

to meet the requirements in U.S. Grade C, including that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured. U.S. Grade C is defined in the effective United States Standards for Grades of Processed Raisins (7 CFR 52.1841—52.1858).

A significant portion of the 1980 crop raisins of these varietal types delivered to handlers to date are well below these requirements and will not be available for shipment to domestic or export markets without intensive processing at substantial extra costs to the handlers. No significant improvement in maturity's expected in later deliveries.

The temporary grade change, hereinafter set forth, will end December 31, 1981, and will permit handlers to process the 1980 raisin crop without incurring higher processing costs, make more raisins available to consumers and the trade than would otherwise be available, and lessen the changes of significant price increases.

After consideration of all relevant matter presented, the Committee's information and recommendation, and other available information, it is further found that the temporary changes in the minimum grade standards for packed seedless raisins, as contained in § 989.703 hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, § 989.703 in Subpart—Quality Control (7 CFR Part 989.701—989.703) is revised to read as follows:

§ 989.703 Changes in minimum grade standards for packed seedless raisins for the period ending December 31, 1981.

Effective pursuant to § 989.59(b), the requirements for Natural (sun-dried) Seedless, Dipped and Related Seedless, Golden Seedless, and Monukka raisins in U.S. Grade C that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured, shall be suspended until January 1, 1982.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 26, 1980 to become effective September 29, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 80–30788 Filed 10–2–80; 8:45 am]

BILLING CODE 3410–02–M

ACTION: Emergency final rule.

SUMMARY: This rule temporarily relaxes maturity requirements for imported raisins. The Agricultural Marketing Agreement Act of 1937, as amended, requires that raisin imports must meet equal or comparable grade requirements as domestic raisins under a Federal marketing order. Under the marketing order for California raisins, temporary relaxations are being made in the maturity requirements for packed seedless raisins and similar relaxations must be made in the requirements for imported Thompson Seedless and Monukka raisins.

EFFECTIVE DATES: September 29, 1980, until January 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053. A Final Impact Statement is being developed.

SUPPLEMENTARY INFORMATION: This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant".

Jerry Hill, Deputy Assistant Secretary for Marketing and Transportation Services, has determined that an emergency situation exists which warrants publication of this emergency final action without an opportunity for a public comment period. Section 8e of the AMA Act of 1937 makes this action mandatory and requires that it conform with a simultaneous relaxation of the grade requirements on certain domestic raisins under the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter collectively referred to as the "order"). Moreover, compliance with this emergency final rule will not require any special preparation by importers which cannot be completed by the effective date, and it relaxes restrictions on the importation of raisins.

The domestic action is being implemented without an opportunity for public comment so the relaxed requirements can be made effective sooner than would otherwise be possible. Domestic handlers are in the process of acquiring 1980 crop raisins and will be processing and packing them soon. Hence, prompt action would lessen the chances of any inequity among producers or handlers due to different requirements for different time periods of the same crop year.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register.

The raisin import regulation is effective pursuant to the requirements of section 8e of the AMA Act of 1937 (7 U.S.C. 601–674), hereinafter referred to as the "act". Section 8e requires the Secretary of Agriculture to issue, after reasonable notice, grade requirements on imported raisins which are the same as, or comparable to, those imposed on domestic raisins under the order.

Adverse weather conditions in California this summer delayed proper sugar development in grapes. This coupled with the threat of September rains, prompted producers to make raisins from grapes with lower than desired sugar levels.

Early tests indicate that the 1980 domestic raisin crop will be below current maturity requirements prescribed under the order. The temporary relaxation in domestic requirements necessitates a similar change in the import requirements for imported Thompson Seedless and Monukka raisins.

Based on the foregoing, and all other relevant information, it is further found that the amendment of the raisin import regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 999.300 is amended by revising § 999.300(b)(6) to read as follows:

§ 999.300 Regulation governing the importation of raisins.

