

Paragraph 6005 Class E5 airspace areas extending upward from the surface of the earth.

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#### AGL WI E5 Black River Falls, WI

Black River Falls Area Airport  
(lat. 44°15'02.7" N., long. 90°51'19.01" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Black River Falls Area Airport and within 3.9 miles each side of RNAV (GPS) Runway 08 approach course and extending from 6.4-mile radius to 8.8 miles west of the airport. This airspace is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Fort Worth, TX on January 25, 2008.

**Delisa Kik,**

*Acting Manager, System Support Group, ATO Central Service Center.*

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## DEPARTMENT OF STATE

### 22 CFR Part 42

[Public Notice: 6100]

#### Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This rule revises the photo requirement as part of the application process for a Diversity Immigrant Visa, to require that the photo be in color. Color photographs enhance facial recognition and reduce the opportunity for fraud.

**DATES:** This rule is effective February 11, 2008.

**FOR FURTHER INFORMATION CONTACT:** Charles Robertson, Legislation and Regulations Division, Visa Services, Department of State, 2401 E Street, NW., Room L-603D, Washington, DC 20520-0106, (202) 663-1202, e-mail (*robertsonce@state.gov*).

#### SUPPLEMENTARY INFORMATION:

#### Why is the Department promulgating this rule?

In the past, photographs submitted at the time of electronically filing petitions for consideration under INA 203(c) for issuance of diversity immigrant visas could be in either color or black and white. As part of the general harmonization of photo requirements for all visa functions, this requirement

is being amended to make color photos the only acceptable photographs for a petition for consideration for diversity visa issuance. Compared to black and white, color photographs enhance the facial recognition process and reduce the opportunity for fraud.

#### Regulatory Findings

##### *Administrative Procedure Act*

This regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553(a)(1), is not subject to the rule making procedures set forth at 5 U.S.C. 553.

##### *Regulatory Flexibility Act/Executive Order 13272: Small Business*

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. This regulates individual aliens who seek consideration for diversity immigrant visas and does not affect any small entities, as defined in 5 U.S.C. 601(6).

##### *The Unfunded Mandates Reform Act of 1995*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104-4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

##### *The Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104-121. 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 adverse effects on competition, employment, investment, productivity, innovation, or 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 has reviewed this proposed rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of the proposed regulation justify its costs. The Department does not consider the proposed rule to be an economically significant action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of \$100 million or more or to adversely affect in a material way the economy, a sector of the economy, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities.

##### *Executive Orders 12372 and 13132: Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

##### *Paperwork Reduction Act*

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

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

Immigration, Photographs, Visas.

■ Accordingly, for the reasons set forth above, Title 22 part 42 is amended as follows:

#### PART 42—[AMENDED]

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

**Authority:** 8 U.S.C. 1104; Pub. L. 107-56, sec. 421.

■ 2. Revise § 42.33 paragraph (b)(2) (iii) to read as follows:

#### § 42.33 Diversity immigrants.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iii) The image must be in color.

\* \* \* \* \*

Dated: January 31, 2008.

**Maura Harty,**

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

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