

State's error rate. A 67 percent confidence interval shall be used.

(iv) When a State's reported error rates are modified through assignment or adjustment of error rates by FNS as described in paragraphs (d)(6)(ii) and (iii) of this section, the State's final error rate shall continue to be subject to adjustment as described in paragraph (d)(6)(i) of this section.

PART 277—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

8. Section 277.4(b) is amended by renumbering paragraph (b)(5) as (b)(8), revising paragraph (b)(2), and adding paragraphs (b) (5), (6), and (7) to read as follows:

§ 277.4 Funding

(b) Federal Reimbursement Rate.

(2) For the period beginning October 1, 1978, a State agency's federally-funded share of Food Stamp Program administrative costs shall be increased to 60 percent when the State's cumulative allotment error rate is less than 5 percent; provided that the State's negative case error rate is less than the national weighted mean negative case error rate for the period of enhanced funding.

(5) For the period beginning October 1, 1980, a State agency's federally-funded share of Food Stamp Program administrative costs shall be increased to 65 percent when that State meets the standards contained in § 275.25(c)(2)(i).

(6) For the period beginning October 1, 1980, a State agency's federally-funded share of Food Stamp Program administrative costs shall be increased to 60 percent when the State meets the standards contained in § 275.25(c)(2)(ii).

(7) For the period beginning October 1, 1980, a State agency which meets the standards of § 275.25(c)(2)(iii) shall be eligible for 55 percent federal funding for allowable program changes.

(P.L. 95-113, 91 Stat. 958 (7 U.S.C. 2011-2027), as amended by Pub. L. 96-249, 94 Stat. 364-365, May 26, 1980.)

[Catalog of Federal Domestic Programs No. 10.551, Food Stamps.]

Dated: January 19, 1981.

Carol Tucker Foreman,
Assistant Secretary.

[FR Doc. 81-2555 Filed 1-22-81; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of functions of Animal and Plant Health Inspection Service as it relates to the Deputy Administrator, Veterinary Services, to specifically assign functional responsibilities under the Swine Health Protection Act.

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT:

John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202-447-5335 or 301-436-8486).

SUPPLEMENTARY INFORMATION: The statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service is being amended to delegate to the Deputy Administrator, Veterinary Services, the functional responsibility for administering the provisions of the Swine Health Protection Act which was signed into law October 17, 1980. The Act regulates the feeding of garbage to swine and is considered necessary to prevent outbreaks of Hog Cholera and African Swine Fever and other such swine diseases which have become an increasing threat to the American hog industry. The Secretary has delegated this responsibility to the Assistant Secretary for Marketing and Transportation Services, who in turn has delegated such authority to the Administrator, Animal and Plant Health Inspection Service (45 FR 85696).

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after its publication in the *Federal Register*.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12044, Improving Government Regulations, and, thus, does not require the preparation of a regulatory impact analysis.

Accordingly, 7 CFR Part 371 is amended as follows:

Section 371.2 is amended by adding a new paragraph (d)(2)(xvix) to read as follows:

§ 371.2 The Office of the Administrator.

(d) * * *

(2) * * *

(xvix) The Swine Health Protection Act (Pub. L. 96-468, 94 Stat. 2229 (7 U.S.C. 3901-3812)).

Authority: 5 U.S.C. 301.

Issued at Washington, D.C., this 12th day of January, 1981.

Harry C. Mussman,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 81-1845 Filed 1-22-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 289]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 25-31, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 25, 1981.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V.

AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on January 19, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.589 is added as follows:

§ 910.589 Lemon Regulation 289.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period January 25, 1981, through January 31, 1981, is established at 215,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

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

Dated: January 21, 1981

D. S. Kuryloski,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

(FR Doc. 81-2062 Filed 1-22-81; 8:45 am)

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Revised Requirements for Nonimmigrant "F-1" Students

AGENCY: Immigration and Naturalization
Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule eliminates the duration of status for all nonimmigrant students; limits their admission to definite stated periods; provides for

extensions of stay; and establishes uniform criteria for use by Service district directors in reinstating students to lawful status.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

For specific information: Robert E. Coughlon, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: On March 19, 1980, the Service published proposed rules in the *Federal Register* at 45 FR 17590 to give interested persons an opportunity to participate in the rule making prior to adoption of the final rules revising the "F-1" student regulations. During the sixty day comment period following publication of the proposed rules in the *Federal Register*, the Service received 237 comments from educational institutions, educational associations, and individuals. The majority of commenters opposed eliminating the duration of status for nonimmigrant students and replacing it with annual extensions of stay. Duration of status for foreign students was initially implemented in January 1979 to reduce the continual need to process vast numbers of applications for extension of stay. While the duration of status regulations eased the administrative workload for the Service and the educational institutions affected, this procedure resulted in questionable control over the foreign students and has contributed to problems in record keeping. Recent events have highlighted the problem of control of foreign students in the United States. To meet this obligation, the Service proposed eliminating duration of status for foreign students and imposing an annual reporting requirement.

Additionally, the Service proposed uniform criteria for use by Service district directors in reinstating students to lawful status, where students overstayed or otherwise violated their status in circumstances beyond their control, or in hardship cases. Most commenters favored regulations which provided uniform criteria for reinstatement of students to lawful status to ensure equal treatment throughout the Service. The proposal revising the rules as to student transfers from one school to another, student employment, and temporary absences from the United States with subsequent

reentry, also generated considerable controversy.

After carefully considering the comments received, reassessing the administrative costs involved, and the need for more effective accountability for foreign students admitted to the United States, the Service is modifying its position to provide for a graduated implementation of necessary regulations. This final rule represents the first step in a series of regulatory changes being planned to more effectively monitor foreign students and the schools which enroll them. It eliminates duration of status for all incoming foreign students as of the effective date of this order. Those foreign students who were previously admitted or granted duration of status are converted to date certain status based upon the anticipated completion date of their studies as certified on Form I-20. Students are not required to report to the Immigration and Naturalization Service to have their Form I-94 changed from duration of status to date certain. Date certain changes will be made on the Form I-94 as the students come in contact with the Immigration and Naturalization Service. Students returning to the U.S. after a temporary absence or who seek a benefit from the Service will have a date certain recorded on their Form I-94 at that time. Extensions of time to remain in the United States to pursue additional courses of study will be reviewed by the Service on a case-by-case basis. Extensions of time may be granted only for periods necessary to complete courses of study. The Service will no longer grant duration of status to any foreign students.

The proposed uniform criteria for reinstating students to lawful status are adopted as a final rule except that the second condition listed in the proposed subparagraph, i.e., "(2) is pursuing the same general educational objective for which he/she was originally granted student status," is deleted from the final revision as being too vague for uniform application. Reference to eligibility of an alien to receive deferred action treatment or voluntary departure in the same subparagraph is also deleted from the final revision as superfluous language. The proposed rule dealing with student temporary absence from the United States is substantially adopted as a final rule. The revised text merely eliminates reference to duration of status and provides for a specific expiration of status date on Form I-94. The proposed rules relating to student employment and school transfer will not be adopted in this order. The regulations

currently in force will remain unchanged pending further future assessment by the Service. The Service will not adopt the proposed rule revising § 214.5 which would have required all foreign students to report to their respective district offices on an annual basis.

Accordingly, the following amendments are made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

1. Section 214.2, paragraph (f) is amended by revising subparagraphs (2), (3), (5), and adding (8) to read as follows:

§214.2 Special requirements for admission, extension, and maintenance of status.