* * * * *

(b) * * *

(6) Until January 1, 1982, the requirement in U.S. Grade C that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured shall not apply to Thompson Seedless and Monukka Raisins.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated September 29, 1980 to become effective September 29, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 80–30787 Filed 10–2–80; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 999

Raisin Import; Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

CFR Parts 1062, 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

Milk in the St. Louis-Ozarks Marketing Area, et al.; Determination of Class II Prices

7 CFR part and marketing area

1062—St. Louis-Ozarks.
1007—Georgia.
1011—Tennessee Valley.
1030—Chicago Regional.
1032—Southern Illinois.
1046—Louisville-Lexington-Evansville.
1049—Indiana.
1050—Central Illinois.
1064—Greater Kansas City.
1065—Nebraska-Western Iowa.
1068—Upper Midwest.
1071—Neosho Valley.
1073—Wichita, Kansas.
1076—Eastern South Dakota.
1079—Iowa.
1094—New Orleans-Mississippi.
1096—Greater Louisiana.
1097—Memphis, Tennessee.
1098—Nashville, Tennessee.
1099—Paducah, Kentucky.
1102—Fort Smith, Arkansas.
1104—Red River Valley.
1106—Oklahoma Metropolitan.
1108—Central Arkansas.
1120—Lubbock-Plainview, Texas.
1126—Texas.
1131—Central Arizona.
1132—Texas Panhandle.
1138—Rio Grande Valley.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Determination of class II prices for temporary period; interim rules.

SUMMARY: This action relates to the procedure for announcing Class II prices under the 29 Federal milk orders listed above. In a recent decision, the U.S. Court of Appeals for the District of Columbia ruled that the present method of announcing Class II prices under these orders is invalid. The Court ordered the Department to establish on the basis of further rulemaking procedures a method for announcing such prices and, pending the completion of these procedures, to implement on an interim basis the same notice procedure used for announcing Class I prices. To carry out the Court's order, Class II prices must be announced in advance of the month in which they apply rather than after such month, as has been the usual case. In the absence of order provisions for establishing Class II prices that may be announced in this manner, it is necessary during this interim period to determine for each month a Class II price for each of the 29 orders. This document sets forth the

procedure that will be followed by the Department in determining and announcing such prices.

DATE: The procedures set forth herein become effective October 3, 1980.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable provisions of the respective orders, as amended, regulating the handling of milk in the aforesaid marketing areas, it is hereby found and determined with respect to these orders that:

(1) The provisions in the orders for announcing Class II prices have been declared legally invalid. In an action against the Department (*American Dairy of Evansville Inc., et al., v. Robert Bergland, Secretary of Agriculture, et al.*), the U.S. Appeals Court for the District of Columbia Circuit recently ruled that the Class II price announcement procedure in the 29 orders is invalid due to inadequate findings when the procedure was established in the orders.

(2) The Court has ordered the Department to establish on the basis of further rulemaking procedures a method for announcing Class II prices and, pending the completion of these procedures, to implement on an interim basis the same notice procedure used for announcing Class I prices.

(3) As a result of the Court's ruling, the Department held a public hearing at Clayton, Missouri, on August 12-14, 1980 (45 FR 47432, July 15, 1980, and 45 FR 49584, July 25, 1980) to consider proposals for establishing an appropriate method for announcing Class II prices under the 29 orders. A decision on the proposals considered is pending.

(4) Pending the completion of the amendment proceeding, it is necessary, in carrying out the Court's order to announce Class II prices in advance of the month in which they apply, to determine for each month during the interim period a Class II price for each of the 29 orders. Accordingly, for each month, the Director of the Dairy Division, Agricultural Marketing Service, will determine the Class II price, which will be his estimate of the average Minnesota-Wisconsin manufacturing milk price (3.5 percent butterfat content) for that month, plus 10 cents. This Class II price will be determined and announced by the

Director on the same day of the preceding month that the Class I price is announced and will be announced by the market administrators of the affected orders at that same time. This procedure will continue as closely as possible the present relationship between the Class II and Class III prices of each order, while announcing Class II prices in a manner that carries out the Court's order.

(5) Notice of proposed rulemaking, public procedure thereon and 30 days' prior notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest in that (a) the present method of announcing Class II prices for the orders has been declared invalid by a Court and a void is thereby created in the orders; (b) the determination of Class II prices is necessary in order to announce such prices in the manner directed by the Court; and (c) the determination does not require substantial or extensive preparation by any person.

Effective date: The procedures set forth herein become effective October 3, 1980.

Signed at Washington, D.C., on: September 26, 1980.

H. L. Forest,

Director, Dairy Division.

Each of the CFR sections listed below is affected by the Court ruling and will carry a note as follows:

Note.—The announcement of Class II prices are affected by a Court ruling. See document published on October 3, 1980 at 45 FR —.

