marketable tobacco is offered for price support and to insure that the amount of support made available is not excessive.

List of Subjects in 7 CFR Part 1464

Agriculture, Assessments, Loan program, Price support program, Tobacco, Warehouses.

Accordingly, 7 CFR Part 1464 is amended as follows:

PART 1464—TOBACCO

1. The authority citation for part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b, 714c.

2. Section 1464.8 is amended by revising the introductory text to read as follows:

§ 1464.8 Eligible tobacco.

Eligible tobacco for the purpose of pledging such tobacco as collateral for a price support loan is any tobacco of a kind for which price support is available, as provided in § 1464.2, that is in sound and merchantable condition, is not nested as defined in 7 CFR part 29, and:

* * * * *

3. Section 1464.9 is amended by revising paragraph (a) to read as follows:

§ 1464.9 Refund of price support advance.

* * * * *

(a) Received a price support advance on tobacco that was nested, as defined in part 29 of this title or otherwise not eligible for price support. The county committee, with concurrence of a State Committee Representative, may reduce the refund with respect to tobacco otherwise required in this part, in accordance with guidelines issued by the Deputy Administrator.

* * * * *

Signed at Washington, DC on June 20, 1996.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 96–16355 Filed 6–26–96; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1647–95]

RIN 1115–AE24

Priority Dates for Employment-Based Petitions

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (Service) regulations by eliminating the requirement that an application for labor certification filed with a state employment office before October 1, 1991, must be filed with the Service in connection with a petition filed under section 203(b) of the Immigration and Nationality Act (Act) before October 1, 1993, in order to maintain a pre-October 1, 1991, priority date. This rule implements section 218 of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA), which amended section 161(c)(1) of the Immigration Act of 1990 (IMMACT). This rule is necessary to implement a statutory change.

EFFECTIVE DATE: June 27, 1996. Written comments must be submitted on or before August 26, 1996.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW, Room 5307, Washington, DC 20536. To ensure proper handling please reference INS No. 1647–95 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Michael W. Straus, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–3228.

SUPPLEMENTARY INFORMATION: On November 29, 1991, the Service published a final rule implementing the new employment-based immigrant categories created by the Immigration Act of 1990 (IMMACT), Pub. L. 101–649. See 56 FR 60897–913. The final rule provided that the priority date for an employment-based petition accompanied by a labor certification shall be the date on which any office within the employment service system of the Department of Labor accepted the request for labor certification. See 8 CFR 204.5(d). A priority date determines when an alien, who has had an immigrant visa petition approved on his or her behalf, may submit his or her application for permanent resident status or an immigrant visa.

Subsequent to the promulgation of the November 29, 1991, regulation, the President signed into law the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), Pub. L. 102–232, dated December 12, 1991. Section 302(e)(2) of the MTINA, which amended section 161(c)(1) of IMMACT addressed, among other things, the transition of labor certifications filed before October 1, 1991, into the new employment-based immigrant visa categories created by IMMACT. In this regard, section 302(e)(2) of MTINA provides that, in order to maintain the priority date of a labor certification application filed in connection with an employment-based petition which was submitted to a state employment office before October 1, 1991, the employer must file an employment-based petition before October 1, 1993. Section 302(e)(2) of MTINA further provides that if the Department of Labor approves a pre-October 1, 1991, labor certification application subsequent to October 1, 1993, the employer must file a petition under section 203(b) of the Act within 60 days of the date of certification to maintain the pre-October 1, 1991, priority date.

To implement section 302(e)(2) of MTINA, the Service issued an interim rule with request for comments on January 5, 1994, at 59 FR 501–502. This interim rule provided that in the case of labor certifications accepted for processing by any office within the employment service system of the Department of Labor before October 1, 1991, the sponsoring employer must file a petition under section 203(b) of the Act before October 1, 1993, or within 60 days after the date of certification by the Department of Labor, whichever is later, in order to maintain the pre-October 1, 1991, priority date. On October 11, 1994, the Service issued a final rule which adopted the interim rule as final. See 59 FR 51358–60.

On October 25, 1994, the President signed into law the Immigration and Nationality Technical Corrections Act of 1994 (INTCA), Pub. L. 103–416. Section 218 of INTCA further amends section 161(c)(1) of IMMACT by removing the reference to priority dates for pre-October 1, 1991, labor certifications. This section effectively repealed section

302(e)(2) of MITINA and, therefore, the recent changes to 8 CFR 204.5(d). The effect of this legislation is that the priority date for all employment-based petitions, regardless of when they are filed, shall be the date on which the state employment office accepted the labor certification application. In light of the above, 8 CFR 204.5(d) will be amended by removing the sentence which refers to labor certifications filed before October 1, 1991.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based on the ''good cause'' exceptions found at 5 U.S.C. 553 (b)(3)(B), (d)(3). The reason and necessity for immediate implementation of this interim rule is as follows: This rule implements section 218 of INTCA, which became effective upon enactment, by removing a sentence in the regulations which is inconsistent with that section. Immediate promulgation of this rule is necessary to ensure that beneficiaries of employment-based petitions may avail themselves of a pre-October 1, 1991 priority date. As this rule benefits a very limited number of beneficiaries, it should have no adverse impact on other beneficiaries of employment-based petitions.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only a very limited number of petitioners and aliens who filed requests for labor certifications prior to October 1, 1991.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation 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 rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

Accordingly, part 204 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

§ 204.5 [Amended]

2. In § 204.5, paragraph (d) is amended by removing the second sentence.

Dated: June 13, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–16347 Filed 6–26–96; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–224–AD; Amendment 39–9682; AD 96–13–13]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that currently requires certain maximum brake wear limits to be incorporated into the FAA-approved maintenance inspection program. That AD also currently requires that the Airplane Flight Manual (AFM) be revised to include certain procedures concerning operations in the event of a rejected takeoff (RTO). This amendment requires the incorporation of new maximum brake wear limits for additional brake units into the FAA-approved maintenance program. This action also deletes the previous requirement for the AFM revision. This amendment is prompted by the determination of the maximum allowable brake wear limits for additional brake unit part numbers. The actions specified by the AD are intended to prevent the loss of brake effectiveness during a high energy RTO.

EFFECTIVE DATE: August 1, 1996.

ADDRESSES: Information pertaining to this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1721; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–06–06, amendment 39–8854 (59 FR 11713, March 14, 1994), which is applicable to certain Fokker Model F28 Mark 0100 series airplanes, was published in the Federal Register on February 12, 1996 (61 FR 5331). The action proposed to require the incorporation of new maximum brake wear limits for additional brake units into the FAA-approved maintenance program. The action also proposed to delete a previous requirement for a revision to the Airplane Flight Manual (AFM) that pertained to reporting certain rejected takeoff conditions to maintenance.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Extend Compliance Time

One commenter requests that the proposed compliance time of 180 days for incorporating the maximum brake wear pin limits into the maintenance program be extended to 360 days. This commenter, a U.S. operator, requests this extension in order to ensure that the new information provided in the AD can be inserted in its fleet's required manuals during a normal revision cycle. This would avoid the costs and time associated with having to issue a temporary partial revision and/or supplement.

The FAA does not concur. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the practical aspect of incorporating and implementing the required maintenance program change within a reasonable