

USCIS has no overseas office and 6,576 in countries where USCIS is located.<sup>1</sup> In FY 2010, DOS began charging USCIS for services rendered in accepting or processing relative petitions. As a fee-funded agency, USCIS is statutorily authorized to collect fees at a level that will ensure recovery of the full costs of providing adjudication and naturalization services, including administrative costs and services provided without charge to certain applicants and petitioners. See INA section 286(m), 8 U.S.C. 1356(m). The current fee of \$420 for a relative petition does not cover the DOS charges. Therefore, DHS will adjust its internal processes to avoid the DOS charge, thereby maintaining the integrity of the current fee schedule for relative petitions.

Instructions for filing relative petitions will be amended concurrently with this final rule. Instructions for filing relative petitions will provide the option of either mailing the petition to the USCIS Chicago Lockbox, or filing at the USCIS international office if the petitioner resides in a country where USCIS has an office. Depending upon the unique circumstances of the United States citizen or lawful permanent resident petitioner, this rule could result in a cost savings or additional burden to the petitioner. Travel costs and mailing costs vary widely among individual petitioners. Thus, DHS cannot precisely estimate the costs or savings impacts of the rule. For example, when a petitioner resides in a country with no USCIS presence, the rule could provide a cost savings if mailing the petition is less expensive than the cost of traveling to the nearest DOS office, or vice versa. DHS believes that the benefits of streamlining USCIS operations in processing alien relative petitions to avoid DOS charges justifies the potential cost impact on petitioners residing in international locations.

#### F. Executive Order 13132

This 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 section 6 of Executive

Order 13132, DHS has determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement.

#### G. Executive Order 12988: Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### H. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), DHS submits to OMB for review and approval any reporting or recordkeeping requirements inherent in a regulatory action. 44 U.S.C. 3506. The information collection burden for the Petition for Alien Relative has been approved by OMB and assigned OMB control number 1615-0012. This rule does not impose any new reporting or recordkeeping requirements under the PRA. However, USCIS is making minor changes to the Petition for Alien Relative (Form I-130) instructions to instruct petitioners about where to file. Accordingly, USCIS will submit a Correction Worksheet, Form OMB 83-C, and amended instructions to OMB for review and approval in accordance with the PRA.

#### List of Subjects in 8 CFR Part 204

Administrative practice and procedures, Immigration, Reporting and recordkeeping requirements.

Accordingly, DHS is amending part 204 of chapter I of title 8 of the Code of Federal Regulations 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, 1184, 1186a, 1255; 1641; 8 CFR part 2.

#### Subpart A—Immigrant Visa Petitions

- 2. Section 204.1 is amended by revising paragraph (b) and removing and reserving paragraphs (c), (d), and (e).

The revision reads as follows:

#### § 204.1 General information about immediate relative and family-sponsored petitions.

\* \* \* \* \*

(b) *Proper filing.* A petition for alien relative and a petition for Amerasian, widow(er), or special immigrant must be filed on the form prescribed by USCIS in accordance with the form instructions, and will be considered properly filed when the petition is filed in accordance with 8 CFR 103.2. The filing date of a petition is the date it is

properly filed and received by USCIS. That date will constitute the priority date.

\* \* \* \* \*

**Janet Napolitano,**  
Secretary.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2010-1264; Airspace Docket No. 10-AWP-23]

#### Amendment of Class D and Class E Airspace; Livermore, CA

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

**ACTION:** Final rule.

**SUMMARY:** This action amends existing Class E airspace at Livermore, CA, to accommodate aircraft using new Instrument Landing System (ILS) Localizer (LOC) standard instrument approach procedures at Livermore Municipal Airport, and also corrects the airspace designation. This action also corrects a typographical error in the airspace description for Class D airspace. This improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective date, 0901 UTC, August 25, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203-4537.

#### SUPPLEMENTARY INFORMATION:

#### History

On February 14, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend controlled airspace at Livermore, CA (76 FR 8322). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and Class E airspace designations are published in paragraph 5000 and 6005, respectively, of FAA Order 7400.9U dated August 18, 2010,

<sup>1</sup> It is not always clear to what extent DOS processes each alien relative petition from examining the volume data. In some cases, DOS is able to fully adjudicate and process the petition, while more complex adjudicative cases are forwarded to USCIS for processing and decision. Thus, DHS is hesitant to draw statistical comparisons between DOS and DHS processing data, especially in cases where there is a USCIS international office.

and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in that Order.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E extending upward from 700 feet above the surface, at Livermore Municipal Airport, Livermore, CA, to accommodate IFR aircraft executing new ILS LOC standard instrument approach procedures at the airport, and adds the airport name and geographic coordinates to the airspace designation. Also, this action corrects a typographic error in the regulatory text of the Class D airspace area by correcting the word 'ipor' to 'Airport'. This action is necessary for the safety and management of IFR operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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 this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at Livermore Municipal Airport, Livermore, CA.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 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.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

##### AWP CA D Livermore, CA [Amended]

Livermore Municipal Airport, CA  
(Lat. 37°41'36" N., long. 121°49'13" W.)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4-mile radius of Livermore Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

\* \* \* \* \*

##### AWP CA E5 Livermore, CA [Amended]

Livermore Municipal Airport, CA  
(Lat. 37°41'36" N., long. 121°49'13" W.)

That airspace extending upward from 700 feet above the surface within 8.1 miles north and 4 miles south of the Livermore Municipal Airport 091° bearing extending 23 miles east of Livermore Municipal Airport, and within 3.5 miles north and 4 miles south of the Livermore Municipal Airport 271° bearing extending 2.6 miles west of the airport.

Issued in Seattle, Washington, on May 5, 2011.

**John Warner,**

*Manager, Operations Support Group, Western Service Center.*

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### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2011–0023; Airspace Docket No. 11–ANM–2]

#### Amendment of Class D and Class E Airspace; Idaho Falls, ID

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

**ACTION:** Final rule.

**SUMMARY:** This action amends existing Class D and Class E airspace at Idaho Falls, ID, by changing the name of the airport to Idaho Falls Regional Airport, and adjusting the geographic coordinates of the airport. This action also adds additional Class E airspace necessary to accommodate aircraft using new Area Navigation (RNAV) Required Navigation Performance (RNP) standard instrument approach procedures at Idaho Falls Regional Airport. This improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective date, 0901 UTC, August 25, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

#### SUPPLEMENTARY INFORMATION:

##### History

On February 17, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend controlled airspace at Idaho Falls, ID (76 FR 9266). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in that Order. With the exception of editorial changes, this rule is the same as that proposed in the NPRM.