7 CFR part and marketing area

1062.50(b)—St. Louis-Ozarks.
1007.50(b)—Georgia.
1011.50(b)—Tennessee Valley.
1030.50(b)—Chicago Regional.
1032.50(b)—Southern Illinois.
1046.50(b)—Louisville-Lexington-Evansville.
1049.50(b)—Indiana.
1050.50(b)—Central Illinois.
1064.50(b)—Greater Kansas City.
1065.50(b)—Nebraska-Western Iowa.
1068.50(b)—Upper Midwest.
1071.50(b)—Neosho Valley.
1073.50(b)—Wichita, Kansas.
1076.50(b)—Eastern South Dakota.
1079.50(b)—Iowa.
1094.50(b)—New Orleans-Mississippi.
1096.50(b)—Greater Louisiana.
1097.50(b)—Memphis, Tennessee.
1098.50(b)—Nashville, Tennessee.
1099.50(b)—Paducah, Kentucky.
1102.50(b)—Fort Smith, Arkansas.
1104.50(b)—Red River Valley.
1106.50(b)—Oklahoma Metropolitan.
1108.50(b)—Central Arkansas.
1120.50(b)—Lubbock-Plainview, Texas.
1126.50(b)—Texas.
1131.50(b)—Central Arizona.
1132.50(b)—Texas Panhandle.
1138.50(b)—Rio Grande Valley.

7 CFR part and marketing area

- 1062.53—St. Louis-Ozarks.
- 1007.53—Georgia.
- 1011.53—Tennessee Valley.
- 1030.53—Chicago Regional.
- 1032.53—Southern Illinois.
- 1046.53—Louisville-Lexington-Evansville.
- 1049.53—Indiana.
- 1050.53—Central Illinois.
- 1064.53—Greater Kansas City.
- 1065.53—Nebraska-Western Iowa.
- 1068.53—Upper Midwest.
- 1071.53—Neosho Valley.
- 1073.53—Wichita, Kansas.
- 1076.53—Eastern South Dakota.
- 1079.53—Iowa.
- 1094.53—New Orleans-Mississippi.
- 1096.53—Greater Louisiana.
- 1097.53—Memphis, Tennessee.
- 1098.53—Nashville, Tennessee.
- 1099.53—Paducah, Kentucky.
- 1102.53—Fort Smith, Arkansas.
- 1104.53—Red River, Valley.
- 1106.53—Oklahoma Metropolitan.
- 1108.53—Central Arkansas.
- 1120.53—Lubbock-Plainview, Texas.
- 1126.53—Texas.
- 1131.53—Central Arizona.
- 1132.53—Texas Panhandle.
- 1138.53—Rio Grande Valley.

[FR Doc. 80-30605 Filed 10-2-80; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2853

Grading, Certification, and Standards;
Delay of Implementation of Effective
DateAGENCY: Food Safety and Quality
Service, USDA.ACTION: Notice of delay of
implementation of effective date.

SUMMARY: A final rule was published in the August 5, 1980, *Federal Register* (45 FR 51757-51763) to amend certain official United States standards for grades of meat and the related meat grading regulations. One change provided that beef carcasses must be ribbed a minimum of 10 minutes prior to presentation for grading. Due to the necessity of modifying their automatic carcass handling systems, some establishments will be unable to comply with the October 6, 1980, effective date. Therefore, the effective date for the 10 minute ribbing time only is extended to January 12, 1981, to allow sufficient time for these modifications to be made.

EFFECTIVE DATE: January 12, 1981.

FOR FURTHER INFORMATION CONTACT: Michael L. Huggins, Acting Director, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3499.

SUPPLEMENTARY INFORMATION: On August 5, 1980, the Food Safety and Quality Service published in the *Federal Register* (45 FR 51757-51763) a final rule to amend certain official United States standards for grades of meat and the related meat grading regulations. One change provided that beef carcasses must be ribbed a minimum of 10 minutes prior to being presented for grading. Some packers have notified the Department that due to the extensive modifications of their automatic carcass handling systems necessary to comply with this regulation, the needed changes cannot be accomplished by the October 6, 1980, effective date. These packers have requested that the effective date be extended to allow completion of these modifications.

The Department recognized that some modifications would be necessary. However, it was anticipated that these changes could be accomplished by October 6, 1980. Because of the inability of some packers to meet this deadline and because an extension to allow completion of modifications does not have an adverse impact, an extension of the effective date to January 12, 1981, is made for the 10 minute ribbing time requirement provided for in § 2853.13(b) (7 CFR 2853.13(b)). This will allow all users of the service to be treated uniformly and will not delay the benefits of the other amended changes, which are effective on October 6, 1980.