(f) * * *

2. *Admission.* A nonimmigrant who has a classification under section 101(a)(15)(F)(i) of the Act shall not be eligible for admission unless he/she establishes that he/she is destined to and intends to attend the school specified in his/her visa or the school specified on Form I-94 presented by a student returning from a temporary absence in accordance with subparagraph (3) of this paragraph. In all cases, the name of the school a student is authorized to attend and the expiration of status date shall be endorsed by the examining immigration officer on the student's Form I-94. The period of admission for a nonimmigrant student shall be for the period of time necessary to complete the course of study indicated on Form I-20, subject to the condition that the student maintains his/her passport valid for a minimum period of six months at all times while in the United States unless exempt from the presentation of a passport requirement. The period of stay will be adjusted if the student transfers to a different course of study. Extensions of stay may be applied for as described in subparagraph (5) of this paragraph.

3. *Temporary absence.* Form I-20 presented by a student returning from a temporary absence may be retained by him/her and used for any number of reentries within one year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his/her nonimmigrant visa has not expired, returning to the United States as a

nonimmigrant under section 101(a)(15)(F)(i) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I-20, for the remainder of his/her initial admission or current extension of stay as shown on Form I-94, provided a specific expiration of status date is shown thereon. Any student whose Form I-94 indicates duration of status must present Form I-20 when applying for any admission to the United States after a temporary absence.

4. * * *

5. *Extension of stay and revocation of duration of status.* Each student previously granted duration of status is converted to date certain status as certified on Form I-20 unless adjustment of the date is made by the Service. Extensions of stay may be granted for the period of time necessary to complete a course of study if the student establishes that he/she is currently maintaining student status and is able to and in good faith intends to continue to maintain such status for the period for which the extension is requested. Application for extension of stay must be made on Form I-538. A student who desires an extension of stay for his/her spouse and children in a classification under section 101(a)(15)(F)(ii) of the Act may include them in his/her application. A student's spouse or children are not eligible for an extension of stay unless the student is eligible for an extension of stay. A student who has been compelled by illness to interrupt his/her schooling may be granted an extension of stay without being required to change his/her nonimmigrant classification provided he/she establishes that he/she will resume a full course of study after treatment.

6. * * *

7. * * *

8. *Reinstatement of student status.* Any alien who was admitted to the United States as, or whose status has been changed to, an F-1 nonimmigrant student, and who has overstayed the authorized period of stay granted by the Service or who has otherwise violated the conditions of such status may be reinstated in the discretion of the district director to lawful nonimmigrant student status only if the student:

- (1) is currently pursuing a full course of study at an approved school,
- (2) has not been employed without authorization, and
- (3) is not deportable on any ground other than section 241(a)(2) or (9) of the Act, or, § 214.1(g) of this Chapter.

Additionally, the student must establish to the satisfaction of the district director that his/her violation of status resulted from circumstances

beyond his/her control or that failure to receive reinstatement to lawful status would result in considerable hardship to the student.

No appeal shall lie from the decision of the district director.

(Secs. 103 and 214; U.S.C. 1103 and 1184)

Dated: January 16, 1981.

David Crosland,
Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-2514 Filed 1-22-81; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 203

[Economic Regulations; Amendment No. 2 to Part 203; Docket 38783]

Removal of Certificate Restrictions

AGENCY: Civil Aeronautics Board.
ACTION: Erratum to ER-1207.

SUMMARY: The CAB corrects interim final rule ER-1207 (46 FR 1664, January 7, 1981) from which a clause was inadvertently omitted. The interim final rule amended the Board's restriction removal program by only granting unrestricted authority to domestic certificated carriers that have been found fit, willing and able to operate under the Federal Aviation Act.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In ER-1206 (45 FR 86413, December 31, 1980), the Board added paragraph (f) to 14 CFR 203.3. Paragraph (f) states that any new authority that the Board grants to an air carrier will include nonstop authority to all other points on its certificate, except where new authority has been deferred pending environmental analysis. ER-1207 (46 FR 1664, January 7, 1981) in turn amended paragraph (f) to state that the award of additional nonstop authority under § 202.3 only applies to those carriers that have been found fit, willing, and able under the Federal Aviation Act. In making this amendment, the exception clause in the last line of paragraph (f) was inadvertently dropped.

In column 3 of ER-1207, at 46 FR 1664, the rule should read as follows:

§ 203.3 Timetable of automatic removal of restrictions.