

implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99-21-23 Avions Mudry & Cie:

Amendment 39-11368; Docket No. 99-CE-26-AD.

Applicability: Model CAP 10B airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 25 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To provide the flight information necessary to the pilot so that excessive speed is not

used during aerobatic maneuvers, which could result in the wing separating from the airplane, accomplish the following:

(a) Restrict the entry speed for performing flick maneuvers to 97 knots through the incorporation of the following information into the CAP 10B flight manual. Accomplish this by inserting a copy of this AD into the Limitation Section of the flight manual:

"The never-exceed airspeed for positive or negative flick-maneuvers is 180 km/h (97 knots)."

(b) Fabricate a placard that incorporates the following words (using at least 1/8-inch letters), and install this placard on the instrument panel within the pilot's clear view:

"THE NEVER-EXCEED AIRSPEED FOR POSITIVE OR NEGATIVE FLICK-MANEUVERS IS 180 KM/H (97 KTS)"

Note 2: Although not required by this AD, the FAA recommends that the bonds between the plywood skins and the ribs are checked and corrected through the "tapping" method specified in Avions Mudry Service Bulletin No. 15. This procedure is especially recommended if it is suspected that the above-referenced speed limitation was exceeded during a previous flight.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to Avions Mudry Service Bulletin No. 990501, dated May 20, 1999, should be directed to Avions Mudry & Cie, 9, rue de l'Aviation, 21121 Darois, France; telephone: 03 80 356 65 10; facsimile 03 80 35 65 15. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 4: The subject of this AD is addressed in French AD T1999-222(A), not dated.

(f) This amendment becomes effective on December 3, 1999.

Issued in Kansas City, Missouri, on October 5, 1999.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26567 Filed 10-12-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF STATE

22 CFR Parts 40 and 42

[Public Notice 2980]

RIN 1400-AB03

Technical Corrections to Regulations Regarding the Issuance of Immigrant and Nonimmigrant Visas

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This rule makes minor technical and editorial changes to various sections of the Department of State's regulations, necessitated by changes to the Immigration and Nationality Act, and in certain cases, for greater overall clarity.

EFFECTIVE DATES: This rule takes effect October 13, 1999.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, 202/663-1204 (odomhe@state.gov).

SUPPLEMENTARY INFORMATION: A number of revisions, both of an editorial variety and certain ones necessitated by changes in the law, are reflected herein.

22 CFR 40.1—Definitions

Section 631 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (Pub. L. 104-208) amended section 221(c) of the Immigration and Nationality Act by striking "four months" and adding "six months." Correspondingly, the Department amended the regulation at 22 CFR 42.72(a) extending the validity period of an immigrant visa to six months [see 62 FR 27693]. That statutory change is applicable to 22 CFR 40.1(a) as well, as an alien who is applying for an immigrant visa as the accompanying spouse or child of the principal alien may do so for the validity of the principal alien's visa, which IIRIRA increased to six months.

Also, editorial changes are made to paragraphs (f), (g), (i), (l), (m).

22 CFR 40.21—Crimes Involving Moral Turpitude and Controlled Substance Violators

Minor editorial corrections are made to 22 CFR 40.21, paragraphs (a) and (b).

22 CFR 40.81—Ineligible for Citizenship

An addition is made to 22 CFR 40.81 to clarify the meaning of the regulation. This is done to assist consular officers in ascertaining the visa eligibility of certain applicants, especially with respect to individuals who are former members of the armed services.

22 CFR 42.21— Immediate Relatives

An addition to 22 CFR 42.21, Immediate Relatives, is made to reflect a revision to the INA as done by § 219(b)(1) of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103–416). This revision entitles the children of deceased U.S. citizens to immediate relative status.

22 CFR 42.71—Authority To Issue Visas; Visa Fees

A technical correction is made to 22 CFR 42.71 changing the incorrect reference cite “INA 243(g)” to read “INA 243(d).”