Done at Washington, D.C., on: September 30, 1980.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer
Services.

[FR Doc. 80-30694 Filed 10-2-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization
Service

8 CFR Part 215

Controls Upon Departure of Persons
From and Entry Into the United States;
Revised Title: Control of Aliens
Departing From the United StatesAGENCY: Immigration and Naturalization
Service, Justice.

ACTION: Final rule.

SUMMARY: The Immigration and Naturalization Service (INS) is deleting the present regulations contained in 8 CFR Part 215 which cover controls upon departure of persons from and entry into the United States. Part 215 is being revised pursuant to an agreement

between the State Department and the Justice Department. That agreement provides that the regulations presently at 22 CFR Part 46, which set forth controls of aliens departing from the United States should be revised, and that the regulations of the INS found at 8 CFR Part 215 should contain the same provisions because the provisions of 22 CFR Part 46¹ affect the duties of immigration officers.

EFFECTIVE DATE: October 3, 1980.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieskiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048

For specific information: Joanna London, General Attorney, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3201

SUPPLEMENTARY INFORMATION: On June 16, 1980, the Department of State and the Immigration and Naturalization Service agreed that 22 CFR Part 46 should be amended and that the regulations of both should contain the provisions of 22 CFR Part 46, as amended, because these provisions affect the duties of Immigration Officers. Pursuant to that agreement, this rule deletes the present provisions of 8 CFR Part 215 and replaces them with the provisions of 22 CFR Part 46, as amended on September 29, 1980 (45 FR 64174).

The present 8 CFR Part 215 is entitled "Controls Upon Departure of Persons From and Entry Into the United States" and contains only § 215.1, which provides that wartime or national emergency travel controls for United States citizens are contained in 22 CFR Part 53, and controls upon aliens departing from the United States are contained in 22 CFR Part 46. The new 8 CFR Part 215 is entitled "Control of Aliens Departing From the United States" and adopts the language and format of the amended 22 CFR Part 46, which provides controls for alien departures from the United States.

The new 8 CFR 215.1 defines terms for the purposes of Part 215. This section adopts the language and format of 22 CFR 46.1.

The new 8 CFR 215.2 provides the authority of departure control officers. This section adopts the language and format of 22 CFR 46.2 as amended.

The new 8 CFR 215.3 lists aliens whose departures from the United States would be prejudicial to the

¹ For revised 22 CFR Part 46, see 45 FR 64174, Sept. 29, 1980.

interests of the United States. This section adopts the language and format of 22 CFR 46.3 as amended.

The new 8 CFR 215.4 provides the procedure applicable when an alien is prevented from departing from the United States. This section adopts the language and format of 22 CFR 46.4.

The new 8 CFR 215.5 provides for the procedure during a hearing before a special inquiry officer. This section adopts the language and format of 22 CFR 46.5.

The new 8 CFR 215.6 provides controls for alien departure from the Canal Zone, the Trust Territory of the Pacific Islands, or outlying possessions of the United States. This section adopts the language and format of 22 CFR 46.6.

The new 8 CFR 215.7 requires that instructions from the Administrator of Security and Consular Affairs are necessary in certain alien departure cases. This section adopts the language and format of 22 CFR 46.7.

Compliance with 5 U.S.C. 553 as to proposed rulemaking and delayed effective date is unnecessary as the regulations contained herein involve foreign affairs functions of the United States.

Accordingly, the revised 8 CFR Part 215 reads as follows:

PART 215—CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES

Sec.

215.1 Definitions.

215.2 Authority of departure-control officer to prevent alien's departure from the United States.

215.3 Alien whose departure is deemed prejudicial to the interests of the United States.

215.4 Procedures in case of alien prevented from departing from the United States.

215.5 Hearing procedure before special inquiry officer.

215.6 Departure from the Canal Zone, the Trust Territory of the Pacific Islands, or outlying possessions of the United States.

215.7 Instructions from the Administrator required in certain cases.

Authority: Sec. 104, 66 Stat. 174, Proc. 3004, 18 FR 489; 8 U.S.C. 1104, 3 CFR, 1953 Supp. Interpret or apply sec. 215, 66 Stat. 190; (8 U.S.C. 1185).

