

# Rules and Regulations

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## DEPARTMENT OF JUSTICE

### 8 CFR Part 3

#### 28 CFR Part 0

[EOIR No. 116F; AG Order No. 2062-96]

RIN 1125-AA17

#### Executive Office for Immigration Review; Board of Immigration Appeals; Board Members

**AGENCY:** Executive Office for Immigration Review, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule expands the Board of Immigration Appeals (Board) to fifteen permanent members, including fourteen Board Members and a Chairman. This expansion is necessary because of the Board's increasing caseload. In order to maintain an effective, efficient system of appellate adjudication, it has become necessary to increase the number of Board Members.

**EFFECTIVE DATE:** This final rule is effective November 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone: (703) 305-0470.

**SUPPLEMENTARY INFORMATION:** This final rule provides for an expansion of the Board of Immigration Appeals to a fifteen-member permanent Board. This expansion is necessary because of the Board's increasing caseload. To maintain an effective, efficient system of appellate adjudication, it has become necessary to increase the number of Board Members. This change will allow the Board to sit in five permanent member panels of three. In addition, this change will further enhance effective, efficient adjudication while providing for en banc review in appropriate cases. This rule amends 8

CFR part 3 and 28 CFR part 0 to reflect the new fifteen member Board.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency procedure and practice.

#### Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12866

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### Executive Order 12612

This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

#### Executive Order 12988

The rule complies with the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

#### List of Subjects

#### 8 CFR Part 3

Administrative practice and procedure, Immigration, Lawyers, Organizations and functions (Government agencies), Reporting and recordkeeping requirements.

#### 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

For the reasons set forth in the preamble, part 3 of title 8 of the Code of Federal Regulations and part 0 of title 28 of the Code of Federal Regulations are amended as follows:

#### PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for part 3 is revised to read as follows:

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949-1953 Comp., p. 1002.

#### Subpart A—Board of Immigration Appeals

##### § 3.1 [Amended]

2. In § 3.1, paragraph (a)(1) is amended by removing the word "eleven" in the second sentence and adding in its place the word "fourteen."

#### PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

3. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

#### Subpart U—Executive Office for Immigration Review

##### § 0.116 [Amended]

4. Section 0.116 is amended by removing the word "eleven" in the first sentence and adding in its place the word "fourteen."

Dated: November 14, 1996.

Janet Reno,

*Attorney General.*

[FR Doc. 96-29699 Filed 11-21-96; 8:45 am]

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## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 701

#### Organization and Operations of Federal Credit Unions

**AGENCY:** National Credit Union Administration.

**ACTION:** Interim final rule with request for comments and Interpretive Ruling and Policy Statement 96-2 (IRPS 96-2).

**SUMMARY:** The purpose of this interim Interpretive Ruling and Policy Statement is to permit federal credit unions to restructure their fields of membership consistent with the recent Court of Appeals decision ("the Decision") and District Court order ("the Order") limiting federal credit unions' ability to serve eligible credit union members and new select groups. NCUA recognizes that this interim policy will not provide complete relief to all multiple group federal credit unions, since any interim policy must meet the requirements set forth in the Decision and the Order. Similarly, this interim policy does not assist