

inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Paragraph (d)(1) of § 301.75-4 is amended by revising the first paragraph (that begins "Hillsborough County" under the center head "FLORIDA") to read as follows:

§ 301.75-4 Quarantined areas.

- (d) * * *
(1) * * *

FLORIDA

Hillsborough County west of Grange Hall Loop Road (west) and Keene Road, south of State Highway 874 to State Road 41, south of State Road 41 to the Little Manatee River and south of the Little Manatee River to Tampa Bay, and that portion of Manatee County west of Range 21.

Done in Washington, DC, this 27th day of October 1992.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-26534 Filed 10-30-92; 8:45 am]

BILLING CODE 3410-34-M

7 CFR Part 301

[Docket No. 92-006-2]

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final.

SUMMARY: We are affirming as final and without change an interim rule that amended the pink bollworm regulations by: (1) Removing Clark and Nyle Counties in Nevada from the list of generally infested areas and removing Nevada from the list of States quarantined because of the pink bollworm; (2) removing Caddo Parish in Louisiana from the list of suppressive areas and adding a previously nonregulated portion of Concordia Parish, Louisiana, to the list of suppressive areas; (3) adding Arkansas and Mississippi to the list of States quarantined because of the pink bollworm and adding Clay, Craighead, Crittenden, Cross, Greene, Mississippi, Monroe, Poinsett, and St. Francis counties in Arkansas, and Washington County in Mississippi, to the list of suppressive areas. The action was necessary to prevent the movement of pink bollworm into noninfested areas, and to relieve unnecessary restrictions on the interstate movement of regulated articles from certain previously regulated areas.

EFFECTIVE DATE: November 30, 1992.

FOR FURTHER INFORMATION CONTACT: Sidney E. Cousins, Senior Operations Officer, PPQ, APHIS, USDA, room 644, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the *Federal Register* on July 15, 1992 (57 FR 31303-31305, Docket No. 92-006-1), we amended the pink bollworm regulations by: (1) Removing Clark and Nyle Counties in Nevada from the list of generally infested areas and removing Nevada from the list of States quarantined because of the pink bollworm; (2) removing Caddo Parish in Louisiana from the list of suppressive areas and adding a previously nonregulated portion of Concordia Parish, Louisiana, to the list of suppressive areas; (3) adding Arkansas and Mississippi to the list of States quarantined because of the pink bollworm and adding Clay, Craighead, Crittenden, Cross, Greene, Mississippi, Monroe, Poinsett, and St. Francis counties in Arkansas, and Washington County in Mississippi, to the list of suppressive areas.

Comments on the interim rule were required to be received on or before September 14, 1992. We did not receive any comments. The facts presented in the interim still provide a basis for the rule.

This action also affirms the information contained in the interim rule

concerning Executive Orders 12291, 12372, and 12778, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR 301.52 and 301.52-2a and that was published at 57 FR 31303-31305 on July 15, 1992.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 27th day of October 1992.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-26535 Filed 10-30-92; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245

[INS No. 1373-92]

RIN 1115-AD12

Adjustment of Status to That of Persons Admitted for Permanent Residence: Interview

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: Existing regulations require that most applicants for adjustment of status to that of permanent residence be interviewed by an immigration officer. This interim rule will amend the interview requirement to allow the Service to waive the requirement where it is determined that an interview is not necessary. This action is necessary to ease the burden of unproductive interviews on the Service and the public.

DATES: This interim rule is effective on November 2, 1992. Written comments must be submitted on or before December 2, 1992.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., room 5304, Washington, DC 20536. To ensure proper handling, please reference INS number 1373-92 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Jerry R. Uhde, Senior Immigration Examiner, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., room 7215, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act, as amended, provides that the status of certain aliens inspected and admitted or paroled into the United States may be adjusted by the Attorney General in his or her discretion and under such regulations as he or she may prescribe. Adjustment may be made to that of an alien lawfully admitted for permanent residence if the alien makes application for such adjustment, is eligible to receive an immigrant visa, and is admissible to the United States for permanent residence and an immigrant visa is immediately available to him or her at the time his or her application is filed. The regulations pertaining to such application for permanent residence are set forth in 8 CFR part 245. Section 245.6 requires that each applicant over the age of 14 who is not clearly ineligible for having lived or worked illegally in the United States and who did not apply, prior to November 20, 1990, under the provisions of the Cuban Adjustment Act of November 2, 1966, be interviewed by an officer of the Immigration and Naturalization Service. This interim rule amends the interview requirement to allow the Service to waive the requirement in those very limited circumstances when it is determined that an interview is not necessary. In view of this change, the reference to the Cuban Adjustment Act is being deleted as it is unnecessary.

Amendment of the interview requirement is necessary in order to allow the Service to remove the burden of unproductive interviews on both the Service and the public and to allow the Service to redirect resources to enhance the detection and deterrence of fraud and to reduce the backlog of pending cases.