§ 215.1 Definitions.

For the purpose of this part:

(a) The term "alien" means any person who is not a citizen or national of the United States.

(b) The term "Commissioner" means the Commissioner of Immigration and Naturalization.

(c) The term "regional commissioner" means an officer of the Immigration and

Naturalization Service duly appointed or designated as a regional commissioner, or an officer who has been designated to act as a regional commissioner.

(d) The term "district director" means an officer of the Immigration and Naturalization Service duly appointed or designated as a district director, or an officer who has been designated to act as a district director.

(e) The term "United States" means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.

(f) The term "continental United States" means the District of Columbia and the several States, except Alaska and Hawaii.

(g) The term "geographical part of the United States" means (1) the continental United States, (2) Alaska, (3) Hawaii, (4) Puerto Rico, (5) the Virgin Islands, (6) Guam, (7) the Canal Zone, (8) American Samoa, (9) Swains Island, or (10) the Trust Territory of the Pacific Islands.

(h) The term "depart from the United States" means depart by land, water, or air (1) from the United States for any foreign place, or (2) from one geographical part of the United States for a separate geographical part of the United States: *Provided*, That a trip or journey upon a public ferry, passenger vessel sailing coastwise on a fixed schedule, excursion vessel, or aircraft, having both termini in the continental United States or in any one of the other geographical parts of the United States and not touching any territory or waters under the jurisdiction or control of a foreign power, shall not be deemed a departure from the United States.

(i) The term "departure-control officer" means any immigration officer as defined in the regulations of the Immigration and Naturalization Service who is designated to supervise the departure of aliens, or any officer or employee of the United States designated by the Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or the governor of an outlying possession of the United States, to supervise the departure of aliens.

(j) The term "port of departure" means a port in the continental United States, Alaska, Guam, Hawaii, Puerto Rico or the Virgin Islands, designated as a port of entry by the Attorney General or by the Commissioner, or in exceptional circumstances such other place as the departure-control officer may, in his discretion, designate in an individual

case, or a port in American Samoa, Swains Island, the Canal Zone, or the Trust Territory of the Pacific Islands, designated as a port of entry by the chief executive officer thereof.

(k) The term "special inquiry officer" shall have the meaning ascribed thereto in section 101(b)(4) of the Immigration and Nationality Act.

§ 215.2 Authority of departure-control officer to prevent alien's departure from the United States.

(a) No alien shall depart, or attempt to depart, from the United States if his departure would be prejudicial to the interests of the United States under the provisions of § 215.3. Any departure-control officer who knows or has reason to believe that the case of an alien in the United States comes within the provisions of § 215.3 shall temporarily prevent the departure of such alien from the United States and shall serve him with a written temporary order directing him not to depart, or attempt to depart, from the United States until notified of the revocation of the order.

(b) The written order temporarily preventing an alien, other than an enemy alien, from departing from the United States shall become final 15 days after the date of service thereof upon the alien, unless prior thereto the alien requests a hearing as hereinafter provided. At such time as the alien is served with an order temporarily preventing his departure from the United States, he shall be notified in writing concerning the provisions of this paragraph, and shall be advised of his right to request a hearing if entitled thereto under § 215.4. In the case of an enemy alien, the written order preventing departure shall become final on the date of its service upon the alien.

(c) Any alien who seeks to depart from the United States may be required, in the discretion of the departure-control officer, to be examined under oath and to submit for official inspection all documents, articles, and other property in his possession which are being removed from the United States upon, or in connection with, the alien's departure. The departure-control officer may permit certain other persons, including officials of the Department of State and interpreters, to participate in such examination or inspection and may exclude from presence at such examination or inspection any person whose presence would not further the objectives of such examination or inspection. The departure-control officer shall temporarily prevent the departure of any alien who refuses to submit to such examination or inspection, and may, if necessary to the enforcement of

this requirement, take possession of the alien's passport or other travel document.

§ 215.3 Aliens whose departure is deemed prejudicial to the interests of the United States.

The departure from the United States of any alien within one or more of the following categories shall be deemed prejudicial to the interests of the United States.

(a) Any alien who is in possession of, and who is believed likely to disclose to unauthorized persons, information concerning the plans, preparation, equipment, or establishments for the national defense and security of the United States.

(b) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities of any kind designed to obstruct, impede, retard, delay or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States or the United Nations for the defense of any other country.

