List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

2. Section 910.1045 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.1045 Lemon regulation 745.

The quantity of lemons grown in California and Arizona which may be handled during the period from November 25 through December 1, 1990, is established at 290,000 cartons.

Dated: November 21, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–27865 Filed 11–23–90; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Parts 1714, 1717, 1724, 1726, 1767, 1784, 1786, and 1787

Electric and Telephone Programs, Redesignation of Regulations

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule, redesignation.

SUMMARY: The Rural Electrification Administration (REA) is undertaking a project to simplify, clarify, and update Agency regulations. This project, when complete, will provide a more logical arrangement of Agency regulations to assist borrowers and others. One component of this project is to redesignate certain regulations and combine other regulations in order to have all policies, procedures, and requirements related to a subject in one regulation in the Code of Federal Regulations. On September 27, 1990, REA began this project by publishing the redesignation of several rules at 55 FR 39393. The project is continued with the rule published here.

EFFECTIVE DATE: This final rule is effective November 27, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Blaine D. Stockton, Jr., Assistant Administrator—Management, Rural Electrification Administration, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone number (202) 382–9552.

SUPPLEMENTARY INFORMATION: REA is amending 7 CFR chapter XVII by updating headings for reserved subparts in parts 1714, 1717, 1724, and 1726; by combining old parts 1784—Discounted Prepayments on REA, Notes, 1786—Prepayment of REA Guaranteed Federal Financing Bank Loans, and 1787—REA Privatization Demonstration Program into subparts of new part 1786—Prepayment of REA Guaranteed and Insured Loans to Electric and Telephone Borrowers; and by adding and reserving part 1767—Accounting Requirements for REA Electric Borrowers.

This action is simply a redesignation of these regulations with no change to substance. Therefore, no period for public comment is required. Changes to regulatory text are merely to update cross references and combine existing information from old parts into subparts of the new regulation.

For the information of interested parties, a distribution table follows for the parts, subparts, and sections redesignated:

Distribution Table

Old part or section	*New part or section*
1784	1786 subpart C
1784.1	1786.50
1784.2	1786.51
1784.3	1786.52
1784.4	1786.53
1784.5	1786.54
1784.6	1786.55
1784.7	1786.56
1784.8	1786.57
1784.9	1786.58
1784.10	1786.59
1784.11	1786.60
1784.12	1786.61
1786	1786 subpart B
1786.1	1786.25
1786.2	1786.26
1786.3	1786.27
1786.4	1786.28
1786.5	1786.29
1786.6	1786.30
1786.7	1786.31
1786.8	1786.32
1786.9	1786.33
1786.10	1786.34
1786.11	1786.35
1786.12	1786.36
1786.13	1786.37
1786.14	1786.38
1787	1786 subpart D
1787.1	1786.75
1787.2	1786.76
1787.3	1786.77
1787.4	1786.78
1787.5	1786.79
1787.6	1786.80
1787.7	1786.81
1787.8	1786.82
1787.9	1786.83
1787.10	1786.84
1787.11	1786.85
1787.12	1786.86

List of Subjects

7 CFR Parts 1714, 1724, 1726

Electric power, Loan programs—energy, Rural areas.

7 CFR Part 1717

Electric power, Investments, Loan programs—energy, Reporting and recordkeeping requirements.

7 CFR Part 1784

Electric power, Loan programs—communications, Loan programs—energy, Rural areas, Telephone.

7 CFR Parts 1786 and 1787

Alaska, Electric power, Federal Financing Bank, Loan programs—communications, Loan programs—energy, Rural areas, Telephone.

Therefore, under the authority of the Administrator, Rural Electrification Administration, REA amends 7 CFR chapter XVII as follows:

PART 1714—[AMENDED]

1. The authority citation for part 1714 continues to read as follows:

Authority: 7 U.S.C. 901–950b, Rural Electrification Act of 1936, as amended (Re Act); Pub. L. 99–591, Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

Subpart D—Alternate Loan Application Procedures for Distribution Borrowers

2. The heading for subpart D of part 1714 is revised to read as set forth above.

PART 1717—[AMENDED]

3. The authority citation for part 171 continues to read as follows:

Authority: 7 U.S.C. 901–950b; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development 7 CFR 2.72.

4. The subpart headings for subparts A, B, and C of part 1717 are removed, and the subparts are reserved.

PART 1724—[AMENDED]

5. The authority citation for part 1724 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*

6. Part 1724 is amended by adding headings to reserved subparts A through D as follows:

Subpart A—General [Reserved]

Subpart B—Architectural Services [Reserved]

Subpart C—Engineering Services [Reserved]

Subpart D—Electric System Planning [Reserved]

PART 1726—[AMENDED]

7. The authority citation for part 1726 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*

8. Part 1726 is amended by adding headings to reserved subparts A through F as follows:

Subpart A—General [Reserved]

Subpart B—Purchase of Materials and Equipment [Reserved]

Subpart C—Construction [Reserved]

Subpart D—Contract Closeout Procedures [Reserved]

Subpart E—Procurement Procedures [Reserved]

Subpart F—Modifications to REA Standard Contracts [Reserved]

PART 1786—[AMENDED]

9. The authority citation for part 1786 continues to read as follows:

Authority: 7 U.S.C. 901–950b; Title I, Subtitle B, Pub. L. 99–509; title I Pub. L. 100–202; Pub. L. 100–203; Title VI, Pub. L. 100–460; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small community and Rural development, 7 CFR 2.72.

PART 1786—PREPAYMENT OF REA GUARANTEED AND INSURED LOANS TO ELECTRIC AND TELEPHONE BORROWERS

10. The heading for part 1786 is revised to read as set forth above.

11. Sections in parts 1784, 1786, and 1787 are redesignated, a new subpart A is added and reserved, and new subpart headings are added to read as follows:

Old designation	*New designation*
	Part 1786.
	Subpart A—General [Reserved].
	1786.1—1786.24 [Reserved]
	Subpart B—Prepayment of REA Guaranteed Federal Financing Bank Loans
1786.1–1786.14	1786.25–1786.38
	1786.39–1786.49 [Reserved]
	Subpart C—Special Discounted Prepayments on REA Direct/Insured Loans
1784.1–1784.12	1786.50–1786.61
	1786.62–1786.74 [Reserved]
	Subpart D—REA Privatization Demonstration Prepayment Program for the State of Alaska
1787.1–1787.12	1786.75–1786.86

12. In newly designated part 1786 all references to "Part" or "part" are changed to read "subpart".

13. All internal references in newly designated part 1786 are revised as set forth in the redesignation table.

14. The first sentence of paragraph (a) of newly designated § 1786.30 is revised to read as follows:

§ 1786.30 Processing procedure.

(a) *Priority of Processing.* The determination of the order or method in which applications or portions of applications will be processed by REA pursuant to this subpart rests solely within the discretion of the Administrator. * * *

* * * * *

15. The heading of paragraph (a) of newly designated § 1786.80 is revised to read as follows:

§ 1786.80 Qualifications.

(a) *Borrowers.* * * *

* * * * *

PARTS 1784 AND 1787—[REMOVED]

16. Parts 1784 and 1787 are removed.

PART 1767—ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS [RESERVED]

17. Part 1767 is added and reserved to read as set forth above.

Dated: November 15, 1990.

Gary C. Byrne,

Administrator.

[FR Doc. 90–27694 Filed 11–26–90; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

8 CFR Part 292

[Attorney General Order No. 1452–90]

Representation and Appearance

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Final rule.

SUMMARY: These revisions to 8 CFR 292.1 permit first and second year law students in clinical programs at accredited law schools to appear in immigration proceedings under certain specified circumstances. Such appearances shall be at the discretion of the deciding official and under professional supervision. This amendment expands the former regulation which authorized such appearances for third year law students only. In addition, law graduates not yet admitted to the bar may continue to represent clients in immigration proceedings with certain new limitations. A law graduate may appear under supervision of a licensed attorney or accredited representative, and only within the context of pro bono representation. As with law students, a law graduate is permitted to appear at the discretion of the deciding official.

The purpose of these revisions is to expand the pool of competent, properly supervised representatives for individuals who might not otherwise obtain such representation.

EFFECTIVE DATE: December 27, 1990.

FOR FURTHER INFORMATION CONTACT: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 756–6470.

SUPPLEMENTARY INFORMATION: The revisions allow law students and law graduates under certain specified conditions to represent individuals before the Immigration and Naturalization Service, the Board of Immigration Appeals, and Immigration Judges.

The goal of the regulatory change is to expand competent, properly supervised pro bono representation for individuals in immigration proceedings. This rule will increase the available number of representatives, while maintaining supervision over those individuals who are not yet admitted to the bar. Law students participating in a legal aid program or clinic conducted by the law school may not appear in immigration proceedings under the direct supervision of a faculty member or attorney, provided such representation is without remuneration.

Proposed regulations pertaining to law student representation were developed by the Executive Office for Immigration Review and were published in the **Federal Register** on March 22, 1990 (55 FR 10620), for public comment. The following is a description and brief discussion of the comments received.

Twenty comments were received regarding the appearance of first and second year law students. Seventeen were strongly in favor of the rule as proposed, and enthusiastic about the increased availability of representation for the poor.

One commenter suggested that law students who participate in a legal aid clinic which is not associated with a law school be included in the rule. After consideration, this suggestion was rejected, since it was felt that faculty or attorney participation within the school program will ensure the most appropriate supervision of student representatives. However, law graduates may appear while participating in an independent legal aid program, provided they are supervised by a licensed attorney or accredited representative.

Three negative comments were received regarding the appearance of first and second year law students. Only one was against the practice outright. One commenter suggests that the rule is "designed to be an expedient to accommodate financial considerations." The commenter did not offer an alternative for providing representation to those aliens who cannot afford to pay for representation. The suggestion was rejected, as it is clear that the focus of this rule is to provide representation to those whose financial means would otherwise not allow it.

Fifteen comments were received regarding representation by law graduates. Fourteen were strongly against the proposed rule eliminating law graduates as a class of representatives. While all the commenters agreed that unsupervised representation could lead to ineffective representation, the commenters stated that safeguards such as proper supervision and the discretion of the deciding official in allowing which representatives to appear would resolve any potential problems in this regard.

The commenters were further concerned that the elimination of representation by law school graduates would deprive those aliens needing pro bono representation from the very people who are most likely to participate in such programs.

The majority of commenters agreed that law school graduates should appear only within the context of pro bono representation. This would eliminate a need to set an arbitrary time limit on law graduates, as a law graduate without admission to the bar who wished to continue as a representative in a paid capacity could seek accredited status.

After considering the comments, the proposed rule eliminating the provision allowing law graduates without bar admission to practice was modified. The final rule will allow law graduates to appear in immigration proceedings under proper supervision, provided such appearance is without remuneration.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291.

List of Subjects in 8 CFR Part 292

Aliens, Immigration, Representation.

Accordingly, part 292 is amended as follows:

PART 292—REPRESENTATION AND APPEARANCES

1. The authority citation for part 292 continues to read as follows:

Authority: 8 U.S.C. 1103, 1362.

2. Section 292.1 is amended by revising paragraph (a)(2) to read as follows:

§ 292.1 Representation of others.

(a) * * *.

(2) *Law students and law graduates not yet admitted to the bar.* A law student who is enrolled in an accredited law school, or a law graduate who is not yet admitted to the bar, provided that:

(i) He or she is appearing at the request of the person entitled to representation;

(ii) In the case of a law student, he or she has filed a statement that he or she is participating, under the direct supervision of a faculty member or an attorney, in a legal aid program or clinic conducted by the law school, and that he or she is appearing without direct or indirect remuneration;

(iii) In the case of a law graduate, he or she has filed a statement that he or she is appearing under the supervision of a licensed attorney or accredited representative and that he or she is appearing without direct or indirect remuneration; and

(iv) The law student's or law graduate's appearance is permitted by the official before whom he or she wishes to appear (namely an Immigration Judge, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board). The official or officials may require that a law student be accompanied by the supervising faculty member or attorney.

* * * * *

Dated: November 15, 1990.

Dick Thornburgh,

Attorney General.

