

bearing extending from the 7-mile radius to 7.9 miles southeast of the Powell NDB; that airspace extending upward from 1,200 feet above the surface beginning at lat. 45°22'00" N, long. 108°55'03" W; to lat. 45°22'00" N, long. 108°11'02" W; to lat. 44°15'15" N, long. 108°11'02" W, thence southwestward along the edge of the Worland, WY, 1,200-foot Class E airspace area to lat. 44°00'00" N, long. 108°24'43" W; west to lat. 44°00'00" N, long. 109°00'00" W; north to lat. 44°20'00" N, long. 109°00'00" W; thence west along lat. 44°20'00" N, to the east side of V-465, thence northeast along the east side of V-465 to the point of beginning.

\* \* \* \* \*

Issued in Seattle, Washington, on December 23, 1997.

**Glenn A. Adams III,**

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

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## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 42

[Public Notice 2664]

#### Visas: Issuance of New or Replacement Immigrant Visas

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Department's regulations to comply with a change in the Immigration and Nationality Act (INA) that requires the Department to factor the number of immigrant visas issued to immediate relatives into the annual worldwide limitation on immigration.

**EFFECTIVE DATE:** January 29, 1998.

**FOR FURTHER INFORMATION CONTACT:** Pam Chavez, Legislation and Regulations Division, Visa Services, Department of State, Room L6-21, SA-1, Washington, DC 20520-0106. Phone: (202) 663-1203.

**SUPPLEMENTARY INFORMATION:** On November 29, 1990, the President signed the Immigration Act of 1990 (IMMACT 90) which, among other things, amended by including the number of aliens granted immediate relative status into the calculation for determining the annual family preference limitation. Before IMMACT 90 (Pub. L. 101-649) the number of immediate relative visas issued to the spouses, minor children and parents of U.S. citizens was not a factor in determining the overall annual numerical limitation for worldwide immigration.

IMMACT 90 amended the INA by requiring the Department to deduct the number of immediate relatives granted permanent resident status in the United States during the previous fiscal year from the worldwide 480,000 annual limit for the current fiscal year, but limited the annual family preference limit to no less than 226,000. To avoid double-counting the number of visas issued to immediate relatives who, for reasons beyond their control, are unable to use their original immigrant visas, consular offices will now issue replacement visas rather than new visas. The Department is amending its regulations at 22 CFR 42.74 accordingly.

#### Final Rule

The Department has determined that there is good cause for this rule to be exempt from notice comment requirements under 5 U.S.C. 553(b)(3)(A) because Public Law 101-649 requires that the number of aliens granted immediate relative status be included in the calculation of the annual family preference limitation and the use of replacement visas rather than new visas is simply an administrative mechanism to avoid double counting. Notice and public comment thereon are therefore unnecessary.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended in 1996 (5 U.S.C. Chapter 6), requires the Federal Government to anticipate and minimize the impact of rules and paperwork requirements on small entities. Such entities are defined as small businesses (those with fewer than 500 employees), small non-profit organizations (those with fewer than 500 employees), and small governmental entities (those in areas with fewer than 50,000 residents). The Department has assessed the potential impact of the Rule and the Assistant Secretary for Consular Affairs by approving it certifies that it will not have a significant economic effect on a substantial number of small entities. It imposes no requirements on such entities.

In addition, pursuant to the Small Business Regulatory Fairness Act (5 U.S.C. Chapter 8), the Department has screened the Rule and determined that it is not a "major rule", as defined in 5 U.S.C. 804(2). It will not result in an annual effect on the economy of \$100,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies in domestic and export markets.

#### Paperwork Reduction Act

No new information requirements are contained in this final rule.

#### Executive Orders 12866 and 12988

This rule is exempt from Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the objectives thereof. This rule also has been reviewed as required by Executive Order 12988 and determined to be in compliance therewith.

#### Executive Order 12612

This rule will not have substantial direct effect on the States, on the relationship between the national government and the States, or on 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.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) and Executive Order 12875.

#### List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Visas and passports.

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

#### PART 42—[AMENDED]

1. The authority citation for part 42 continues to read:

**Authority:** 8 U.S.C. 1104.

2. 22 CFR 42.74 is amended by revising paragraph (a) and (b) to read as follows:

#### § 42.74 Issuance of new or replacement visas.

(a) *New immigrant visa for a special immigrant under INA 101(a)(27)(A) and (B).*

(1) The consular officer may issue a new immigrant visa to a qualified alien entitled to status under INA 101(a)(27)(A) or (B), who establishes:

- (i) That the original visa has been lost, mutilated or has expired, or
- (ii) The alien will be unable to use it during the period of its validity;

(2) Provided:

(i) The alien pays anew the statutory application and issuance fees; and  
(ii) The consular officer ascertains whether the original issuing office knows of any reason why a new visa should not be issued.

