FOR FURTHER INFORMATION CONTACT: Thomas E. Cook, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone (202) 633–3320.

SUPPLEMENTARY INFORMATION: On November 3, 1986, the President signed a proclamation implementing Pub. L. 94–241, establishing the Commonwealth of the Northern Mariana Islands (CNMI) in political union with the United States. As a result of this action, 15,000 to 20,000 persons became citizens of the United States. However, a number of inhabitants of the islands did not gain citizenship due to the terminology of Pub. L. 94–241. This problematic situation has created the need for a viable identity document to distinguish the newly proclaimed citizens born before November 3, 1986, since a record of birth in the CNMI before that date is not conclusive evidence of United States citizenship.

Currently, a United States passport is the only document available to these persons to establish citizenship. However, the CNMI Government has pointed out that:

1. Although passport applications are accepted in the CNMI or Guam, they are processed and issued in the United States;

2. A passport is limited in validity for a period of ten years, and is generally associated with travel to foreign countries rather than a document of identification; and

3. The cost for acquiring passports is beyond the financial means of the low income populace of the CNMI.

Accordingly, the CNMI Government requested, and the Service has agreed, to issue an identification document to those persons who acquired citizenship as a result of creation of the Commonwealth. The issuance will be of a limited duration period of two years, which will allow qualified applicants who became citizens through creation of the Commonwealth to obtain a document.

The document will not be available to persons born in the CNMI after November 3, 1986, as their birth record will be evidence of citizenship at birth.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary as this rule will facilitate the issuance of identity cards to newly proclaimed citizens of the CNMI pursuant to Pub. L. 94–241.

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

This is not a major rule within the meaning of section 1(b) of E.O. 12291.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget, under the provisions of the Paperwork Reduction Act, under control number 1115–0151.

List of Subjects in 8 CFR Part 235

Administrative practice and procedures, Citizenship and naturalization, Reporting and recordkeeping.

Accordingly, Chapter 1 of Title 8, Code of Federal Regulations, is amended as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for Part 235 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1225.

2. In Part 235, a new § 235.12 is added to read as follows:

§ 235.12 Northern Mariana identification card.

(a) *General.* A Northern Mariana identification card to identify the holder as a United States citizen, may be issued to the following persons and their children under 18 years of age, who were born on or before November 3, 1986, and were not citizens or nationals of the United States, and did not owe allegiance to any foreign state on that date:

(1) A person in the Northern Mariana Islands (NMI), and as of November 2, 1986, was a citizen of the Trust Territory of the Pacific Islands and was domiciled as of that date in the Commonwealth of the Northern Mariana Islands (CNMI) or the United States, or any territory or possession of the United States; or

(2) A citizen of the Trust Territory of the Pacific Islands on November 2, 1986, who had been domiciled continuously in the NMI for the preceeding five years and who, unless under age, registered to vote in elections for the NMI District legislature or for any municipal election in the NMI prior to January 1, 1975; or

(3) A person domiciled in the NMI on November 2, 1986, who although not a citizen of the Trust Territory of the Pacific Islands on that date, had been continuously domiciled in the NMI beginning prior to January 1, 1974.

(b) *Application.* The Form I–777, Application for Issuance or Replacement of Northern Mariana Card shall be submitted to the Service office in the United States which has jurisdiction over the applicant's residence. The initial card application Form I–89 shall be completed and forwarded to the Immigration Card Facility with the word "MARIANA" block printed or stamped in the upper right-hand corner (side 1). A replacement card application shall be made on Form I–777 for a lost, mutilated, or destroyed card.

(c) *Duration of application period.* The Northern Mariana identification card will be issued during a two year period to end on July 1, 1990. All cards issued are valid indefinitely subject to the provisions of this section. Replacement cards shall continue to be issued upon application on Form I–777.

Dated: May 19, 1988.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 88–14102 Filed 6–21–88; 8:45 am]

BILLING CODE 4410–10–M

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8 CFR Part 245a

[INS Number: 1050–88]

Adjustment of Status for Certain Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: Section 201 of the Immigration Reform and Control Act of 1986 (IRCA) provides for the legalization of aliens who have been residing illegally in the United States since before January 1, 1982. The Service's implementing regulations at 52 FR 16205 (May 1, 1987) were amended by an interim rule published at 52 FR 43843 (November 17, 1987). This rule was the effect of adopting as final the amendments put forth in the interim rule with additional changes resulting from a review of the comments received and the Service's operational experience with the legalization program.

EFFECTIVE DATE: June 22, 1988.

