

obtaining work authorization. 56 FR 41767. Nevertheless, the phrase "if the alien establishes the economic need to work" was not removed in that section and continued to appear in the Code of Federal Regulations. The final rule revising the asylum regulations on December 5, 1994 perpetuated that mistake. 59 FR 62284. The December 5, 1994 regulations also refer mistakenly to asylum applications rather than employment applications in a sentence having to do with the availability of interim employment authorization. This final rule corrects these two technical errors. In addition, the INS has made a technical correction to § 274a.13(a)(2), which concerns applications for employment authorization filed in connection with an asylum application. The last sentence of that section was amended at the publication of the December 5, 1994 final rule to state that "[t]he Service Center shall adjudicate the application within 30 days of receipt." This is correct insofar as it reiterates the period under asylum reform for adjudicating an initial request by an asylum applicant for employment authorization under § 208.7(a)(1). It is incorrect, however, to the extent that it appears to apply to applications for renewal or replacement of employment authorization, which are discussed in the sentence immediately preceding it. As is clear from the preamble to the December 5, 1994 final rule, specifically at 59 FR 62291, and from § 274a.13(d), the INS is to adjudicate requests for renewal or replacement of employment authorization within 90 days, not 30. Therefore, the last sentence of § 274a.13(a)(2) has been removed.

Regulatory Flexibility Act

The Commissioner of the INS, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. This regulation merely provides notice to the public of change in filing procedures for employment authorization applications by correcting the remaining regulatory references to filing with the district director and makes two technical corrections to recently published INS regulations. It does not change the amount of the application fee though it corrects the figure listed currently in the regulations.

Executive Order 12866

This rule is not considered by the INS 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

This final rule 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.

Executive Order 12606

The Commissioner of the INS certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will not have an impact on family well-being.

Paperwork Reduction Act

The information collection requirement contained in this rule has been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The clearance number for this collection is 1115-0163.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 210

Aliens, Migrant labor, Reporting and recordkeeping requirements.

8 CFR Part 214

Administrative practice and procedure, Aliens, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

8 CFR Part 240

Administrative practice and procedure, Immigration.

8 CFR Part 242

Administrative practice and procedure, Aliens.

8 CFR Part 245a

Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

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

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15577; 3 CFR 1982 Comp., p. 166; 8 CFR part 2.

§ 103.6 [Amended]

2. Section 103.6(a)(2)(ii) is amended by removing the phrase "District Director" and adding the term "INS" in its place.

3. In § 103.6(a)(2)(iii) the first sentence is amended by removing "§ 109.1(b)" and adding "§ 274a.12" in its place.

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4. In § 103.7 (b)(1), the entry for Form I-765 is revised to read as follows:

§ 103.7 Fees.

* * * * *

(b)(1) * * *

Form I-765. For filing an application for employment authorization pursuant to 8 CFR 274a.13—\$70, unless otherwise noted on the instructions attached to the application form.

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PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF DEPORTATION

5. The authority citation for part 208 continues to read as follows:

Authority: 8 U.S.C. 1103, 1158, 1226, 1252, 1282; 31 U.S.C. 9701; 8 CFR part 2.

6. Section 208.7 is amended by:
a. In paragraph (a)(1), the sixth sentence, removing the word "asylum" and adding the word "employment" in its place;

b. In paragraph (c), the first sentence of the introductory text, removing the phrase "asylum officer, or district director where appropriate" and adding in its place the phrase "INS, in accordance with the instructions on or attached to the employment authorization application";

c. In paragraph (c), in the second sentence, removing the phrase "asylum