

Foreign Affairs Manual associated with aliens unlawfully present and also through future changes to the regulations associated with the immediate relative visa categories.

Finally, one commentator expressed a concern that a battered spouse who has to leave the country may face protracted delays in his or her visa processing if the Consular Officer "readjudicates" the INS approved petition that is part of the application. While the concern of the commentator is appreciated, such petitions for battered spouses must be treated in accord with other petitions used by applicants. To that end, 22 CFR 42.41 states that a Consular Officer is authorized to grant the status requested upon receipt of an approved petition, but that the applicant still has "the burden of establishing to the satisfaction of the Consular Officer that the [applicant] is eligible in all respects to receive a visa." The Consular Officer will not readjudicate the petition, therefore, but still must consider and report to INS any information which leads the Consular Officer to believe that the petition was approved in error.

Final Rule

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or recordkeeping action from the public requiring the approval of the Office and Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been coordinated with INS and reviewed to ensure consistency therewith.

List of Subjects in 22 CFR Part 40

Aliens, Immigrants, Immigration, Nonimmigrants, Passports and visas.

In view of the foregoing, the interim rule amending 22 CFR 40 which was published at 62 FR 67564 on December 29, 1997, is adopted as a final rule with the following change:

PART 40—REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

1. The authority citation for Part 40 continues to read as follows:

Authority: 8 U.S.C. 1104, Pub. L. 104-208, 110 Stat. 3009, 22 U.S.C. 26512.

2. Section 4091(a) is revised as follows:

§ 40.91 Certain aliens previously removed.

(a) **5-year bar.** An alien who has been found inadmissible, whether as a result of a summary determination of inadmissibility at the port of entry under INA 235(b)(1) or of a finding of inadmissibility resulting from proceedings under INA 240 initiated upon the alien's arrival in the United States, shall be ineligible for a visa under INA 212(a)(9)(A)(i) for 5 years following such alien's first removal from the United States.

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Dated: October 5, 1998.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98-30858 Filed 11-20-98; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-98-071]

Drawbridge Operation Regulation; St. Croix River

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR Part 117.667 governing the operation of the Burlington Northern Railroad Drawbridge across the St. Croix River at Mile 0.2, at Prescott, Wisconsin. This deviation allows the bridge to open upon receipt of 24 hours advance notice from 12:01 a.m. on November 15, 1998, to 11:59 p.m. on December 15, 1998. This action will facilitate maintenance work on the bridge.

DATES: The deviation is effective from 12:01 a.m. on November 15, 1998, to 11:59 p.m. on December 15, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Wiebusch at Director, Western Rivers Operations (ob), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, telephone number (314) 539-3900, ext. 378.

SUPPLEMENTARY INFORMATION: The Burlington Northern Railroad Drawbridge across the St. Croix River at Mile 0.2, at Prescott, Wisconsin provides a vertical clearance of 20.4 feet above normal pool in the closed to navigation position. Navigation on the waterway is a mixture of recreational boats and commercial tows. A temporary deviation has been requested

from the normal operation of the bridge in order to accommodate maintenance work. The work is essential for the continued safe operation of the drawbridge. The deviation was coordinated with waterway users and no objections to the deviation have been made.

This deviation allows the Burlington Northern Railroad Drawbridge across the St. Croix River at Mile 0.2, at Prescott, Wisconsin to remain closed to navigation from 12:01 a.m. on November 15, 1998 to 11:59 p.m. on December 15, 1998, with openings provided upon receipt of 24 hours advance notice.

The deviation will be effective from 12:01 a.m. on November 15, 1998 until 11:59 p.m. on December 15, 1998. Presently, the draw is required to open on signal when drawbridge operation regulations are not amended by a deviation.

Dated: November 2, 1998.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 98-31212 Filed 11-20-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IL173-1a; FRL-6191-1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Illinois; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is approving the Illinois State Plan submittal for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines. The State's plan was submitted to USEPA on July 21, 1998, in accordance with the requirements for adoption and submittal of State plans for designated facilities in 40 CFR part 60, subpart B. The state plan establishes performance standards for existing MSW landfills and provides for the implementation and enforcement of those standards. The USEPA finds that Illinois' Plan for existing MSW landfills adequately addresses all of the Federal requirements applicable to such plans. In the proposed rules section of this **Federal Register**, the USEPA is proposing approval of, and soliciting