

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with VIA Rail Canada Inc. on May 31, 1985, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportation lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, VIA Rail Canada Inc.

Dated: June 12, 1985.

Marvin J. Gibson,

Acting Associate Commissioner,
Examinations, Immigration and
Naturalization Service.

[FR Doc. 85-15004 Filed 6-20-85; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 248

Change in Nonimmigrant Classification

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule requires that when an alien is seeking to change nonimmigrant status to that of an "H" temporary worker or "L" intracompany transferee classification, the application for change of nonimmigrant classification, Form I-506, must be filed with the nonimmigrant visa petition, Form I-129B, which determines the "H" or "L" classification, or the application must be accompanied by the notice of approval of the nonimmigrant visa petition, Form I-171C. This rule also requires that the application for such change of nonimmigrant status to "H" or "L" must always be filed with the district director who has jurisdiction over the nonimmigrant visa petition, Form I-129B, or with the district director having jurisdiction over the place where the services are performed. This rule will help the Service provide more expeditious adjudication of the changes of nonimmigrant status requests by keeping all related documents together and by reducing the Services' need to obtain records from another Service office prior to the adjudication of an application and provide more efficient service to the public.

EFFECTIVE DATE: July 22, 1985.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: Jeffrey D. Trecartin, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The current regulation governing the place of filing an application to change nonimmigrant status, Form I-506, provides that the application be filed with the district director having jurisdiction over the residence of the applicant. In a number of cases, this results in the filing of the eligibility visa petition, Form I-129B, and the application for change of nonimmigrant classification, Form I-506, in two different jurisdictions. This would be the case when the alien lives in one state (e.g., New York) and works in another state (e.g., New Jersey). This split of jurisdiction in "H" and "L" cases causes increased processing time and unnecessary administration problems. This final rule amends the existing rule by requiring that Form I-506 be filed with the district director having

jurisdiction over the place where the service will be performed in "H" or "L" without regard to beneficiary's place of residence.

The final rule requires either the concurrent filing of the application Form I-506 and the nonimmigrant visa petition Form I-129B with the district director having jurisdiction over the Form I-129B, or if submitted separately, that the notice of approval of the petition, Form I-171C, accompany the Form I-506. Form I-506 must be filed in the same jurisdiction as the Form I-129B in all cases, thus keeping both proceedings under the jurisdiction of the same district director. If the services will be performed or the training will be received in more than one location in the United States, the petition and application must be filed with a Service office having jurisdiction over at least one of those areas.

Notice of proposed rule making was published in the *Federal Register* on October 10, 1984 at 49 FR 39685 with a 30 day comment period ending November 9, 1984. The two comments received were from the private immigration bar and were supportive of the proposed rule. One of the writers suggested that the following sentence be added to the final rule. "If the services will be performed or the training will be received in more than one location in the United States, the petition and application must be filed with a Service office having jurisdiction over at least one of those areas." The Service has included this sentence in the final rule.

The second writer emphasized that the change is beneficial to both the Service and the public. The Service agrees that the consolidation of paperwork needed to make such a change of status would reduce the transfer of files within the Service's record system and as a result, provide more efficient, timely service to the public.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is not a major rule as defined in section 1(b) of E.O. 12291. It would not have an effect on the economy of \$100 million or more, result in an increase in costs, prices for consumers or have a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 8 CFR Part 248

Administrative practice and procedures, Aliens, Immigration and Nationality Act.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

1. The authority citation for Part 248 continues to read as follows:

Authority: Sections 103 and 248 of the Immigration and Nationality Act, as amended, (8 U.S.C. 1103 and 1258).

2. Section 248.3 is amended by revising paragraph (a); existing paragraphs (b) thru (f) are redesignated (c) thru (g) respectively; and a new paragraph (b) is added to read as follows:

§ 248.3 Application.

(a) *General.* A nonimmigrant alien who seeks to change the visa classification under which he or she was admitted to the United States shall apply for a change of nonimmigrant classification on Form I-506, Applicant for Change of Nonimmigrant Status. The applicant shall submit documentary evidence establishing eligibility for the change of classification being requested. Form I-506 must be filed with the district director having jurisdiction over the applicant's place of temporary residence in the United States, except for change of status to classification under section 101(a)(15) (H) or (L) of the Act.