FOR FURTHER INFORMATION CONTACT: Terrance M. O'Reilly, Deputy Assistant Commissioner, Legalization, (202) 786–3658.

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99–603 was enacted on November 6, 1986. Implementing regulations, published on May 1, 1987, were subsequently amended on November 17, 1987. The Service wishes to thank the many interested parties for their useful comments regarding the November 17, 1987 regulations. Comments were received from a total of 30 commentors. 25 of the 30 respoonded

as part of one of two groups. In addition to adopting as final the amendments put forth in the interim rule with additional changes resulting from a review of the comments the rule also provides for dependent family members of foreign government representatives (certain Class A and G aliens) and dependents of Foreign Students (Class F–2 aliens), to be found eligible if certain conditions are met. The rule also provides for schools to affirm the fact that reports were forwarded to the Service indicating that a student had violated his or her status. The rule also provides for documentation of nomimmigrant reentries of eligible aliens. Additionally, the rule exends the time period allotted for an applicant to submit a brief on a case that is certified. Finally, the rule provides for corrections to certain sections for minor technical reasons or clarification purposes.

Summary of the Final Rule

One group of commentors suggested that schools be permitted to submit an affirmation, in lieu of actual copies of reports, that indicates a school notified the Immigration and Naturalization Service that a student violated his or her nonimmigrant student status prior to January 1, 1982. The rationale provided was that many schools routinely discard records after a certain period of time. This being the case it would not be possible to submit a copy of the actual report supplied to the Service. The Service agrees with the commentors and § 245a.1(d)(4) is being amended accordingly.

Section 245a.2(b)(8) is being amended to provide that the eligiblity of classes of aliens enumerated in § 245a.2(b) (1) through (7) and (9) through (15) shall not be affected by entries to the United States subsequent to January 1, 1982 that were not documented on Service Form I–94, Arrival-Departure Record.

Comments were received that recommended the Service advise all legalization applicants that a waiver of the 45 day single/180 day aggregate rule involving absences from the United States is possible for emergent or extenuating circumstances outside the control of the alien. The Service has addressed this issue previously in the regulations and legalization applicants are provided an opportunity to elaborate the reasons for extended absences. It was also suggested that the Service consider "liberally" and grant as a "matter of course" waivers for section 212(a)(19) cases. The Service cannot adopt such a banket pre-adjudicative position since every case must rest on its own merits.

Section 245a.2(b)(9) is being amended to provide for the documentation of nonimmigrant entries on Service Form I–94, Arrival-Departure Record.

In response to the Service's regulations found in § 245a.2(b)(11) one commentor suggested the Service provide clarification for dependent A or G status aliens. The Service feels additioal guidance has value and therefore, § 245a.2(b)(11) is being amended to address the dependent family members of Foreign Government Representatives (Class A—A–1, A–2) and Representatives of Foreign Governments that are members of international organizations (Class G—G–1, G–2, G–3, G–4). A dependent family member who may be otherwise eligible for legalization, will be considered a member of this class of eligible aliens if the dependent family member was also in A or G status when the principal A or G alien's status terminated or ceased to be recognized by the Department of State.

Comments were received that recommended the Service make provision for a finding of eligiblity for an F–2 status alien who at the time of admission ws given a Service For I–94, Arrival and Departure Record, with a time certain period of admission extending beyond January 1, 1982 if the F–1 principal alien was found eligible for legalization. Since the F–1 alien had to be in an "unlawful" status to be found eligible and the status of an F–2 alien is contingent on that of the F–1 alien, the F–2 alien should also be eligible. The Service concurs with this recommendation and will amend § 245a.2(b)(12) accordingly.

Section 245a.2(d)(4)(iii) is being amended to clarify the conditions under which an affidavit of support can be filed by other family members. The wording will now read "where family circumstances warrant".

Comments were received expressing concern that the Service's regulation (§ 245a.2(n)(1)) providing for the processing of travel documentation at other than a legalization office would discourage aliens from applying for such authorization. The Service feels that aliens will not be discouraged from applying for travel authorization as a result of a district director determining where travel documentation is to be prepared. The confidentiality provisions of the Immigration Reform and Control Act have been well publicized and aliens who have already come forward to apply for temporary residence should be comfortable in returning to apply for travel authorization. Consequently, § 245a.2(n)(1) will not be amended.

The Immigration Reform and Control Act, as a matter of law, gives legalization and SAW applicants the right to administrative appellate review. For an appeal, an applicant has thrity (30) days within which to submit a brief. The Service feels that a like period should be allowed for the submission of a brief when a case is certified to the Administrative Appeals Unit. Section 245a.2(r) is, therefore, being amended to provide for the submission of a brief within thirty (30) days from receipt of a notice of certification of a case to the Administration Appeals Unit.

