

Executive Order 13132

This rule 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 section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

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

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104-13, all departments are required to submit to the Office of Management and Budget (OMB), for review and approval, any reporting or recordkeeping requirements inherent in a final rule. This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act. However, as previously stated under Executive Order 12866, the DHS anticipates that as a result of this regulation there will be a reduction in the number of Form I-765 submissions. Accordingly, BCIS has submitted the Paperwork Reduction Change Worksheet (OMB-83C) to the OMB reflecting the reduction in burden hours for Form I-765 and the OMB has approved the changes.

List of Subjects in 8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

■ Accordingly, part 274a of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 1. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

■ 2. Section 274a.12 is amended by:

- a. Revising the introductory text of paragraph (a);
- b. Revising paragraph (a)(5);
- c. Removing the last sentence in paragraph (a)(15);
- d. Revising paragraph (c);
- e. Removing the second sentence in paragraph (c)(9);

■ f. Removing the last sentence in paragraph (c)(10);

■ g. Removing the last sentence in paragraph (c)(16);

■ h. Removing the last sentence in paragraph (c)(20);

■ i. Removing the last sentence in paragraph (c)(24);

■ The revisions read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(a) *Aliens authorized incident to status.* Pursuant to the statutory or regulatory reference cited, the following classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. Any alien who is within a class of aliens described in paragraphs (a)(3), (a)(4), (a)(6)–(8), or (a)(10)–(16) of this section, and who seeks to be employed in the United States, must apply to the Bureau of Citizenship and Immigration Services (BCIS) for a document evidencing such employment. BCIS may, in its discretion, determine the validity period assigned to any document issued evidencing an alien's authorization to work in the United States.

* * * * *

(5) An alien granted asylum under section 208 of the Act for the period of time in that status, as evidenced by an employment authorization document, issued by BCIS to the alien. An expiration date on the employment authorization document issued by BCIS reflects only that the document must be renewed, and not that the bearer's work authorization has expired. Evidence of employment authorization shall be granted in increments not exceeding 5 years for the period of time the alien remains in that status.

* * * * *

(c) *Aliens who must apply for employment authorization.* An alien within a class of aliens described in this section must apply for work authorization. If authorized, such an alien may accept employment subject to any restrictions stated in the regulations or cited on the employment authorization document. BCIS, in its discretion, may establish a specific validity period for an employment authorization document, which may include any period when an administrative appeal or judicial review of an application or petition is pending.

Dated: July 20, 2004.

Tom Ridge,

Secretary of Homeland Security.

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SMALL BUSINESS ADMINISTRATION**13 CFR Part 121**

[Docket No. 04-10066]

RIN 3245-AE92

Small Business Size Regulations; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule; correction of applicability date.

SUMMARY: The U.S. Small Business Administration (SBA) is correcting a final rule that appeared in the **Federal Register** of May 21, 2004 (69 FR 29192). The document amended the definitions of affiliation and employees and made procedural and technical amendments to cover several of SBA's programs.

DATES: *Effective Date:* The rule is effective on June 21, 2004.

Applicability Date: These amendments apply to all solicitations issued on or after June 21, 2004, as well as all applications for financial or other assistance pending as of or submitted to the SBA on or after June 21, 2004. The amendments will apply to all follow-on or contract renewals and size representations submitted as part of an order issued pursuant to a contract (if the Contracting Officer has reserved the order for small businesses and requested a size certification) on or after December 21, 2004. The amendments will apply to all novation and change-of-name agreements executed pursuant to FAR 42.12 on or after December 21, 2004. The SBA believes it is necessary to delay applicability of this rule for such situations because some novations may be in the progress of completion, but not yet completed at this time and this change in applicability date will not hinder the progress of such agreements.

FOR FURTHER INFORMATION CONTACT: Gary Jackson, Assistant Administrator, Office of Size Standards, (202) 205-6618, or Gary.Jackson@sba.gov.

SUPPLEMENTARY INFORMATION: In FR Doc 04-10066 appearing on page 29192 in the **Federal Register** of Friday, May 21, 2004, the SBA published a final rule amending its size regulations. In response to inquiries, SBA is issuing this notice to clarify application of the effective date, by modifying the

applicability date section of the final rule. The final rule remains effective on June 21, 2004. The amendments apply to all solicitations issued on or after the effective date, as well as all applications for financial or other assistance pending as of or submitted to the SBA on or after the effective date. However, the amendments will apply to all follow-on or contract renewals and size representations submitted as part of an order issued pursuant to a contract (if the Contracting Officer has reserved the order for small businesses and requested a size certification) on or after December 21, 2004. Further, it will apply to all novation and change-of-name agreements executed pursuant to FAR 42.21 on or after December 21, 2004. The SBA believes it is necessary to delay applicability of this rule for such situations because some novations may be in the progress of completion, but not yet completed at this time and this change in applicability date will not hinder the progress of such agreements.

Allegra F. McCullough,

Associate Deputy Administrator for Government Contracting and Business Development.

[FR Doc. 04-17437 Filed 7-29-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE208, Special Condition 23-148-SC]

Special Conditions; Piper Cheyenne PA-31T, PA-31T1, and PA-31T2; Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Marinvent Corporation, 50 Rabastaliere East, Suite 23, St. Bruno, Quebec, Canada J3V2A5 for Federal Aviation Administration validation of a Canadian supplemental type certificate (STC) to install the Meggitt Magic Electronic Flight Instrument System (EFIS) and Air Data Attitude and Heading Reference System (ADAHRS) on the Piper Cheyenne model PA-31T, PA-31T1, and PA-31T2 airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards.

These novel and unusual design features include the installation of electronic flight instrument system (EFIS) displays and digital attitude sensing equipment for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is July 15, 2004. Comments must be received on or before August 30, 2004.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. CE208, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE208. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Wes Ryan, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4127; fax 816-329-4090; e-mail wes.ryan@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the

comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. CE208." The postcard will be date stamped and returned to the commenter.

Background

These special conditions are being issued as part of the validation process for an existing Canadian STC for the Cheyenne, which is currently approved under TC No. A8EA. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS and an ADAHRS that is vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR 21.101, The Marinvent Corporation must show that the Piper Cheyenne PA-31T, PA-31T1, and PA-31T2 aircraft meet the original certification basis for each model, as listed in type certificate (TC) data sheet A8EA, as follows:

CAR 3, effective May 15, 1956, through Amendment 3-8, effective December 18, 1962; and 14 CFR 23.205, 23.1545, 23.1563 and 23.1585, as amended by Amendment 23-3, effective November 11, 1965; and § 23.1557(c), as amended by Amendment 23-7, effective September 14, 1969. Eastern Region Engineering and Manufacturing Branch letter dated December 6, 1965, addresses the showing of equivalent safety for CAR 3.682, 3.771, and 3.772.

In addition:

Model PA-31T: Special Conditions Nos. 23-3-EA-1, Docket No. 9245, including Amendment No. 1 and AEA-210 letter dated November 11, 1971, and 14 CFR 23.991 as amended by Amendment 23-7, effective September 14, 1969.

Model PA-31T1: Special Conditions No. 23-3-EA-1, Docket No. 9245, including Amendment No. 1 and AEA-210 letter dated November 11, 1971, as amended by AEA-210 letter dated February 1, 1978, referring to Amendment 23-14 and § 23.991 as amended by Amendment 23-7, effective September 14, 1969, and SFAR 27 (Fuel Venting).