(b) *Change to H or L.* An applicant for change of nonimmigrant classification to H or L shall submit Form I-506 accompanied by either Form I-129B, Petition to Classify Nonimmigrant as Temporary Worker or Trainee, or a copy of the Form I-171C, Notice of Approval or Extension of Nonimmigrant Visa Petition of H or L Alien, to the district director having jurisdiction over the place of employment. If the services will be performed or the training will be received in more than one location in the United States, the petition and application shall be filed with a Service office having jurisdictions over at least one of those areas. In the case of a "blanket L" applicant, the I-506 may be filed with the district director having jurisdiction over at least one of the areas where the services will be performed, or may be filed with the district director where the blanket petition was filed.

§ 248.4 [Removed]

3. Section 248.4 is removed.

Dated: June 16, 1985.

Marvin J. Gibson,

*Acting Associate Commissioner,
Examinations, Immigration and
Naturalization Service*

[FR Doc. 85-15005 Filed 6-20-85; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION**10 CFR Part 0****Conduct of Employees; Minor Amendments**

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its standards of conduct to codify in NRC's regulations provisions of the Ethics in Government Act of 1978 (18 U.S.C. 207) as amended, relating to reporting of financial assets by senior NRC officials. The Commission is also adopting several other amendments to its regulations on employee conduct. The amendments will exempt former NRC employees from the post-employment restrictions of 18 U.S.C. 207 in order to communicate scientific or technological information to the NRC; eliminate an ambiguity relating to the acceptance by NRC employees of gifts, meals, and entertainment from foreign governments; and modify the regulations to require only annual publication of the prohibited security interests list (formerly published twice annually).

EFFECTIVE DATE: June 21, 1985. However, the Commission is extending the opportunity for public comment on this final rule until July 22, 1985.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 202-634-1465.

SUPPLEMENTARY INFORMATION: Since 1979, senior NRC officials have submitted Financial Disclosure Reports (Standard Form 278) in accordance with the provisions of the Ethics in Government Act of 1978. This reporting requirement currently is not codified in the Commission's regulations. The

amendments add a new section 10 CFR 0.735-28a to the regulations, stating that employees paid at a salary rate of GG-16 and above or holding positions that are excepted from the regular competitive appointment process by reason of being of a confidential or policymaking character must file financial disclosure reports that will be made available to the public. The Commission has decided not to incorporate into its regulations the detailed regulations regarding the financial reporting requirements under the Ethics in Government Act. Instead, a cross reference is made to the detailed regulations promulgated by the Office of Government Ethics that can be found in 5 CFR Part 734.

Under § 0.735-29(a), most NRC professional employees are barred from owning stocks, bonds, and other security interests issued by the major companies in the commercial nuclear field. Section 0.735-29(b) currently provides that the Commission will publish a list of the prohibited security interests twice a year. Because there have been few changes in the list from year to year, the Commission has determined that it is not necessary to revise the list twice a year. Accordingly, it is modifying its regulations to require only annual publication of the list.

The Commission is also adopting an amendment to eliminate an ambiguity in § 0.735-42 relating to the acceptance by NRC employees of gifts, meals, and entertainment from foreign governments. The amendment makes clear that employees may accept gifts, meals and entertainment from foreign governments when acceptance is not barred by the Foreign Gifts and Decorations Act (Pub. L. 95-105).

Finally, the agency is promulgating procedures pursuant to section 207(f) of the Ethics in Government Act that would permit former NRC employees to be exempted from the post-employment restrictions of 18 U.S.C. 207 in order to communicate scientific or technological information to the NRC.

Because these amendments relate solely to matters of agency management or personnel, good cause exists for omitting notice of proposed rulemaking and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the Federal Register.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore neither an

environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). Existing requirements were approved by the Office of Management and Budget approval number 3206-0092.

