

**Adoption of the Amendment**

■ In consideration of the foregoing, the Federal Aviation Administration 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; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

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

\* \* \* \* \*

**AEA WV E5 Sutton, WV (New)**

Braxton County Airport, Sutton, WV  
(Lat. 38°41'13" N., long. 80°39'07" W.)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Braxton County Airport.

\* \* \* \* \*

Issued in Jamaica, New York, on June 14, 2005.

**John G. McCartney,**

*Acting Area Director, Eastern Terminal Operations.*

[FR Doc. 05–12146 Filed 6–20–05; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2005–21034; Airspace Docket No. 05–AEA–09]

**Establishment of Class E–2 Airspace; Bar Harbor, ME**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E–2 airspace at Bar Harbor, ME. Controlled airspace extending upward from the surface is needed to contain aircraft operating under Instrument Flight Rule (IFR) operations into Hancock County-Bar Harbor Airport, Bar Harbor, ME.

**EFFECTIVE DATES:** 0901 UTC September 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist,

Eastern Terminal Service Unit, Airspace and Operations, ETUS–520, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

**SUPPLEMENTARY INFORMATION:****History**

On May 5, 2005, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E–2 airspace area at Bar Harbor, ME, was published in the **Federal Register** (70 FR 23810–23811). The proposed action would provide controlled airspace to accommodate Standard Instrument Approach Procedures (SIAP) to Hancock County-Bar Harbor Airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before June 6, 2005. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace area designations for airspace extending upward from the surface of the earth are published in paragraph 6005 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published in the Order.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from the surface for aircraft conducting IFR operation into Hancock County-Bar Harbor Airport, Bar Harbor, ME.

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. 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 that this rule will not have 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).

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**PART 71—[AMENDED]**

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**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6002 Class E Airspace Areas designated as a surface area for an airport.*

\* \* \* \* \*

**ANE ME E2 Bar Harbor, ME**

Hancock County-Bar Harbor Airport, ME  
(Lat. 44°26'59" N., long. 68°21'41" W.)

Within a 4.2-mile radius of the Hancock County-Bar Harbor Airport and within 2.7 miles each side of a 204° bearing from the airport, extending from the 4.2-mile radius to 6.2 miles southwest of the airport and within 2.7 miles each side of a 024° bearing from the airport, extending from the 4.2-mile radius to 6.2 miles northeast of the airport. This Class E 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.

\* \* \* \* \*

Issued in Jamaica, New York on June 14, 2005.

**John G. McCartney,**

*Acting Area Director, Eastern Terminal Operations.*

[FR Doc. 05–12145 Filed 6–20–05; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF STATE****22 CFR Part 40**

**RIN 1400–AC04**

[Public Notice 5115]

**Aliens Inadmissible Under the Immigration and Nationality Act—Unlawful Voters**

**AGENCY:** Department of State.

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

**SUMMARY:** This rule amends the Department's regulations concerning visa ineligibility for aliens who vote unlawfully. We are amending the regulations to comply with the provisions of the Child Citizenship Act of 2000.

**DATES:** The effective date of this regulation is July 21, 2005.

**Comment Date:** The Department will accept comments from the public up to 60 days from August 22, 2005.

**ADDRESSES:** You may submit comments, identified by any of the following methods:

E-mail: [visaregs@state.gov](mailto:visaregs@state.gov). You must include the RIN and the words "Unlawful Voters Regulation" in the subject line of your message.

Mail: Chief, Legislation and Regulations Division, Visa Office, U.S. Department of State, 2401 E Street, NW., Washington, DC 20520-0106.

Fax: 202-663-3898. You must include the RIN and the words "Unlawful Voters Regulation" in the subject line of your message.

Persons with access to the internet may also view this notice and provide comment by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm>.

**FOR FURTHER INFORMATION CONTACT:** Penafrancia D. Salas, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, 202-663-2878 or email to [visaregs@state.gov](mailto:visaregs@state.gov).

**SUPPLEMENTARY INFORMATION:**

**What Is the Authority for This Rule?**

Section 201(b)(1) of Public Law 106-395, the Child Citizenship Act of 2000, amended section 212(a)(10) of the Immigration and Nationality Act (INA) by adding an exception to the ground of inadmissibility, INA 212(a)(10)(D), for aliens who voted in violation of U.S. law.

**What Is the Exception to the Ground of Inadmissibility?**

Under new INA 212(a)(10)(D), in general, an alien will continue to be inadmissible, and therefore ineligible for a visa, if the alien has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation. Nevertheless, pursuant to the new exception, the alien shall not be considered to be inadmissible under any provision of this subsection based on such violation if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently

resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen.

**Regulatory Analysis and Notices**

*Administrative Procedure Act*

Publication of this regulation as an interim rule is based upon the "good cause" exceptions found 5 U.S.C. 553(b). The amendment to the regulation simply implements a legislative mandate without interpretation and codifies current practices. Therefore, we determined that it is appropriate to publish this rule as an interim rule. Nevertheless, we will solicit comments from the public.

*Regulatory Flexibility Act/Executive Order 13272: Small Entities*

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates 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 million or more in any 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.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

*Executive Order 12866*

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is not promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The

Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

*Executive Order 13132*

This regulation 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, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

*Paperwork Reduction Act*

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 22 CFR Part 40**

Aliens, Immigration, Passports and visas.

**PART 40—REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

■ 1. The authority citation for part 40 shall continue to read:

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

■ 2. Revise § 40.104 to read as follows:

**§ 40.104 Unlawful voters.**

(a) Subject to paragraph (b) of this section, an alien is ineligible for a visa if the alien has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation.

(b) Such alien shall not be considered to be ineligible under paragraph (a) of this section if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen.

Dated: June 8, 2005.

**Maura Hartly,**

*Assistant Secretary for Consular Affairs,*  
*Department of State.*

[FR Doc. 05-12219 Filed 6-20-05; 8:45 am]

**BILLING CODE 4710-06-P**