

rule" under 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, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR 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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6002 Class E airspace designated as a surface area for an airport.

* * * * *

ANM WY E2 Sheridan, WY [Revised]

Sheridan County Airport, WY
(Lat. 44°46'09"N, long. 106°58'49"W)
Sheridan VORTAC

(Lat. 44°50'32"N, long. 107°03'40"W)
Within a 4.5-mile radius of the Sheridan County Airport, and within 4.5 miles each side of the 157° bearing from the airport, extending from the 4.5-mile radius to 17.6 miles southeast of the airport, and within 3.5 miles each side of the Sheridan VORTAC 312° and 327° radials extending from the 4.5-mile radius to 10.1 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC 140° radial extending from the 4.5-mile radius to 21.4 miles southeast of the VORTAC.

* * * * *

Issued in Seattle, Washington, on January 5, 1998.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division,
Northwest Mountain Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ANM-12]

Amendment of Class E Airspace; Powell, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Powell, WY, Class E airspace. This amendment provides additional airspace to fully encompass the procedures for a new Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Yellowstone Regional Airport, Cody, WY.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM-520.6, Federal Aviation Administration, Docket No. 97-ANM-12, 1601 Lind Avenue S.W., Renton, Washington, 98055-4056; telephone number: (425) 227-2527.

SUPPLEMENTARY INFORMATION:

History

On October 31, 1997, the FAA proposed to amend Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by amending the Class E airspace area at Powell WY (62 FR 58931). This action would provide additional airspace to fully encompass a revised SIAP at Yellowstone Regional Airport. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

This action is the same as the proposal except for two typographical errors discovered (and corrected herein) in the coordinates for the Powell NDB and the Powell Municipal Airport. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the 1200-foot Class E airspace at Powell, WY. The revised airspace,

which overlies the Yellowstone Regional Airport, provides an extension to the south from approximately 6 to 26 miles, thus fully encompassing the new SIAP.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a 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

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR 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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

ANM WY E5 Powell, WY [Revised]

Powell Municipal Airport, WY
(Lat. 44°52'07" N, long. 108°47'35" W)
Powell NDB
(Lat. 44°52'01" N, long. 108°47'11" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Powell Municipal Airport, and within 2.7 miles each side of the Powell NDB 164°

bearing extending from the 7-mile radius to 7.9 miles southeast of the Powell NDB; that airspace extending upward from 1,200 feet above the surface beginning at lat. 45°22'00" N, long. 108°55'03" W; to lat. 45°22'00" N, long. 108°11'02" W; to lat. 44°15'15" N, long. 108°11'02" W, thence southwestward along the edge of the Worland, WY, 1,200-foot Class E airspace area to lat. 44°00'00" N, long. 108°24'43" W; west to lat. 44°00'00" N, long. 109°00'00" W; north to lat. 44°20'00" N, long. 109°00'00" W; thence west along lat. 44°20'00" N, to the east side of V-465, thence northeast along the east side of V-465 to the point of beginning.

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Issued in Seattle, Washington, on December 23, 1997.

Glenn A. Adams III,

*Assistant Manager, Air Traffic Division,
Northwest Mountain Region.*

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DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Public Notice 2664]

Visas: Issuance of New or Replacement Immigrant Visas

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This rule amends the Department's regulations to comply with a change in the Immigration and Nationality Act (INA) that requires the Department to factor the number of immigrant visas issued to immediate relatives into the annual worldwide limitation on immigration.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Pam Chavez, Legislation and Regulations Division, Visa Services, Department of State, Room L6-21, SA-1, Washington, DC 20520-0106. Phone: (202) 663-1203.

SUPPLEMENTARY INFORMATION: On November 29, 1990, the President signed the Immigration Act of 1990 (IMMACT 90) which, among other things, amended by including the number of aliens granted immediate relative status into the calculation for determining the annual family preference limitation. Before IMMACT 90 (Pub. L. 101-649) the number of immediate relative visas issued to the spouses, minor children and parents of U.S. citizens was not a factor in determining the overall annual numerical limitation for worldwide immigration.

IMMACT 90 amended the INA by requiring the Department to deduct the number of immediate relatives granted permanent resident status in the United States during the previous fiscal year from the worldwide 480,000 annual limit for the current fiscal year, but limited the annual family preference limit to no less than 226,000. To avoid double-counting the number of visas issued to immediate relatives who, for reasons beyond their control, are unable to use their original immigrant visas, consular offices will now issue replacement visas rather than new visas. The Department is amending its regulations at 22 CFR 42.74 accordingly.

Final Rule

The Department has determined that there is good cause for this rule to be exempt from notice comment requirements under 5 U.S.C. 553(b)(3)(A) because Public Law 101-649 requires that the number of aliens granted immediate relative status be included in the calculation of the annual family preference limitation and the use of replacement visas rather than new visas is simply an administrative mechanism to avoid double counting. Notice and public comment thereon are therefore unnecessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended in 1996 (5 U.S.C. Chapter 6), requires the Federal Government to anticipate and minimize the impact of rules and paperwork requirements on small entities. Such entities are defined as small businesses (those with fewer than 500 employees), small non-profit organizations (those with fewer than 500 employees), and small governmental entities (those in areas with fewer than 50,000 residents). The Department has assessed the potential impact of the Rule and the Assistant Secretary for Consular Affairs by approving it certifies that it will not have a significant economic effect on a substantial number of small entities. It imposes no requirements on such entities.

In addition, pursuant to the Small Business Regulatory Fairness Act (5 U.S.C. Chapter 8), the Department has screened the Rule and determined that it is not a "major rule", as defined in 5 U.S.C. 804(2). It will not result in an annual effect on the economy of \$100,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies in domestic and export markets.

Paperwork Reduction Act

No new information requirements are contained in this final rule.

Executive Orders 12866 and 12988

This rule is exempt from Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the objectives thereof. This rule also has been reviewed as required by Executive Order 12988 and determined to be in compliance therewith.

Executive Order 12612

This rule will not have substantial direct effect on the States, on the relationship between the national government and the States, or on 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.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) and Executive Order 12875.

List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Visas and passports.

In view of the foregoing 22 CFR is amended as follows:

PART 42—[AMENDED]

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

Authority: 8 U.S.C. 1104.

2. 22 CFR 42.74 is amended by revising paragraph (a) and (b) to read as follows:

§ 42.74 Issuance of new or replacement visas.

(a) *New immigrant visa for a special immigrant under INA 101(a)(27)(A) and (B).*

(1) The consular officer may issue a new immigrant visa to a qualified alien entitled to status under INA 101(a)(27)(A) or (B), who establishes:

- (i) That the original visa has been lost, mutilated or has expired, or
- (ii) The alien will be unable to use it during the period of its validity;