

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ANM MT E5 Colstrip, MT [New]

Colstrip Airport, Colstrip, MT  
(Lat. 45°51'10" N., long. 106°42'34" W.)  
Billings Logan International Airport, MT  
(Lat. 45°48'30" N., long. 108°32'38" W.)

That airspace extending upward from 700 feet above the surface within a 13.5-mile radius of Colstrip Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-2, on the east by the west edge of V-254, on the south along lat. 45°30'00" N., and on the west by the 60-mile arc centered on Billings Logan International Airport; excluding the Forsyth and Miles City, MT Class E airspace areas.

\* \* \* \* \*

Issued in Seattle, Washington, on July 11, 1996.

Helen Fabian Parke,

*Manager, Air Traffic Division, Northwest Mountain Region.*

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BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 96-ANM-011]

#### Amendment of Class E Airspace; Baker City, Oregon

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Baker City, Oregon, Class E airspace to provide additional controlled airspace for Instrument Flight Rules (IFR) operations at the Baker City Municipal Airport. Additionally, this action corrects the airport name and referenced navigational aid which were incorrectly stated in the previous legal description of the Class E airspace area.

**EFFECTIVE DATE:** 0901 UTC, October 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** James C. Frala, Operations Branch, ANM-532.4, Federal Aviation Administration, Docket No. 96-ANM-011, 1601 Lind Avenue SW., Renton,

Washington 98055-4056; telephone number: (206) 227-2535.

#### SUPPLEMENTARY INFORMATION:

##### History

On May 20, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Baker City, Oregon to provide additional controlled airspace for IFR operations at Baker City Municipal Airport (61 FR 25157). A minor correction is also being made to the airport name and navigational aid name which were incorrectly referenced in the previous legal description of the Class E airspace area. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace areas listed in this document will be published subsequently in the Order.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations amends Class E airspace at Baker City, Oregon. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ANM OR E5 Baker City, OR [Revised]

Baker City Municipal Airport, OR  
(Lat. 44°50'17" N., long. 117°48'35" W.)  
Baker City VOR/DME  
(Lat. 44°50'26" N., long. 117°48'28" W.)

That airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 5.3 miles southwest of the Baker City VOR/DME 138° and 317° radials extending from 12.2 miles southeast to 14 miles northwest of the VOR/DME, and within 8.7 miles west and 4.3 miles east of the Baker City VOR/DME 345° radial extending from the VOR/DME to the south edge of V-298, and that airspace east of Baker City VOR/DME bounded on the north by the south edge of V-121, on the southeast by the northwest edge of V-269, and on the southwest by the northeast edge of V-4-444; excluding the Boise, ID, Enroute Domestic Airspace Area.

\* \* \* \* \*

Issued in Seattle, Washington, on July 8, 1996.

Helen Fabian Parke,

*Manager, Air Traffic Division, Northwest Mountain Region.*

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#### DEPARTMENT OF STATE

##### Bureau of Consular Affairs

#### 22 CFR Part 41

[Public Notice 2415]

#### Visas: Passports and Visas Not Required for Certain Nonimmigrants

**AGENCY:** Bureau of Consular Affairs, State.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** Section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, as amended, extends the Visa Waiver Pilot Program (VWPP) to nationals of all countries that qualify

under the provisions of the Pilot Program and which are designated by the Secretary of State and the Attorney General as countries whose nationals benefit from the waiver of the nonimmigrant B-1/B-2 visa requirement. The interim rule extends the Visa Waiver Pilot Program to Australia which the Department has determined has met all of the requirements for participation in the Program.

**DATES:** This interim rule is effective July 29, 1996. Written comments are invited and must be received on or before August 28, 1996.

**ADDRESSES:** Written comments may be submitted, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0113.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Office, Department of State, Washington, DC 20522-0113 (202) 663-1204.

**SUPPLEMENTARY INFORMATION:** This interim rule amends Part 41, Title 22 of the Code of Federal Regulations concerning visas for nonimmigrants pursuant to section 217 of the Immigration and Nationality Act, 8 U.S.C. 1187, as amended by Public Law 103-415, 108 Stat. 4299, October 25, 1994 and Public Law 103-416, 108 Stat. 4305, October 25, 1994. Section 313 of the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603, added section 217 to the INA. Section 217, 8 U.S.C. 1187, established the nonimmigrant Visa Waiver Pilot Program which waives the nonimmigrant visa requirement for the admission of certain aliens into the United States for a period not to exceed ninety days. That original provision authorized the participation of eight countries in the VWPP to be designated by the Secretary of State and the Attorney General, acting jointly. These original qualifying countries included: France; the Federal Republic of Germany; Italy; Japan, the Netherlands; Sweden; Switzerland; and the United Kingdom. (See Federal Register publications 53 FR 24903-24904, June 30, 1988; 53 FR 50161-50162, December 13, 1988; and 54 FR 27120-27121, June 27, 1989.)