Final Rule

The implementation of the rules as a final rule is based upon the “good cause” exception established by 5 U.S.C. 553(b) and 553(d)(3). The changes made either confer a benefit upon aliens as authorized by the new statute or make minor editorial changes that do not change substance or procedure. These editorial changes were made simply for clarity and to comply with the Presidential Memorandum on Plain Language, dated June 1, 1998. The agency hereby finds that notice and public procedure thereon is unnecessary because the rule confers a benefit authorized by law upon eligible aliens and involves no substantive or procedural change from present practice. In addition, pursuant to § 605(b) of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule and it has been determined, and the Assistant Secretary for Consular Affairs hereby certifies, that it will not have a significant economic impact on a substantial number of small entities. The rule has no economic effect beyond that of the statutory requirements already in effect which it implements.

As required by 5 U.S.C. chapter 8, the Department has screened this rule, as defined in 5 U.S.C. 80412.

This rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act.

This rule has been reviewed as required by E.O. 12988 and determined to meet the applicable regulatory standards it describes. Although exempted from E.O. 12866, this rule has been reviewed to ensure consistency with it.

List of Subjects in 22 CFR Part 40 and 42

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

In view of the foregoing, 22 CFR Parts 40 and 42 are amended as follows:

PART 40—[AMENDED]

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

Authority: 8 U.S.C. 1104.

2. Amend the introductory text and paragraphs (a), (f), (g), (i), and (l) of § 40.1 to read as follows:

§ 40.1 Definitions.

The following definitions supplement definitions contained in the Immigration and Nationality Act (INA). As used in the regulations in parts 40, 41, 42, 43 and 45 of this subchapter, the term:

(a) (1) *Accompanying or accompanied by* means not only an alien in the physical company of a principal alien but also an alien who is issued an immigrant visa within 6 months of:

(i) The date of issuance of a visa to the principal alien;

(ii) The date of adjustment of status in the United States of the principal alien; or

(iii) The date on which the principal alien personally appears and registers before a consular officer abroad to confer alternate foreign state chargeability or immigrant status upon a spouse or child.

(2) An “accompanying” relative may not precede the principal alien to the United States.

* * * * *

(f) *Dependent area* means a colony or other component or dependent area overseas from the governing foreign state.

(g) *Documentarily qualified* means that the alien has reported that all the documents specified by the consular officer as sufficient to meet the requirements of INA 222(b) have been obtained, and the consular office has completed the necessary clearance procedures. This term is used only with respect to the alien’s qualification to apply formally for an immigrant visa; it bears no connotation that the alien is eligible to receive a visa.

* * * * *

(i) *Foreign state*, for the purposes of alternate chargeability pursuant to INA 202(b), is not restricted to those areas to which the numerical limitation prescribed by INA 202(a) applies but includes dependent areas, as defined in this section.

* * * * *

(l) *Native* means born within the territory of a foreign state, or entitled to be charged for immigration purposes to

that foreign state pursuant to INA section 202(b).

* * * * *

3. Amend § 40.21(a) by revising paragraphs (a)(1) and (2) to read as follows:

§ 40.21 Crimes involving moral turpitude and controlled substance violators.

(a) *Crimes involving moral turpitude—(1) Acts must constitute a crime under criminal law of jurisdiction where they occurred.* A Consular Officer may make a finding of ineligibility under INA 212(a)(2)(A)(i)(I) based upon an alien’s admission of the commission of acts which constitute the essential elements of a crime involving moral turpitude, only if the acts constitute a crime under the criminal law of the jurisdiction where they occurred. However, a Consular Officer must base a determination that a crime involves moral turpitude upon the moral standards generally prevailing in the United States.

(2) *Conviction for crime committed under age 18.* (i) An alien will not be ineligible to receive a visa under INA 212(a)(2)(A)(i)(I) by reason of any offense committed:

(A) Prior to the alien’s fifteenth birthday, or

(B) Between the alien’s fifteenth and eighteenth birthdays unless such alien was tried and convicted as an adult for a felony involving violence as defined in section 1(1) and section 16 of Title 18 of the United States Code.