Although the interview procedure can be a useful tool in obtaining information pertinent to the adjudication of adjustment of status applications, the Service has determined that the probability of gathering such information does not warrant the

burdens placed on the Service and the public by requiring an interview in every case. The Service has sufficient information available, including record checks from other agencies, to make the determination whether to waive the required interviews on individual applications. Therefore, although interviews will still be conducted in the majority of cases, the Service is amending the interview requirement to provide for a waiver of the requirement whenever an interview is determined to be unnecessary, as a discretionary tool in the adjudication of applications for adjustment of status. The statutory authority for waiver of the interview procedure, as a discretionary tool, is contained in Section 103 of the Immigration and Nationality Act as amended.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(b)(A), (b)(B) and (d). The reasons and the necessity for immediate implementation of this interim rule are as follows: this change in the adjudication process will relieve the Service and the public of an unwarranted burden and allow the Service to redirect its resources to more productive activities. A notice and comment period would be impracticable and contrary to the public interest. This rulemaking confers a benefit upon eligible persons by waiving the requirement of the interview when it is deemed unnecessary. It does not impose a penalty of any kind. It is imperative that this interim rule become effective upon publication so that the persons entitled to its benefit may receive it.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This is not considered to be a major rule within the meaning of section 1(b) of Executive Order 12291, nor does this rule have Federalism implications warranting preparation of a Federalism Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, part 245 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. The authority citation for part 245 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1154, 1182, 1186a, 1255 and 1257; 8 CFR part 2.

2. In part 245, § 245.6 is revised to read as follows:

§ 245.6 Interview.

Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. This interview may be waived in the case of a child under the age of 14; when the applicant is clearly ineligible under section 245(c) of the Act or § 245.1 of this chapter; or when it is determined by the Service that an interview is unnecessary.

Dated: September 25, 1992.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 92-26548 Filed 11-30-92; 8:45 am]

BILLING CODE 4410-10-M

9 CFR Part 51

[Docket No. 91-128-2]

Animals Destroyed Because of Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are increasing the amount of Federal indemnity paid for breeding swine (swine that are 6 months and older) destroyed because of exposure to brucellosis. The increased indemnity is necessary to give herd owners sufficient financial incentive to destroy their exposed breeding swine, thereby assisting in the accelerated eradication of brucellosis in the United States.

EFFECTIVE DATE: November 2, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Delorias M. Lenard, Senior Staff Veterinarian, Swine Health Staff, VS, APHIS, USDA, room 736-A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7767.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a serious, infectious disease of animals and man caused by bacteria of the genus *Brucella*. Brucellosis in swine is characterized by abortion, infertility, orchitis, posterior paralysis, and lameness. The regulations in 9 CFR part 51 (referred to below as

the regulations) provide for payment of Federal indemnity to owners of animals destroyed because of brucellosis. Under the regulations, maximum "per head" indemnity rates are set, with the provision that the Administrator shall authorize the maximum amount in each case unless: (1) Sufficient funds are not available, (2) the State or area in which the animal is located is under Federal quarantine, (3) the State does not request payment of Federal indemnity, or (4) the State requests a rate lower than the maximum.

Under the regulations, owners are eligible for Federal indemnity for breeding swine (swine that are 6 months and older) destroyed as brucellosis reactors and for breeding swine destroyed because of exposure to brucellosis.

Before the effective date of this final rule, herd owners were eligible for Federal indemnity of only \$25 per head for registered, inbred or hybrid breeding swine and only \$10 a head for all other breeding swine destroyed because of exposure to brucellosis. These amounts were inadequate for most owners to consider destroying exposed breeding swine.

On July 1, 1992, we published in the *Federal Register* (57 FR 29225-29226, Docket No. 91-128), a proposal to increase the amount of Federal indemnity for breeding swine destroyed because of exposure to brucellosis to \$150 a head for registered, inbred, or hybrid breeding swine and \$65 a head for all other breeding swine. These amounts are consistent with the amounts offered by States that pay indemnity for brucellosis exposed breeding swine. The increased indemnity will provide financial incentive for owners to destroy brucellosis exposed breeding swine in a timely manner, reducing the risk of the disease spreading.

We solicited comments on the proposed rule, which were to be received on or before August 31, 1992. We received 52 comments by that date, all in favor of the proposed rule. Comments were received from herd owners, State Departments of Agriculture, pork producer associations and veterinary organizations. Based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change. This final rule does not change the amount of federal indemnity for breeding swine destroyed as brucellosis reactors.

Effective Date

Mr. Robert Melland, Administrator of the Animal and Plant Health Inspection

Service, has determined that this rulemaking proceeding should be expedited by making this rule effective upon publication. This rule increases the amount of Federal indemnity paid for breeding swine destroyed because of exposure to brucellosis. Prompt implementation of this rule will encourage herd owners to remove potential transmitters of brucellosis and assist in the accelerated eradication of brucellosis in the United States.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individuals, industries, Federal, State, or local government agencies or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

Owners of breeding swine that are destroyed because of exposure to brucellosis are now eligible for Federal indemnity amounting to an increase of \$125 a head over the previous rate for registered, inbred, or hybrid swine and \$55 a head for all other breeding swine. We estimate that we will offer indemnity payments of approximately \$87,000 for breeding swine in the coming year because of exposure to brucellosis. There are approximately 65 herd owners that will be affected by this rule and all of these would be considered small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are

in conflict with this rule; (2) has no retroactive effect, and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1990 (44 U.S.C. 3501 et seq.).

List of Subjects in 9 CFR Part 51

Animal diseases, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 51 is amended as follows:

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

1. The authority citation for part 51 continues to read as follows:

Authority: 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

§ 51.3 [Amended]

2. In § 51.3, paragraphs (b)(2) and (b)(3) are amended by removing "\$25" and adding "\$150" in its place, and by removing "\$10" and adding "\$65" in its place.

Done in Washington, DC, this 27th day of October 1992.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-26533 Filed 10-30-92; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 77

[Docket No. 92-066-2]

Tuberculosis in Cattle and Bison; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final.

SUMMARY: We are affirming as final and without change an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by lowering the designation of New York from an accredited-free State to a modified accredited State. We have determined that New York no longer meets the criteria for designation as an accredited-free State but meets the criteria for designation as a modified accredited State.