(b) *Replacement immigrant visa for an immediate relative or for an alien subject to numerical limitation.*

(1) A consular officer may issue a replacement visa under the original number of a qualified alien entitled to status under INA 201(b)(2)(A)(i), INA 203(a), (b), or (c), or under INA 124, if—

(i) The alien is unable to use the visa during the period of its validity due to reasons beyond the alien's control;  
(ii) The visa is issued during the same fiscal year in which the original visa was issued;

(iii) The number has not be returned to the Department as a "recaptured visa number";

(iv) The alien pays anew the statutory application and issuance fees; and  
(v) The consular officer ascertain whether the original issuing office of knows of any reason why a new visa should not be issued.

(2) In issuing a visa under this paragraph (b), the consular officer shall insert the word "REPLACE" on Form OF-155A, Immigrant Visa and Alien Registration, before the word "IMMIGRANT" in the title of the visa.

\* \* \* \* \*

Dated: December 17, 1997.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 98-1780 Filed 1-28-98; 8:45 am]

BILLING CODE 4710-06-M

## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 42

[Public Notice 2715]

#### Visas: Immigrant Religious Workers

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

**ACTION:** Final rule.

**SUMMARY:** The Immigration Act of 1990 created a new special immigrant visa classification for religious workers who have 2 years of membership in a religious denomination; two years of experience in a religious occupation or vocation and who intend to continue to work in such occupation or vocation. The legislation, as originally enacted, required religious workers (other than ministers) to seek entry into the United States before October 1, 1994.

On October 25, 1994 in the Immigration and Nationality Technical Corrections Act of 1994 the deadline was extended to allow religious workers to enter the United States "before October 1, 1997".

The Religious Workers Act of 1997 enacted on October 6, 1997 further extended the deadline to "before October 1, 2000". Thus, this final rule amends the previously published regulation and extends the allowable validity date of immigration visas for aliens seeking to enter the United States as special immigrant religious workers to not later than September 30, 2000.

**EFFECTIVE DATE:** January 29, 1998.

**FOR FURTHER INFORMATION CONTACT:** Pam Chavez, Legislation and Regulations Division, Visa Services, (202) 663-1206.

#### SUPPLEMENTARY INFORMATION:

##### Immigration Act of 1990

Section 151 of the Immigration Act of 1990 (IMMACT 90), Public Law 101-649, amended INA 101(a)(27)(C) by adding a new category of special immigrant visas for aliens who will work in a religious occupation or vocation for a religious organization in a professional or other capacity. Unlike the provision for special immigrant ministers of religion, which does not contain a sunset provision, the provisions for religious workers (as defined under INA 101(a)(27)(C)(ii)(II) and (III)), as originally enacted, required religious workers to seek to enter the United States before October 1, 1994.

##### Immigration and Nationality Technical Corrections Act of 1994

On October 25, 1994, sec. 214 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416) amended INA 101(a)(27)(C)(ii) to extend the sunset date to before October 1, 1997.

##### Religious Workers Act of 1997

Sec. 1 of the Religious Workers Act of 1997, Public Law 105-54, enacted October 6, 1997 further extended the deadline for special immigrant religious workers to enter the United States until before October 1, 2000. This final rule implements this section by revising 42.32(d)(1)(ii) to extend the visa validity date to not later than September 30, 2000.

##### Final Rule

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or

recordkeeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been coordinated with INS and reviewed to ensure consistency therewith.

#### List of Subjects in 22 CFR Part 42

Aliens, Immigration, Passports and visas.

In view of the foregoing 22 CFR Chapter I is amended as follows:

#### PART 42—[AMENDED]

1. The authority citation for Part 42 is revised to read:

**Authority:** 8 U.S.C. 1104.

2. Section 42.32 is amended by revising paragraph (d)(1)(ii) to read as follows:

##### § 42.32 Employment based preference immigrants.

\* \* \* \* \*

(d) *Fourth preference—Special immigrants—(1) Religious workers.*

\* \* \*

(ii) *Timeliness of application.* An immigrant visa issued under INA 203(b)(4) to an alien described in INA 101(a)(27)(C), other than a minister of religion, who qualifies as a "religious worker" as defined in 8 CFR 204.5 shall bear the usual validity except that in no case shall it be valid later than September 30, 2000.

\* \* \* \* \*

Dated: January 12, 1998.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 98-1779 Filed 1-28-98; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 8763]

RIN 1545-AU06

#### Modifications of Bad Debts and Dealer Assignments of Notional Principal Contracts

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final and temporary regulations.

**SUMMARY:** This document contains regulations that deem a charge-off and