The Service, after careful internal review and consultation with the Department of Justice, Office of Legal Counsel, concludes that information obtained from applicants under section 245A of the Immigration and Nationality Act may not be used in deportation proceedings. Consequently, § 245a.2(t)(4) is being amended to remove the provision of issuing an Order to Show Cause and Warrant of Arrest if the United States Attorney declines to prosecute a case involving fraud or willful misrepresentation or concealment of a material fact, knowingly providing a false writing or document in making of an application, knowingly making a false statement or representation, or engaging in any other activity prohibited by section 245A(c)(6) of the Act.

Commentors suggested a change in § 245a.3(b)(3) concerning the location of the commission of crimes. The change was suggested in order to conform with the definitions of the terms felony and misdemeanor found in § 245a.1 (o) and (p). The Service concurs and the regulations will be amended accordingly.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

This rule contains information collection requirements which have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The Office of Management and Budget control numbers for these collections are contained in 8 CFR Part 299.

List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status, Permanent resident status.

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

PART 245A—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY PUB. L. 99-603, THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

1. The authority citation for Part 245a continues to read as follows:

Authority: Pub. L. 99-603, 100 Stat. 3359; 8 U.S.C. 1101 note.

2. Section 245a.1(d)(4) is revised to read as follows:

§ 245a.1 Definitions.

* * * * *

(d) * * *

(4) The applicant produces documentation from a school approved to enroll foreign students under § 214.3 which establishes that the said school forwarded to the Service a report that clearly indicated the applicant had violated his or her nonimmigrant student status prior to January 1, 1982. A school may submit an affirmation that the school did forward to the Service the aforementioned report and that the school no longer has available copies of the actual documentation sent. In order to be eligible under this part, the applicant must not have been reinstated to nonimmigrant student status.

* * * * *

3. Section 245a.2(b) (8), (9), (11) and (12) are revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(b) * * *

(8) An alien's eligibility under the categories described in section 245(a)(2)(b) (1) through (7) and (9) through (15) shall not be affected by entries to the United States subsequent to January 1, 1982 that were not documented on Service Form I-94, Arrival-Departure Record.

(9) An allien who would be otherwise eligible for legalization and who was present in the United States in an unlawful status prior to January 1, 1982, and reentered the United States as a nonimmigrant, such entry being documented on Service Form I-94, Arrival-Departure Record, in order to return to an unrelinquished unlawful residence.

* * * * *

(11) A nonimmigrant who entered the United States for duration of status ("D/S") is one of the following classes, A, A-1, A-2, G, G-1, G-2, G-3 or G-4, whose qualifying employment terminated or who ceased to be recognized by the Department of State as being entitled to such classification prior to January 1, 1982, and who has thereafter continued to reside in the United States in an unlawful status. An alien who was a dependent family member and who may be otherwise eligible for legalization may be considered a member of this class of eligible aliens if the dependent family member was also in A and G status when the principal A or G alien's status terminated or ceased to be recognized by the Department of State.

(12) A nonimmigrant who entered the United States for duration of status ("D/S") in one of the following classes, F, F-1, or F-2, who completed a full course of study, including practical training and whose time period if any to depart the United States after completion of study expired prior to January 1, 1982 and who has remained in the United States in an unlawful status since that time. A dependent F-2 alien otherwise eligible who was admitted into the United States with a specific time period, as opposed to duration of status, documented on Service Form I-94, Arrival-Departure Record that extended beyond January 1, 1982 is considered eligible if the principal F-1 alien is found eligible.

* * * * *

4. Section 245a.2(d)(4)(iii) is revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(d) * * *

(4) * * *

(iii) Form I-134, Affidavit of Support, completed by a spouse in behalf of the applicant and/or children of the applicant or a parent in behalf of children which guarantees complete or partial financial support. Acceptance of the affidavit of support shall be extended to other family members where family circumstances warrant.

* * * * *

5. Section 245a.2(r) is revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(r) *Certifications.* The Regional Processing Facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact. The party affected shall be given notice of such certification and of the right to submit a brief within thirty (30) days from service of the notice.

* * * * *

6. Section 245a.2(t)(4) is revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(t) * * *

(4) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 245A(c)(6) of the Act, the Service shall refer the matter to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part.

* * * * *

7. Section 245a.3(b)(3) is revised to read as follows:

§ 245a.3 Application for adjustment from temporary to permanent resident status.

* * * * *

(b) * * *

(3) Is admissible to the United States as an immigrant, except as otherwise provided in paragraph (f) of this section; and has not been convicted of any felony, or three or more misdemeanors; and

* * * * *

Dated: April 20, 1988.

Alan C. Nelson,

Commissioner.

[FR Doc. 88-14103 Filed 6-21-88; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 34, 71, and 73

Retention Periods for Records; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule appearing in the Federal Register on May 27, 1988 (53 FR 19240) which establishes a definite retention

period for each record that must be maintained under a materials or facilities license or application. This action is necessary to update a cross reference to a redesignated section and to correct several printing errors.

EFFECTIVE DATE: July 26, 1988.

FOR FURTHER INFORMATION CONTACT: Brenda J. Shelton, Chief, Records and Reports Management Branch, Division of Information Support Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–8132.

SUPPLEMENTARY INFORMATION:

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

§ 30.34 [Corrected]

1. On page 19245, in the seventh line of § 30.34(g), the reference reading "§ 35.14(b)(4) (i) through (iv)" should be corrected to read "§ 35.204".

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

§ 34.4 [Corrected]

2. On page 19246, in the fifth line of § 34.4, the word "or" should be corrected to read "of".

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

§ 71.101 [Corrected]

3. On page 19256, in the fourth line of § 71.101(b), the reference to "77.101" should be corrected to read "§71.101".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

§ 73.46 [Corrected]

4. On page 19258, in the first line of § 73.46(d)(10), the word "existing" should be corrected to read "exiting".

5. On page 19258, in the second line of § 73.46(h)(1), the word "safeguard" should be corrected to read "safeguards".

Dated at Bethesda, Maryland, this 16th day of June 1988.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management.

[FR Doc. 88–14051 Filed 6–21–88; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 261

[Docket No. R-0601]

Rules Regarding Availability of Information; Correction

AGENCY: Board of Governors of the Federal Reserve Systems.

ACTION: Final rule; correction.

SUMMARY: The Board of Governors of the Federal Reserve System is clarifying references to public access to computer tapes contained in its Rules Regarding Availability of Information, which appeared in the **Federal Register** on June 7, 1988 (53 FR 20812).

EFFECTIVE DATE: July 11, 1988.

FOR FURTHER INFORMATION CONTACT: Stephen L. Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division (202/452–3920); Elaine M. Boutilier, Senior Attorney, Legal Division (202/452–2418); Kenneth M. Kinoshita, Attorney, Legal Division (202/452–3721); or for the hearing impaired *only*, Telecommunications Device for the Deaf ("TDD"), Earnestine Hill or Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 7, 1988 (53 FR 20812), the Board promulgated in the final form its revised Rules Regarding Availability of Information. This rule contained an error concerning the procedure for obtaining access to data files contained on computer tapes which is corrected below.

1. Section 261.5(d)(5), located at the seventh full paragraph in the first column on page 20817 currently reads, "(5) *Computer tapes.* The Board periodically prepares data of various kinds on computer tapes, which are available to the public upon request pursuant to a current schedule of charges." It is revised to read as follows:

§ 261.5 [Corrected]

* * * * *

(d) * * *

(5) *Computer tapes.* The Board periodically prepares data of various kinds on computer tapes, which are available to the public through the National Technical Information Service and may be obtained by the procedure described in § 261.6(c)(3) of this regulation.

By order of the Board of Governors of the Federal Reserve System, June 16, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88–13974 Filed 6–21–88; 8:45 am]

BILLING CODE 6210–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34–25806, File No. S7–1–88]

Revision of Form BD

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form revision.

SUMMARY: The Commission is adopting a revision of Form BD, the form which is filed by an applicant to become registered as a broker-dealer. The purpose of the revision is to provide, on Form BD, that the applicant consents that service of process relating to an application for a protective decree filed by the Securities Investor Protection Corporation may be given to the applicant's contact employee at the address listed on Form BD. In addition, the Commission is adopting a technical revision to Form BD.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: Henry E. Flowers, Esq., at (202) 272–2848, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

In May 1987, the Commission proposed for comment a revision to Form BD,[1] the uniform registration form that is filed by an applicant to become registered as a broker-dealer under the Securities Exchange Act of 1934 (the "Exchange Act"). The proposed revision provided that the applicant consents that service of any civil action brought by or notice of any proceeding before the Commission or any self-regulatory organization ("SRO") in connection with the applicant's broker-dealer activities may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address identified on Form BD, or mailing address if different.

[1] Securities Exchange Act Release No. 24402 (May 7, 1987), 52 FR 17301. *See* 17 CFR 249.501.