Public Law 103-415 amended section 217 of the INA to extend the Visa Waiver Pilot Program through September 30, 1995. Public Law 103-416 amended section 217 of the INA to extend the Visa Waiver Pilot Program to September 30, 1996, and to create a new probationary status for certain countries which meet the requirements for that

status under the Visa Waiver Pilot Program and which are designated by the Secretary of State and the Attorney General, acting jointly, as countries whose nationals benefit from the waiver of the nonimmigrant B-1/B-2 visa requirement.

On November 29, 1990, the President approved the Immigration Act of 1990 (Pub. L. 101-649, 104 Stat. 4978) [IA]. Section 201 thereof revised the Visa Waiver Pilot Program set forth in section 313 of IRCA (Sec. 217 INA, 8 U.S.C. 1187). It removed the eight-country cap and extended its provisions to all countries that meet the qualifying provisions of the Visa Waiver Pilot Program and are designated by the Secretary of State and the Attorney General as Pilot Program countries thereunder.

Effective October 1, 1991, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain, having met all of the requirements for participants in the nonimmigrant Visa Waiver Pilot Program, were added as participants in the Program. (See 56 FR 46716-46717, September 13, 1991.) Brunei was designated as a participant in the Visa Waiver Pilot Program by the Secretary of State and the Attorney General, acting jointly through their designees, in an interim rule published at 58 FR 40581-40586 of the Federal Register of July 26, 1993. On March 28, 1995 the interim rule published at 59 FR 15872-15873 added Ireland as a Visa Waiver Pilot Program country with probationary status. Argentina was added as a Visa Waiver Pilot Program country on July 8, 1996 (see 61 FR 35628-35629).

Each of the above rules amended 22 CFR 41.2. This interim rule, with request for comments, further amends Part 41, Title 22 to include Australia as a Visa Waiver Pilot Program country.

For a country to qualify as a participant in the Visa Waiver Pilot Program, the country must agree to waive the visa requirement for nationals of the United States entering for ninety (90) days or less, must meet statutorily prescribed limits on visa refusal rates for the prior two year period as well as the prior year; must meet statutorily prescribed limits on rates of exclusion at port of entry and on overstay limits, and must have a machine readable passport program. The Department has determined that Australia has met these requirements, and Australia, therefore, is added effective (enter date of publication in the Federal Register) as a participating country in the Visa Waiver Pilot Program. (See the Immigration and Naturalization Service rule also

published in this issue of the Federal Register.)

#### Interim Rule

The implementation of this rule as an interim rule, with a 30-day provision for post-promulgation public comments, is based upon the "good cause" exceptions set forth at 5 U.S.C. 553(b)(B) and 553(d)(3). Because this rule will facilitate U.S. tourist and business travel to Australia, pre-promulgation public comment would be contrary to the public interest. This rule will, therefore, become effective upon publication in the Federal Register.

In accordance with 5 U.S.C. 605(b) [Regulatory Flexibility Act], it is certified that this rule does not have a "significant adverse economic impact" on a substantial number of small entities, because it is inapplicable. This rule is exempt from E.O. 12866, but has been coordinated with the Immigration and Naturalization Service because joint action of the Secretary of State and the Attorney General is required under section 217 of the INA, as amended.

The rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule has been reviewed as required by E.O. 12988 and is certified to be in compliance therewith.

#### List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Visas, Passports, Temporary visitors, Waivers.

In view of the foregoing, 22 CFR Part 41 is amended as follows:

#### **PART 41—[AMENDED]**

1. The authority citation for Part 41 continues to read:

Authority: 8 U.S.C. 1104, 66 Stat. 174; 8 U.S.C. 1187, 108 Stat. 4312 and 4313.

2. In § 41.2 the last sentence of paragraph (l)(2) is amended by removing the period and adding the following text at the end of the sentence:

**§ 41.2 Waiver by Secretary of State and Attorney General of passport and/or visa requirements for certain categories of nonimmigrants.**

\* \* \* \* \*

(l) \* \* \* (2) \* \* \* "; and Australia effective July 29, 1996."

\* \* \* \* \*

Dated: July 23, 1996.

Mary A. Ryan,

*Assistant Secretary for Consular Affairs.*

[FR Doc. 96-19172 Filed 7-26-96; 8:45 am]

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