in which this project will be located is no longer considered a targeted county, this AD-622 will no longer be valid. In these cases, the request for assistance will need to compete with other preapplications in non-targeted counties, based upon its priority point score."

V. [Reserved]

3. Attachments 1, 2, and 3 to exhibit C are removed.

Dated: December 31, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 92-2560 Filed 1-31-92; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 245a

[INS No. 1432-91]

RIN 1115-AC13

One-Year Extension of Deadline for Filing Applications for Adjustment From Temporary to Permanent Residence for Legalized Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule implements section 245A of the Immigration and Nationality Act (INA), as amended by the Immigration Act of 1990 (IMMACT), by providing for a one-year extension of the deadline for processing of applicants for permanent residence under the Legalization Program and, as provided by IMMACT, amending the fee schedule to charge a late-filing fee of $40.00 in addition to the original $80.00 fee for filing Form I-698. This rule also provides for the sua sponte reopening and re-adjudicating without fee of those applications which were previously denied for late filing. In addition, this rule amends regulations providing for the issuance of 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.

EFFECTIVE DATE: This final rule is effective February 3, 1992.

FOR FURTHER INFORMATION CONTACT: Jean M. Christiansen, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., room 7114, Washington, DC, 20536, telephone (202)514-3490.

SUPPLEMENTARY INFORMATION: On November 29, 1990, section 245A of the Immigration and Nationality Act was amended to provide for a one-year extension of the deadline for filing applications for adjustment from temporary to permanent resident status for legalized aliens. On July 8, 1991, the Service published an interim rule with request for comments in the **Federal Register** at 56 FR 31060-31061. The interim rule provided for the sua sponte reopening and re-adjudication of those applications which were denied for late filing. Related amendments were also made to 8 CFR 103.7(b)(1) to provide for a fee of $120.00 (filed with Form I-698, Application to Adjust Status from Temporary to Permanent Resident) from those who missed the original one-year filing deadline. The fee represents the cost for filing the original Form I-698 ($80.00) plus additional administrative costs incurred by the government in the administration of late applications ($40.00). Additionally, as throughout the Legalization Program, a "family cap" fee is provided. The maximum amount payable by a family (husband, wife and any minor children) is three hundred and sixty dollars ($360.00). The Service published an interim rule, with request for public comment, to allow Service Centers to accept, and consider timely filed, applications which were filed within forty-three months of approval for temporary residence.

The interim rule also amended 8 CFR 245a.1(e) by removing the provision for issuing an Order to Show Cause and Notice of Hearing (Form I-221) and Warrant for Arrest of Alien (Form I-200) if the United States Attorney declined to prosecute a case involving fraud or willful misrepresentation or concealment of a material fact, knowingly providing a false writing or document in making an application, knowingly making a false statement or representation, or engaging in any other activity prohibited by section 245A(c)(6) of the Act. This provision was also contained in 8 CFR 245a.2(t)(4), which was removed by an amendment which was published in the **Federal Register**, 53 FR 23382, on June 22, 1988. Not removing this provision in § 245a.1(e) at that time was an oversight.

The interim rule published on July 9, 1991, provided the public with a 30-day comment period which ended on August 8, 1991.

In response to the publication of the interim rule, the Service received fourteen comments. The discussion that follows summarizes the issues which have been raised relating to the interim rule and provides the Service's position on those issues. All of the comments were carefully reviewed and considered by the Service.

Eleven commenters expressed concerns related to the determination of the one-year extension of the deadline for filing applications for adjustment from temporary to permanent resident status for legalized aliens. Each of the eleven commenters stated that the additional twelve months would extend the filing period to forty two months, not forty three months as stated in the interim rule.

Section 245A(b)(1)(A) of the Immigration Reform and Control Act of 1986 (IRCA), clearly states, "The alien must apply for such adjustment during the one-year period beginning with the nineteenth month that begins after the date the alien was granted such temporary resident status." However, the statute is very clear concerning the provision for termination of temporary residence. Section 245A(b)(2)(C) of IRCA states that the Attorney General shall provide for termination of temporary resident status "at the end of the *thirty-first* month beginning after the date the alien is granted such status * * *" (Emphasis added).

The one-year extension, as provided by IMMACT, would extend the filing period to two years. As the language of the statute is clear that temporary resident status would not be terminated during this period, the decision was made that applications would be accepted until the end of the forty-third month. This decision was made based on Congressional intent that the Immigration Reform and Control Act of 1986 (IRCA) be a "liberal and generous" program.

Ten of the commenters also noted that 8 CFR 245a.3(e) should have been addressed in the interim rule by changing the reference to "30 months" from the date the application for temporary residence was approved and adjudicated on the basis of the existing record. This was an oversight by the Service and the final rule will amend 8 CFR 245a.3(e) by changing "30 months" to read: "43 months".

Three of the commenters expressed concern regarding the forty dollar late filing fee on applications filed on or after July 9, 1991, the date of publication of the interim rule in the **Federal Register**. The three commenters stated that the additional fee was excessive, and that the regulations did not explain how this fee was arrived at. The commenters also encouraged the INS to provide for outreach to those who missed their original deadline.

The forty dollar late filing fee was based on estimated additional administrative costs, which include, but are not limited to, mailers to each

eligible applicant who has not yet filed an application for adjustment from temporary to permanent residence; cost of changing the message on the 800 information number; revision of Form M-306; staff time for responding to status inquiries, re-opening and re-adjudicating denials, etc. It is the opinion of the Service that additional outreach is not necessary, as approximately 96% of those eligible to file have applied for adjustment to permanent residence. Of those who have failed to apply, it is estimated that approximately 6,000 have adjusted to permanent resident status by other means. The Service continues to accept some 500 applications weekly.

