State, RI

(Lat. 41°31'56"N, long. 71°16'53"W)

Providence VORTAC

(Lat. 41°43'28"N, long. 71°25'47"W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Newport State Airport, and within 2.2 miles on each side of the Providence VORTAC 150° radial extending from the 6.3-mile radius to 5.6 miles southeast of the Providence VORTAC, and within 4 miles northwest to 6 miles southeast of Newport State Airport 025° bearing extending from the 6.3-mile radius to 16.2 miles northeast of the Newport State Airport; excluding that airspace within the New Bedford, MA, Class E airspace area.

* * * * *

ANE RI E5 Providence, RI

Providence, Theodore Francis Green State Airport, RI

(Lat. 41°43'25"N, long. 71°25'36"W)

Providence VORTAC

(Lat. 41°43'28"N, long. 71°25'47"W)

That airspace extending upward from 700 feet above the surface within an 8.8-mile radius of Theodore Francis Green State Airport, and within 4 miles northwest to 4.5 miles southeast of the Providence VORTAC 211° radial extending from the 8.8-mile radius to 16.7 miles southwest of the Providence VORTAC, and within 4 miles on each side of the VORTAC 330° radial extending from the 8.8-mile radius to 15.4 miles northwest of the Providence VORTAC, and within 2.9 miles on each side of the Providence VORTAC 132° radial extending from the 8.8-mile radius to 9.6 miles southeast of the Providence VORTAC; excluding that airspace within the North Kingstown, RI, Pawtucket, RI, and Newport, RI, Class E airspace areas.

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Issued in Burlington, MA, on February 28, 1997.

David J. Hurley,

Assistant Manager, Air Traffic Division, New England Region.

[FR Doc. 97-5713 Filed 3-6-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 17

[Airspace Docket No. 96-ANE-45]

Removal of Class E Airspace; Fall River, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action removes the Class E airspace area at Fall River, MA due to the closure of the Fall River Municipal Airport (KFLR) and the cancellation of the standard instrument approach procedure to that airport.

EFFECTIVE DATE: This rule was effective 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, Operations Branch, ANE-530.3, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION: The FAA published this direct final with a request for comments in the Federal Register on December 19, 1996 (61 FR 66910). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on January 30. No adverse comments were received, and thus this notice confirms that this final rule became effective on that date.

Issued in Burlington, MA, on February 28, 1997.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

[FR Doc. 97-5715 Filed 3-6-97; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Final Rulemaking Concerning Contract Market Rule Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted amendments to Commission Regulation 1.41(c) that establish procedures for the Commission's review of contract market rules that do not relate to contract terms and conditions. The amendments shorten the Commission's time frame for reviewing complex rules and streamline

the rule review process such that rule changes generally can be deemed approved or permitted to be put into effect without Commission approval.

Specifically, all non-term and condition rule changes that meet the form and content requirements will be deemed approved or be permitted to be put into effect without approval ten days after Commission receipt, unless the Commission takes action to commence review of the proposal for a 45-day period (or a 75-day period in the case of rules published for comment in the Federal Register) or the contract market agrees to another, specified review period. At the end of the 45-day (or 75-day) review period, a proposed rule meeting the form and content requirements will be deemed approved or become effective without approval unless the Commission informs the submitting contract market of its intention to initiate disapproval proceedings, the contract market withdraws the proposal, or the contract market requests that the review period be extended to the current 180-day period.

EFFECTIVE DATE: April 7, 1997.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5490.

SUPPLEMENTARY INFORMATION:

I. Introduction

On December 17, 1996, the Commission published for public comment in the Federal Register¹ proposed amendments to Commission Regulation 1.41 revising the Commission's procedures for the review of contract market rules that do not relate to terms and conditions.² The original comment period was scheduled to end on January 16, 1997, but was extended by the Commission until January 31, 1997.³

¹ 61 FR 66241 (December 17, 1996).

² On November 22, 1996, the Commission published a separate proposed rulemaking establishing similar "fast-track" review procedures for contract market designation applications and proposed rules relating to contract terms and conditions under Regulation 1.41(b). (61 FR 59386.) The Commission also is adopting that rulemaking today in a separate Federal Register release with slight modifications from the original proposed rulemaking (the "fast-track" rulemaking). The two rulemakings establish similar rule review procedures and any differences between the two schemes generally reflect differences set forth in the statute with respect to term and condition rule proposals and non-term and condition rule proposals.

³ 62 FR 2334 (January 16, 1997).