(c) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities which would obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or action taken by any country cooperating with the United States in measures adopted to promote the peace, defense, or safety of the United States or such other country.

(d) Any alien who seeks to depart from the United States for the purpose of organizing, directing, or participating in any rebellion, insurrection, or violent uprising in or against the United States or a country allied with the United States, or of waging war against the United States or its allies, or of destroying, or depriving the United States of sources of supplies or materials vital to the national defense of the United States, or to the effectiveness of the measures adopted by the United States for its defense, or for the defense of any other country allied with the United States.

(e) Any alien who is subject to registration for training and service in the Armed Forces of the United States and who fails to present a Registration Certificate (SSS Form No. 2) showing that he has complied with his obligation to register under the Universal Military Training and Service Act, as amended.

(f) Any alien who is a fugitive from justice on account of an offense punishable in the United States.

(g) Any alien who is needed in the United States as a witness in, or as a party to, any criminal case under

investigation or pending in a court in the United States: *Provided*, That any alien who is a witness in, or a party to, any criminal case pending in any criminal court proceeding may be permitted to depart from the United States with the consent of the appropriate prosecuting authority, unless such alien is otherwise prohibited from departing under the provisions of this part.

(h) Any alien who is needed in the United States in connection with any investigation or proceeding being, or soon to be, conducted by any official executive, legislative, or judicial agency in the United States or by any governmental committee, board, bureau, commission, or body in the United States, whether national, state, or local.

(i) Any alien whose technical or scientific training and knowledge might be utilized by an enemy or a potential enemy of the United States to undermine and defeat the military and defensive operations of the United States or of any nation cooperating with the United States in the interests of collective security.

(j) Any alien, where doubt exists whether such alien is departing or seeking to depart from the United States voluntarily except an alien who is departing or seeking to depart subject to an order issued in extradition, exclusion, or deportation proceedings.

(k) Any alien whose case does not fall within any of the categories described in paragraphs (a) to (j), inclusive, of this section, but which involves circumstances of a similar character rendering the alien's departure prejudicial to the interests of the United States.

§ 215.4 Procedure in case of alien prevented from departing from the United States.

(a) Any alien, other than an enemy alien, whose departure has been temporarily prevented under the provisions of § 215.2, may, within 15 days of the service upon him of the written order temporarily preventing his departure, request a hearing before a special inquiry officer. The alien's request for a hearing shall be made in writing and shall be addressed to the district director having administrative jurisdiction over the alien's place of residence. If the alien's request for a hearing is timely made, the district director shall schedule a hearing before a special inquiry officer, and notice of such hearing shall be given to the alien. The notice of hearing shall, as specifically as security considerations permit, inform the alien of the nature of the case against him, shall fix the time and place of the hearing, and shall

inform the alien of his right to be represented, at no expense to the Government, by counsel of his own choosing.

(b) Every alien for whom a hearing has been scheduled under paragraph (a) of this section shall be entitled (1) to appear in person before the special inquiry officer, (2) to be represented by counsel of his own choice, (3) to have the opportunity to be heard and to present evidence, (4) to cross-examine the witnesses who appear at the hearing, except that if, in the course of the examination, it appears that further examination may divulge information of a confidential or security nature, the special inquiry officer may, in his discretion, preclude further examination of the witness with respect to such matters, (5) to examine any evidence in possession of the Government which is to be considered in the disposition of the case, provided that such evidence is not of a confidential or security nature the disclosure of which would be prejudicial to the interests of the United States, (6) to have the time and opportunity to produce evidence and witnesses on his own behalf, and (7) to reasonable continuances, upon request, for good cause shown.

(c) Any special inquiry officer who is assigned to conduct the hearing provided for in this section shall have the authority to: (1) Administer oaths and affirmations, (2) present and receive evidence, (3) interrogate, examine, and cross examine under oath or affirmation both the alien and witnesses, (4) rule upon all objections to the introduction of evidence or motions made during the course of the hearing, (5) take or cause depositions to be taken, (6) issue subpoenas, and (7) take any further action consistent with applicable provisions of law, Executive orders, proclamations, and regulations.

§ 215.5 Hearing procedure before special inquiry officer.

(a) The hearing before the special inquiry officer shall be conducted in accordance with the following procedure:

(1) The special inquiry officer shall advise the alien of the rights and privileges accorded him under the provisions of § 215.4.

(2) The special inquiry officer shall enter of record (i) a copy of the order served upon the alien temporarily preventing his departure from the United States, and (ii) a copy of the notice of hearing furnished the alien.

(3) The alien shall be interrogated by the special inquiry officer as to the matters considered pertinent to the proceeding, with opportunity reserved to

the alien to testify thereafter in his own behalf, if he so chooses.

(4) The special inquiry officer shall present on behalf of the Government such evidence, including the testimony of witnesses and the certificates or written statements of Government officials or other persons, as may be necessary and available. In the event such certificates or statements are received in evidence, the alien may request and, in the discretion of the special inquiry officer, be given an opportunity to interrogate such officials or persons, by deposition or otherwise, at a time and place and in a manner fixed by the special inquiry officer: *Provided*, That when in the judgment of the special inquiry officer any evidence relative to the disposition of the case is of a confidential or security nature the disclosure of which would be prejudicial to the interests of the United States, such evidence shall not be presented at the hearing but shall be taken into consideration in arriving at a decision in the case.

(5) The alien may present such additional evidence, including the testimony of witnesses, as is pertinent and available.

(b) A complete verbatim transcript of the hearing, except statements made off the record shall be recorded. The alien shall be entitled, upon request, to the loan of a copy of the transcript, without cost, subject to reasonable conditions governing its use.

(c) Following the completion of the hearing, the special inquiry officer shall make and render a recommended decision in the case, which shall be governed by and based upon the evidence presented at the hearing and any evidence of a confidential or security nature which the Government may have in its possession. The decision of the special inquiry officer shall recommend (1) that the temporary order preventing the departure of the alien from the United States be made final, or (2) that the temporary order preventing the departure of the alien from the United States be revoked. This recommended decision of the special inquiry officer shall be made in writing and shall set forth the officer's reasons for such decision. The alien concerned shall at his request be furnished a copy of the recommended decision of the special inquiry officer, and shall be allowed a reasonable time, not to exceed 10 days, in which to submit representations with respect thereto in writing.

(d) As soon as practicable after the completion of the hearing and the rendering of a decision by the special inquiry officer, the district director shall

forward the entire record of the case, including the recommended decision of the special inquiry officer and any written representations submitted by the alien, to the regional commissioner having jurisdiction over his district. After reviewing the record, the regional commissioner shall render a decision in the case, which shall be based upon the evidence in the record and on any evidence or information of a confidential or security nature which he deems pertinent. Whenever any decision is based in whole or in part on confidential or security information not included in the record, the decision shall state that such information was considered. A copy of the regional commissioner's decision shall be furnished the alien, or his attorney or representative. No administrative appeal shall lie from the regional commissioner's decision.

(e) Notwithstanding any other provision of this part, the Administrator of the Bureau of Security and Consular Affairs referred to in section 104(b) of the Immigration and Nationality Act, or such other officers of the Department of State as he may designate, after consultation with the Commissioner, or such other officers of the Immigration and Naturalization Service as he may designate, may at any time permit the departure of an individual alien or of a group of aliens from the United States if he determines that such action would be in the national interest. If the Administrator specifically requests the Commissioner to prevent the departure of a particular alien or of a group of aliens, the Commissioner shall not permit the departure of such alien or aliens until he has consulted with the Administrator.

(f) In any case arising under §§ 215.1 to 215.7, the Administrator shall, at his request, be kept advised, in as much detail as he may indicate is necessary, of the facts and of any action taken or proposed.

§ 215.6 Departure from the Canal Zone, the Trust Territory of the Pacific Islands, or outlying possessions of the United States.

(a) In addition to the restrictions and prohibitions imposed by the provisions of this part upon the departure of aliens from the United States, any alien who seeks to depart from the Canal Zone, the Trust Territory of the Pacific Islands, or an outlying possession of the United States shall comply with such other restrictions and prohibitions as may be imposed by regulations prescribed, with the concurrence of the Administrator of the Bureau of Security and Consular Affairs and the Commissioner, by the Governor of the Canal Zone, the High

Commissioner of the Trust Territory of the Pacific Islands, or by the governor of an outlying possession of the United States, respectively. No alien shall be prevented from departing from such zone, territory, or possession without first being accorded a hearing as provided in §§ 215.4 and 215.5.

(b) The Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or the governor of any outlying possession of the United States shall have the authority to designate any employee or class of employees of the United States as hearing officers for the purpose of conducting the hearing referred to in paragraph (a) of this section. The hearing officer so designated shall exercise the same powers, duties, and functions as are conferred upon special inquiry officers under the provisions of this part. The chief executive officer of such zone, territory, or possession shall, in lieu of the regional commissioner, review the recommended decision of the hearing officer, and shall render a decision in any case referred to him, basing it on evidence in the record and on any evidence or information of a confidential or a security nature which he deems pertinent.

§ 215.7 Instructions from the Administrator required in certain cases.

In the absence of appropriate instructions from the Administrator of the Bureau of Security and Consular Affairs, departure-control officers shall not exercise the authority conferred by § 215.2 in the case of any alien who seeks to depart from the United States in the status of a nonimmigrant under section 101(a)(15) (A) or (G) of the Immigration and Nationality Act, or in the status of a nonimmigrant under section 11(3), 11(4), or 11(5) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (61 Stat. 756): *Provided*, That in cases of extreme urgency, where the national security so requires, a departure-control officer may preliminarily exercise the authority conferred by § 215.2 pending the outcome of consultation with the Administrator, which shall be undertaken immediately. In all cases arising under this section, the decision of the Administrator shall be controlling: *Provided*, That any decision to prevent the departure of an alien shall be based upon a hearing and record as prescribed in this part.

(Sec. 104, 66 Stat. 174, Proc. 3004, 18 FR 489; (8 U.S.C. 1104), 3 CFR, 1953 Supp. Interpret or apply sec. 215, 66 Stat. 190; (8 U.S.C. 1185))

Dated: September 26, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-30917 Filed 10-2-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Miami County in Florida, a portion of Fort Bend County in Texas, a portion of Clay County in Missouri, a portion of Saginaw County in Michigan, a portion of Hawaii County in Hawaii, and a portion of Greene County in Arkansas because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Miami County, Florida, on September 24, 1980; Fort Bend County, Texas, on September 23, 1980; Clay County, Missouri, on September 23, 1980; Saginaw County, Michigan, on September 26, 1980; Hawaii County, Hawaii, on September 23, 1980; and Greene County, Arkansas, on September 16, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Miami County in Florida, a portion of Fort Bend County in Texas, a portion of Clay County in Missouri, a portion of Saginaw County in Michigan, a portion of Hawaii County in Hawaii, and a portion of Greene County in Arkansas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement and their carcasses, and parts thereof,

and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9 Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(a)(1) relating to the State of Florida, a new paragraph (iv) relating to Miami County is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Florida.* * * *

(iv) The premises of Animal Kingdom (Nisard Puig), 11105 N.W., 119th St. North Miami, Miami County.

* * *

2. In § 82.3(a)(3) relating to the State of Texas, a new paragraph (iii) relating to Fort Bend County is added to read:

(a) * * *

(3) *Texas.* * * *

(iii) The premises of George A. Gamblin, 2911 Burning Tree Lane, Missouri City, Fort Bend County.

* * *

3. In § 82.3(a)(4), relating to the State of Missouri, a new paragraph (ii) relating to Clay County is added to read:

(a) * * *

(4) *Missouri.* * * *

(ii) The premises of Fin and Foliage, 626 and 628 Fin and Foliage, Linden Heights, Gladstone, Clay County.

* * *

4. In § 82.3(a)(12), relating to the State of Michigan, a new paragraph (ii) relating to Saginaw County is added to read:

(a) * * *

(12) *Michigan.* * * *

(ii) The premises of The Fish Gallery and Hobby Shop, 247 Meyers Street, Freeland, Tittabawassee Township, Saginaw County.

* * *

5. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Hawaii and a new paragraph (a)(13) relating to the State of Hawaii is added to read:

(a) * * *

(13) *Hawaii.* The premises of Avian Distributors, Inc. (John L. Sobel), Lot 11 of Block 70, Paradise Park Subdivision, Makuu Road, Heaau, Hawaii County.

* * *

6. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Arkansas and a new paragraph (a)(14) relating to the State of Arkansas is added to read:

(a) * * *

(14) *Arkansas.* The premises of Folkes Exotic Birds, Grove Heights, Lot 8,

Thompson Subdivision 12-17-51, Paragould, Greene County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's memorandum 1955.

Done at Washington, D.C., this 30th day of September 1980.

R. P. Jones,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-30896 Filed 10-2-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 94

Importation of Carcasses, Parts or Products of Poultry, Game Birds, and Other Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.