List of Subjects

8 CFR Part 103

Aliens, Delegation of authority (Government agencies), Fees.

8 CFR Part 245a

Administrative practice and procedures, Aliens.

Accordingly, under the authority of 5 U.S.C. 522, 522a; 8 U.S.C. 1101, 1103, 1201, 1255a, 1255a note, 1304; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; and 8 CFR part 2, the interim rule amending 8 CFR parts 103 and 245a, which was published in the **Federal Register** at 56 FR 31060–31061 on July 9, 1991, is adopted as a final rule with the following changes:

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, AND PUB. L. 100-204, SECTION 902

1. The authority citation for part 245a is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1255a and 1255a note.

§ 245a.3 [Amended]

2. In § 245a.3, paragraph (e) is amended in the last sentence by revising the reference to "30 months" to read: "43 months".

Dated: January 17, 1992.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 92-2443 Filed 1-31-92; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket 91-178]

Validated Brucellosis-Free States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the brucellosis regulations concerning the interstate movement of swine by adding Hawaii and New Mexico to the list of validated brucellosis-free States. We determined that they meet the criteria for classification as validated brucellosis-free States. The action relieved certain restrictions on moving breeding swine from Hawaii and New Mexico.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Delorias M. Lenard, Senior Staff Veterinarian, Swine Diseases Staff, VS, APHIS, USDA, room 736, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301)436-7767.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective on September 10, 1991 (56 FR 46108-46109, Docket Number 91-114), we amended the brucellosis regulations in 9 CFR part 78 that prescribe conditions for the interstate movement of cattle, bison, and swine, by adding Hawaii and New Mexico to the list of validated brucellosis-free States in § 78.43.

Comments on the interim rule were required to be received on or before November 12, 1991. We did not received any comments. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause 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.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Swine herd owners in Hawaii and New Mexico are affected by this action, which allows breeding swine to be moved interstate from Hawaii and New Mexico without being tested for brucellosis. Approximately 200 swine are tested annually for brucellosis in Hawaii and New Mexico, at an average cost to the seller of $5.00 per test, in order to be eligible for interstate movement. Using these numbers, we estimate that removing the testing requirement will result in a potential annual savings of $1,000 for swine herd owners in Hawaii and New Mexico. Of the approximately 3,000 swine herd owners nationwide who regularly ship breeding swine interstate, approximately 6 regularly ship breeding swine interstate from Hawaii and only one from New Mexico. All of these herd owners would be considered small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule amending 9 CFR 78.43 that was published at 56 FR 46108-46109 on September 10, 1991.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 29th day of January 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–2500 Filed 1–31–92; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–CE–84–AD; Amendment 39–8173; AD 91–24–15]

Airworthiness Directives; Beech Models 1900 and 1900C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting Airworthiness Directive (AD) 91–24–15, which was previously made effective by individual letter as to all known U.S. owners and operators of certain Beech Models 1900 and 1900C airplanes. The AD specified a modification to the instrument air plumbing to improve cold weather operation by draining accumulated moisture in the system. The Federal Aviation Administration (FAA) recently became aware of several reports of instrument air system failure on the affected airplanes because moisture accumulated in the instrument air system plumbing and froze. The actions specified by this AD are intended to prevent surface deice system failure, which could result in aerodynamic problems leading to loss of control of the airplane.

DATES: Effective March 2, 1992, as to all persons except those persons to whom it was made immediately effective by priority letter AD 91–24–15, issued November 18, 1991, which contained this amendment. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 2, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201–0085; Telephone (316) 676–7111. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 91–CE–84–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Vassalli, Aerospace Engineer, Systems and Equipment Branch, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4132; Facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: On November 18, 1991, priority letter AD 91–24–15 was issued and made effective immediately as to all known U.S. owners and operators of Beech Models 1900 and 1900C airplanes. The AD required a modification to the instrument air plumbing in accordance with the instructions in Beech Service Bulletin (SB) No. 2428, dated October 1991, on certain Beech Models 1900 and 1900C airplanes that had not complied with Beech SB No. 2398, dated November 1991, or do not have the following installed: Kit Nos. 114–9038–1 S and 114–9038–3 S, or Kit Nos. 114–9038–5 S and 114–9038–7 S.

This AD was issued because of several reports of instrument air system failure on the affected airplanes. These airplanes are type certificated for flight into known icing conditions and use instrument air to operate the surface deice boot system. The surface deice boot system and air-driven instruments will still operate during loss of instrument air from one engine; however, loss of instrument air from both engines would shut down the surface deice boot system and air-driven instruments. It is possible that moisture could freeze and block both instrument air sources, thereby preventing the surface deice boot system from operating. In this situation, ice can form on the airplane in freezing conditions, which could cause aerodynamic problems leading to loss of control of the airplane.

The compliance time in this AD is presented in calendar time. The reasons for calendar time are (1) to assure that the modification is accomplished before the extreme cold weather since the unsafe condition would occur in freezing conditions; and (2) avoid inadvertent grounding of the affected airplanes because the usage rate varies throughout the fleet, i.e., one operator may utilize the airplane 25 hours time-in-service (TIS) in one week while another operator might not utilize the airplane 25 hours TIS is one month.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued to all known U.S. owners and operators of airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The regulations adopted herein 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 Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD: