

(1) Pursuant to section 214(c) of INA (8 U.S.C. 1184(c)), as added by section 301(b) of the IRCA, provide consultation to the Attorney General and the Secretary of Labor concerning the question of the importation of aliens as nonimmigrant temporary agricultural workers, known as "H-2A" workers, under section 1101(a)(15)(H)(ii)(a) of title 8, United States Code.

(2) Pursuant to section 218(e) of the INA (8 U.S.C. 1188 note), as added by section 301(c) of the IRCA, provide consultation to the Attorney General and the Secretary of Labor concerning all regulations to implement sections 101(a)(15)(H)(ii)(a) and 218 of the INA providing for the importation of H-2A workers.

(3) Pursuant to section 210(h) of the INA (8 U.S.C. 1160(h)), as added by section 302(a) of the IRCA, promulgate regulations to define "seasonal agricultural services" for purposes of the special agricultural worker (SAW) program.

(4) Pursuant to section 210A(a) of the INA (8 U.S.C. 1161(a)), as added by section 303(a) of the IRCA, determine jointly with the Secretary of Labor the number (if any) of additional special agricultural workers, known as "replenishment agricultural workers" (RAWs), who should be admitted to the United States or otherwise acquire the status of aliens lawfully admitted for temporary residence during fiscal years 1990 through 1993 to meet a shortage of workers to perform seasonal agricultural services in the United States during each such fiscal year.

(5) Pursuant to section 210A(a)(7) of the INA (8 U.S.C. 1161(a)(7)), as added by section 303(a) of the IRCA, determine jointly with the Secretary of Labor emergency requests to increase the shortage number.

(6) Pursuant to section 210A(a)(8) of the INA (8 U.S.C. 1161(a)(8)), as added by section 303(a) of the IRCA, determine jointly with the Secretary of Labor requests to decrease the number of man-days of seasonal agricultural services required of RAWs to avoid deportation and for naturalization under section 210A(d)(5) (A) and (B) of the INA (8 U.S.C. 1161(d)(5) (A) and (B)), as added by section 210A(d)(5) (A) and (B) of the IRCA.

(7) Pursuant to section 210A(b)(1) of the INA (8 U.S.C. 1161(b)(1)), as added by section 303(a) of the IRCA, calculate jointly with the Secretary of Labor and annual numerical limitation on the number of RAWs who may be admitted or otherwise acquire the status of aliens lawfully admitted for temporary residence during fiscal years 1990

through 1993 under section 210A(c)(1) of the INA (8 U.S.C. 1161(c)(1)).

(8) Pursuant to section 210A(b)(2) of the INA (8 U.S.C. 1161(b)(2)), as added by section 303(a) of the IRCA, establish jointly with the Secretary of Labor the information that must be reported by any person or entity who employs SAWs or RAWs in seasonal agricultural services during fiscal years 1989 through 1992, and to designate jointly with the Secretary of Labor the official to whom the person or entity must furnish such certification.

Done at Washington, DC, this 25th day of July, 1990.

Clayton Yeutter,

Secretary of Agriculture.

[FR Doc. 90-17767 Filed 7-30-90; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 958

[Docket No. FV-90-122]

Onions Grown in Designated Counties in Idaho and Malheur County, OR; Interim Inspection Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule allows onions that have been inspected and certified as meeting marketing order requirements and that are subsequently peeled, chopped, sliced or otherwise further prepared for fresh market to be shipped without being reinspected. The intent of this action is to allow handlers of Idaho-Eastern Oregon onions to expand their markets and provide the trade with a product it desires.

DATES: The interim final rule is effective July 31, 1990; comments which are received by August 30, 1990, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number and the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order

Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone (202) 447-5331.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958 (7 CFR part 958), both as amended, regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 30 handlers and 450 producers of Idaho-Eastern Oregon onions under this marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers may be classified as small entities.

The vast majority of onions grown in the Idaho-Eastern Oregon production area are utilized in fresh market outlets. About 10 percent of the crop is processed. Onions destined for fresh markets are subject to the grade, size, maturity, pack and container requirements specified in § 958.328 (as amended at 53 FR 32797, August 26, 1988). Currently, fresh shipments are required to be at least U.S. No. 2 grade, with a minimum diameter of 1 inch for white varieties and 1½ inches for all other varieties.

Under the terms of the marketing order, onions that are shipped to processors for dehydration, canning, freezing, extraction or pickling are exempt from the handling regulation, subject to certain safeguard procedures. Exemptions are also provided for minimum quantities, certain types of onions (e.g. braided red onions) and onions for other specified purposes, including planting.

Onions subject to the handling regulation are required to be inspected by the Federal-State Inspection Service (FSIS) and be covered by a valid inspection certificate at the time of shipment. Pursuant to § 958.60(b) of the order, regrading, resorting or repacking any lot of onions invalidates any inspection certificate issued prior to rehandling. Handlers who ship onions that are regraded, resorted, repacked or in any other way further prepared for market are therefore required to have such onions reinspected.

The Idaho-Eastern Oregon Onion Committee (committee), the agency responsible for local administration of the Federal marketing order, unanimously recommended a revision in these inspection requirements. Specifically, the committee recommended that onions that have been inspected and certified as meeting marketing order requirements and that are subsequently peeled, chopped, sliced or otherwise further prepared for fresh market, be exempt from the reinspection requirement. This action is authorized by §§ 958.53 and 958.60 of the marketing order.

Recently, there has been increased interest by handlers in the production area in mechanically peeling onions and marketing them as fresh onions. These onions are being prepared for use primarily by foodservice establishments. Such onions are for immediate use in the fresh form in salad bars and condiment stands. Onions that have been peeled, chopped or sliced are desired by the trade because of the convenience of handling the product. Foodservice operators are able to provide a quality product with minimal effort and reduced labor costs.

However, peeled onions are generally unable to meet the established minimum grade requirement because of the damage incurred during the peeling process. In addition to having the outer layers of skin removed, mechanically peeled onions often have their tops (stem ends) and bottoms (root ends) removed. During this process the inner, fleshy onion layers may also be cut. If the inner layers are cut, such onions are scored as having serious grade defects, and are unable to meet the minimum

grade requirement. This would be true even though, prior to alteration, the onions had met marketing order requirements. The committee believes that if onions meet the fresh market quality requirements prior to being peeled, sliced or chopped, handlers should be allowed to ship these onions to fresh markets without reinspection. The committee therefore recommended that such onions not be subject to reinspection subsequent to peeling, chopping or slicing. This action will help to expand markets for the Idaho-Eastern Oregon onion industry, and thereby improve returns to producers and handlers.

In its deliberations, the committee considered several alternative means of facilitating the movement of peeled, chopped or sliced onions. Included was an exemption for such onions from all handling requirements, including that of an initial inspection. The committee rejected this option, however, because it believes that peeled onions compete directly in the marketplace with other fresh packed onions. As such, it is necessary that these onions be subject to the same minimum quality standards so as not to thwart the industry's objective of providing acceptable quality onions to all fresh market outlets. To allow uninspected cull onions to be used for this purpose would be contrary to this goal, which the industry believes is necessary to maintain and increase its share of the fresh onion market.

The committee also recommended safeguard procedures to ensure that only onions of acceptable quality are peeled, sliced or chopped for the fresh market. Handlers shipping onions for this purpose will be required to submit to the committee a copy of the inspection certificate issued by the FSIS. This certificate will serve to verify that the onions had been inspected and the minimum marketing order requirements had been met. Such handlers will also be required to document on forms provided by the committee, in quadruplicate, the intended use and destination of the onions, referencing the inspection certificate number. Two copies of such forms will be sent on shipment to the handler intending to peel, chop or slice the onions for fresh market, and one copy will be mailed to the committee. The handler responsible for peeling, chopping or slicing the onions will then be required to document the weight of the finished product and promptly return one signed copy of the form to the committee.

Handlers in the production area that peel, slice or chop onions grown outside the production area will be required to

provide the committee with documentation to verify that the onions so handled were not subject to the initial inspection requirement.

The committee believes that these reporting requirements are necessary to enable the committee to determine whether peeled, sliced or chopped onions had been previously inspected and whether they were in compliance with the applicable minimum quality requirements.

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection requirements contained in this interim final rule have been approved by the Office of Management and Budget (OMB), and have been assigned OMB No. 0581-0087.

In addition to the changes recommended by the committee, this action makes minor revisions in the introductory paragraph and paragraphs (c) and (f) of § 958.328 which are needed to correct those paragraphs.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) Shipments of 1990 crop onions from the production area are about to begin, and to be of maximum benefit, this relaxation should apply to as many shipments as possible; (2) onion shippers are aware of this action which was unanimously recommended by the committee at a public meeting; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 958 is amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OR

1. The authority citation for 7 CFR part 958 continues to read as follows:

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

2. Section 958.328 is amended by redesignating paragraphs (d) through (h) as paragraphs (e) through (i), revising the introductory text and paragraphs (c) and (f) introductory text, and adding a new paragraph (d) to read as follows:

Note: This section will be published in the Code of Federal Regulations.

§ 958.328 Handling regulation.

No person shall handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (h) of this section, and meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such onions are handled in accordance with paragraphs (d), (e) and (f) or (g) of this section.

(c) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraph (d), (e) or (g) of this section.

(d) *Onions for peeling, chopping or slicing.* Onions that have been inspected and certified as meeting the requirements of paragraphs (a) and (b) of this section and that are subsequently peeled, chopped, or sliced for fresh market within the production area may be handled without reinspection. Each handler making shipments of onions for such purposes shall provide the committee with a copy of the original inspection certificate verifying that minimum marketing order requirements have been met. Such handlers shall also document on forms provided by the committee, in quadruplicate, the intended use and destination of the onions, referencing the inspection certificate number. Two copies of such forms shall be sent on shipment to the handler altering the onions destined for fresh market, and one copy will be mailed to the committee. Upon receipt, the handler responsible for altering such onions will document the weight of the finished product and promptly return one signed copy to the committee.

Handlers who peel, chop or slice onions grown outside the production area shall provide the committee with acceptable documentation that the onions so prepared were produced outside the production area.

(f) *Safeguards.* Each handler making shipments of pearl onions or onions for dehydration, planting, canning, freezing, extraction or pickling pursuant to paragraph (e) of this section shall:

Dated: July 25, 1990.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 90-17727 Filed 7-30-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

**Immigration and Naturalization
Service**

8 CFR Part 316a

[INS No. 1276-90]

**Residence, Physical Presence, and
Absence; Recognized American
Institutes**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Iowa State University, the Solar Energy Research Institute (SERI) and the University of Alabama to the list of recognized American institutes conducting research abroad, in accordance with section 316(b) and 319(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1427(b) and 1430(b)). This rule will allow alien employees and alien spouses of United States citizen employees of Iowa State University, the Solar Energy Research Institute and the University of Alabama, if these employees are active in scientific research on behalf of their respective institutions, to be eligible for constructive residence for naturalization pursuant to the special residence requirements of section 316(b) and 319(b), respectively.

EFFECTIVE DATE: July 31, 1990.

FOR FURTHER INFORMATION CONTACT: Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 514-3946.

SUPPLEMENTARY INFORMATION: Section 316(b) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1427(b), allows for certain absences

abroad by lawful permanent residents of the United States to preserve residence and be counted towards the residence requirements for naturalization. 8 CFR 316a.2 lists American institutions of research that have been recognized by the Attorney General to qualify for the constructive resident benefit. Absences abroad in the employment of these institutions will be counted as constructive residence in establishing the residence for naturalization, provided all conditions of section 316(b), which lists the requirements for naturalization, are satisfied.

Section 319(b) of the Act, 8 U.S.C. 1430(b), provides in pertinent part that any person whose spouse is (1) a citizen of the United States, (2) employed by an American institute of research recognized as such by the Attorney General, (3) regularly stationed abroad, and who is in the United States at the time of naturalization and declares an intention to take up residence in the United States after citizen spouse terminates his/her employment, may be naturalized with certain exceptions from the regular requirements, including the residence requirements.

The addition of Iowa State University, Solar Energy Research Institute (SERI) and the University of Alabama to the list of institutions conducting research abroad will enable alien employees and alien spouses of United States citizen employees of Iowa State University, Solar Energy Research Institute (SERI) and the University of Alabama to be deemed eligible for the benefits of sections 316(b) and 319(b) of the Act, if the employees are regularly stationed abroad in the conduct of research.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely amends an existing list.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant impact on a substantial number of small entities. This is not a major rule within the meaning of section (1)(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 316a

Citizenship and naturalization, Immigration and Nationality Act, Residence.

Accordingly, part 316a of chapter 1 of title 8 of the Code of Federal Regulations is amended as follows:

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

1. The authority citation for 8 CFR part 316a is revised to read as follows:

Authority: 8 U.S.C. 1103 and 1443; 8 CFR 2.

§ 316a.2 [Amended]

In § 316a.2, American institutions of research, the listing of organizations is amended by adding in alphabetical sequence "Iowa State University, Solar Energy Research Institute (SERI) and the University of Alabama".

Dated: July 3, 1990.

James A. Puleo,

Acting Associate Commissioner,
Examinations, Immigration and
Naturalization Service.

[FR Doc. 90-17733 Filed 7-30-90; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 334

[INS No. 1278-90]

Citizenship and Naturalization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends 8 CFR 334.13 by removing the reference to the fee amount of \$25. This fee amount is already included in 8 CFR 103.7(b)(3) and reflects the proper amount of \$50. This change is necessary to ensure that all fee amounts are listed in one section of 8 CFR.

EFFECTIVE DATE: July 31, 1990.

FOR FURTHER INFORMATION CONTACT:

Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 514-3946.

SUPPLEMENTARY INFORMATION: The fee amounts for all petitions, applications and other documents requiring fees are displayed in 8 CFR 103.7(b) (1), (2) and (3). This action is being taken to ensure that fee amounts are not listed in numerous places which might lead to an incorrect fee being requested or taken.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely removes an outdated fee amount from the existing text and poses no extra burden on the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have significant impact on a substantial number of small entities. This is not a major rule within the

meaning of section (1)(b) of E.O. 12991, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 334

Citizenship and naturalization, Fees.

Accordingly, part 334 of chapter I of title 8, Code of Federal Regulations, is amended as follows:

PART 334—PETITION FOR NATURALIZATION

1. The authority citation for part 334 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1445, 1446, 8 CFR 2.

§ 334.13 [Amended]

2. In § 334.13, the fifth sentence is amended by removing the phrase "a fee of \$25," and inserting the phrase "the fee as set forth in § 103.7(b)(3)," immediately after the word "filed," and immediately preceding the word "unless"

Dated: June 5, 1990.

James A. Puleo,

Acting Associate Commissioner,
Examinations, Immigration and
Naturalization Service.

[FR Doc. 90-17734 Filed 7-30-90; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 341

[INS No. 1279-90]

Certificates of Citizenship

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule provides citizenship certificate eligibility information that was inadvertently deleted from a portion of 8 CFR 341.7.

EFFECTIVE DATE: July 31, 1990.

FOR FURTHER INFORMATION CONTACT:

Thomas Cook, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, Telephone (202) 633-3946.

SUPPLEMENTARY INFORMATION: On April 22, 1987 the Immigration and Naturalization Service (INS) published an interim final rule with request for comments at 52 FR 13229 to change 8 CFR 341.7 to implement section 22 of Public Law 99-653, regarding issuance of Certificates of Citizenship for adopted children. On June 23, 1988, the INS published a final rule at 53 FR 23603 amending § 341.7 to be consistent with

the Immigration and Nationality Act. The 1988 final rule inadvertently omitted the final three sentences of the 1987 interim rule. This rule restores the previously omitted citizenship certificate eligibility information to § 341.7.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is unnecessary since this rule corrects an inadvertent error in a previously issued final rule.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have significant adverse economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have a Federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 341

Certificates of citizenship.

Accordingly, chapter I to title 8, of the Code of Federal Regulations, is amended as follows:

PART 341—CERTIFICATES OF CITIZENSHIP

1. The authority citation for part 341 is revised to read as follows:

Authority: 66 Stat. 173, 238, 254, 264, as amended; 8 U.S.C. 1103, 1409(c), 1443, 1444, 1448, 1452, 1455; 8 CFR part 2.

2. Section 341.7 is revised to read as follows:

§ 341.7 Issuance of certificate.

(a) If the application is granted, a Certificate of Citizenship shall be issued and, unless the claimant is unable by reason of mental incapacity or young age to understand the meaning thereof, he or she shall take and subscribe to the oath of renunciation and allegiance, prescribed by part 337 of this chapter, before a member of the Service within the United States. Thereafter, delivery of the certificate shall be made in the United States to the claimant or the acting parent or guardian, either personally or by certified mail.

(b) The child on whose behalf an application for issuance of a Certificate of Citizenship is made pursuant to section 341(c) of the Act must meet the requirements of section 341(c)(2) at the time the application is approved. The child becomes a citizen of the United States upon approval of the application. The Certificate of Citizenship issued pursuant to such approval will reflect the approval date of the application.