List of Subjects in 10 CFR Part 0

Conflict of interest, Penalty.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 0.

PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for Part 0 is revised to read as follows:

Authority: Secs. 25, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2035, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 11222, 30 FR 6489, 3 CFR 1964-1965 COMP., p. 306; 5 CFR 735.104.

Sections 0.735-21 and 0.735-29 also issued under 5 U.S.C. 552, 553. Section 0.735-26 also issued under secs. 501, 502, Pub. L. 95-521, 92 Stat. 1864, 1867, as amended by secs. 1, 2, Pub. L. 96-28, 93 Stat. 76, 77 (18 U.S.C. 207).

§§ 0.735-3, 0.735-21, 0.735-29, 0.735-40 (Amended)

2. The authority citations following §§ 0.735-3, 0.735-21, 0.735-29, and 0.735-40 are removed.

3. In § 0.735-26, paragraph (e) is revised to read as follows:

§ 0.735-26 **Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners of current officers and employees (based on 18 U.S.C. 207).**

(e) The prohibitions of paragraphs (a), (b), and (c) of this section shall not apply—

(1) With respect to the making of communications solely for the purpose of furnishing scientific or technological information if the following procedures are observed:

(i) The former employee proposing to make the communication solely for the purpose of furnishing scientific or technological information receives prior written authorization from the Executive Director for Operations. The individual shall provide to the Executive Director for Operations a written statement that indicates he or she is a former employee subject to post-employment restrictions

under this section, that briefly summarizes the content of the proposed communication, that describes his or her involvement, if any, as an NRC employee on the matter to be discussed, and that certifies the communication he or she desires to make is solely for the purpose of furnishing scientific or technological information; and

(ii) The Executive Director for Operations before deciding whether to authorize the communication shall consult with the counselor or deputy counselor. The primary factor to be considered by the Executive Director for Operations is whether receipt of the scientific or technological information would further the agency's mission.

(2) If the Commission, in consultation with the Director of the Office of Government Ethics, makes a certification published in the **Federal Register** that the former employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee. The Commission under this provision may authorize communications that are not limited to transmission of scientific or technological information.

4. A new § 0.735-28a is added to read as follows:

§ 0.735-28a **Financial disclosure reports under the Ethics in Government Act.**

Commissioners, employees and special government employees paid at or above the grade 16 level, and employees whose positions are excepted from the regular competitive appointment process by reason of being of a confidential or policymaking character (unless otherwise excluded by the Office of Government Ethics) shall file public financial disclosure reports (SF 278) in accordance with the requirements of the Ethics in Government Act and regulations of the Office of Government Ethics, 5 CFR Part 734. The employees shall submit their completed forms to the Office of the General Counsel for review. The General Counsel's office shall place the form in the Commission's Public Document Room.

5. In § 0.735-29, the introductory text of paragraph (b) is revised to read as follows:

§ 0.735-29 **Restriction against ownership of certain security interests by Commissioners, certain staff members, and other related personnel.**

(b) The Commission will publish at least once each year a list of stocks, bonds, and other security interests which employees covered by this section may not own.

6. In § 0.735-42, the introductory text of paragraph (a) is revised to read as follows:

§ 0.735-42 **Gifts, entertainment, and favors.**

(a) Except as provided in paragraph (b) or (e) of this section, an employee should not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

Dated at Washington, D.C., this 17th day of June 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-15051 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100 and 101

[Notice 1985-7]

Effective Date: "Testing the Waters" Regulations

AGENCY: Federal Election Commission.

ACTION: Final rule: Announcement of effective date.

SUMMARY: On March 13, 1985, (50 FR 9992), the Commission published the text of revisions to 11 CFR 100.7(b)(1), 100.8(b)(1) and 101.3, known as the "testing the waters" provisions. These regulations permit an individual to receive and expend funds to test the feasibility of a campaign for Federal office without becoming a candidate. The Commission announces that these new regulations will be effective July 1, 1985. Further information is provided in the supplementary information which follows.

EFFECTIVE DATE: July 1, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: 2 U.S.C. 438(d) requires that any rule or