(ii) An alien tried and convicted as an adult for a violent felony offense, as so defined, committed after having attained the age of fifteen years, will be subject to the provisions of INA 212(a)(2)(A)(i)(I) regardless of whether at the time of conviction juvenile courts existed within the convicting jurisdiction.

* * * * *

4. Revise § 40.81 to read as follows:

§ 40.81 Ineligible for citizenship.

An alien will be ineligible to receive an immigrant visa under INA 212(a)(8)(A) if the alien is ineligible for citizenship, including as provided in INA 314 or 315.

PART 42—[AMENDED]

5. The authority citation for part 42 continues to read:

Authority: 8 U.S.C. 1104.

6. Amend § 42.21 by revising paragraph (b) to read as follows:

§ 42.21 Immediate relatives.

* * * * *

(b) *Spouse of a deceased U.S. Citizen.* The spouse of a deceased U.S. citizen, and each child of the spouse, will be entitled to immediate relative status after the date of the citizen's death provided the spouse or child meets the criteria of INA 201(b)(2)(A)(i) and the Consular Officer has received an approved petition from the INS which accords such status, or official notification of such approval, and the Consular Officer is satisfied that the alien meets those criteria.

7. Amend § 42.71 by revising paragraph (a) to read as follows:

§ 42.71 Authority to issue visas; visa fees.

(a) *Authority to issue visas.* Consular officers may issue immigrant visas at designated consular offices abroad pursuant to the authority contained in INA 101(a)(16), 221(a), and 224. (Consular offices designated to issue immigrant visas are listed periodically in Visa Office Bulletins published by the Department of State.) A consular officer assigned to duty in the territory of a country against which the sanctions provided in INA 243(d) have been invoked must not issue an immigrant visa to an alien who is a national, citizen, subject, or resident of that country, unless the officer has been informed that the sanction has been waived by INS in the case of an individual alien or a specified class of aliens.

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Dated: September 16, 1999.

Mary A. Ryan,
Assistant Secretary for Consular Affairs.
[FR Doc. 99-26612 Filed 10-12-99; 8:45 am]
BILLING CODE 4710-06-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-98-054]

RIN 2115 AE47

Drawbridge Operation Regulations; Suwannee River, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the old CSX Railroad bridge, across the Suwannee River, mile 35.0 at Old Town, Dixie/ Levy Counties, by allowing the bridge to remain permanently closed. This action will accommodate the needs of non motorized recreational traffic and still

provide for the reasonable needs of navigation.

DATES: This section becomes effective November 12, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536-4103.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 9, 1998, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (63 FR 60226). The Coast Guard received one comment on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The CSX Railroad bridge across Suwannee River is required to open with 5 Days advance notice (33 CFR 117.33). However, no requests for a bridge opening have been received since 1981. The State of Florida purchased the bridge in 1997 and removed the railroad tracks for development of the nature Coast Trail, a public facility for non-motorized recreational activities.

Discussion of Comments and Changes

One comment was received requesting that the bridge be returned to operable condition within six months, if changed conditions warrant it. The final rule is changed from the proposed rule to address the concern expressed by the comment. A provision has been added to restore the bridge to operable condition within 6 months of notification by the District Commander to do so.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of executive order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation. (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10 e of the regulatory policies and procedures of DOT is unnecessary. We conclude this because of the lack of requests to open the draw.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities.

“Small entities” may include small businesses and not for profit organizations that are independently owned and operated and are not dominant in their field and governmental jurisdictions with populations of less than 50,000. Because it expects the impact of the proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed the rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and has determined under Figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.
For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.333 is revised to read as follows:

§ 117.333 Suwannee River.

The draw of Suwannee River bridge, mile 35 at Old Town need not be opened for the passage of vessels, however, the draw shall be restored to operable condition within 6 months after notification by the District Commander to do so.

Dated: September 16, 1999.

Thad. W. Allen,
Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 99-26673 Filed 10-12-99; 8:45 am]
BILLING CODE 4910-15-P