[FR Doc. 90-27717 Filed 11-26-90; 8:45 am]

BILLING CODE 1531-26-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 305

[Docket No. 900131-0031]

Variance in Cost of Grant Projects

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The purpose of this amendment to EDA's rule at 13 CFR 305.89 is to conform the rule's language to long-standing grant award terms and conditions. EDA's participation in a project is stated as dollar figure in the "Grant Agreement". That document also contains an estimate of total project costs. For the past several years the dollar amount and grant percentage figure have been identical (*i.e.*, dividing the EDA dollars by the estimated total project costs will result in the stated percentage). However, in prior years the percentage figure, in some cases, was higher than the figure arrived at by dividing the EDA Funding by total estimated project costs. This lack of consistency has led to confusion in situations where total project costs were less than originally estimated ("underrun" situations).

This amendment is designed to eliminate the confusion by defining a new term, "grant rate percentage", and explaining how EDA participation will be calculated in "underrun" situations.

In essence, the procedure restates existing EDA policy that, in underrun situations, both EDA and the grantee's share of project costs will be reduced proportionately (i.e., in the same ratio as they committed funds to the project).

DATES: *Effective Date:* November 27, 1990. Submit comments by January 28, 1991.

ADDRESSES: Send comments to Joseph M. Levine, Chief Counsel, Economic Development Administration, U.S. Department of Commerce, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., room 7001, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Joseph M. Levine, (202) 377-4687.

SUPPLEMENTARY INFORMATION: EDA is amending 13 CFR 305.89 to delete paragraphs (a) and (b) and replace them with language explaining that grant awards will provide for payment by EDA of the grant rate percentage, or the stated grant dollar amount, whichever is less. In no event will the grant rate percentage be exceeded.

Under Executive Order 12291, the Department must judge whether a regulation is "major" within the meaning of section 1 of the order and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. This regulation is not major because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation; or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, neither a preliminary nor final Regulatory Impact Analysis has been or will be prepared.

This rule is exempt from all requirements of 5 U.S.C. 553 including notice and opportunity to comment and delayed effective date, because it relates to public property, loans, grants, benefits and contracts.

No other law requires that notice and opportunity for comment be given for this rule.

However, because the Department is interested in receiving comments from those who will benefit from the amendment, this rule is being issued as interim final. Public comments on the interim rule are invited and should be sent to the address listed in the "**ADDRESSES**" section above.

Comments received by January 28, 1991, will be considered in promulgating a final rule.

Since a notice and an opportunity for comment are not required to be given for the rule under section 553 of the APA (5 U.S.C. 553) or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (Pub. L. 96-511).

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 13 CFR Part 305

Community development; Community facilities; Grant program—community development; Indians; Loan programs—community development.

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

1. The authority citation for part 305 continues to read as follows:

Authority: Section 701, Pub. L. 89-136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).

2. Section 305.89 is revised to read as follows:

§ 305.89 Variance in cost of grant projects.

(a) If the total eligible costs are equal to or exceed the amount stated in the "Grant Agreement", the grant disbursement will be the amount identified in the "Grant Agreement".

(b) If the total eligible project costs are less than the amount stated in the "Grant Agreement", the grant disbursement will be determined by multiplying the total eligible project costs by the "grant rate percentage".

(c) The "grant rate percentage" is determined by dividing the total estimated project costs stated in the "Grant Agreement" into the amount of EDA funding provided in the grant.

(d) For example, if the "Grant Agreement" provides that EDA will provide $50,000 for a project estimated to cost $100,000, the grant rate is 50% ($50,000 divided by $100,000). If the actual eligible project costs were $100,000, EDA would provide $50,000. If the actual project costs were $120,000 EDA would still provide $50,000. If the actual eligible project costs were only $80,000, EDA would provide $40,000 (50%×$80,000).

Dated: November 13, 1990.

L. Joyce Hampers,

Assistant Secretary for Economic Development.

[FR Doc. 90-27769 Filed 11-26-90; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-269-AD; Amdt 39-6788]

Airworthiness Directives; Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 707/720 series airplanes, which requires the implementation of a corrosion prevention and control program. This amendment is prompted by reports of incidents involving fatigue cracking and corrosion in transport category airplanes. These incidents have jeopardized the airworthiness of the affected airplanes. This condition, if not corrected, could result in degradation of the structural capabilities of the affected airplanes.

DATES: Effective December 31, 1990.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 31, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington, 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., 5th Floor, Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8301, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Shardul R. Panchal, Airframe Branch, Seattle Aircraft Certification Office, ANM-120S, telephone (206) 227-2870. Mailing address: 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to all Boeing Model 707/720 series airplanes,