

Two hundred bushels are sold for malting purposes after conditioning. Conditioning cost \$0.05 per bushel; and

(f) Your additional value price election is \$0.60 per bushel.

Your malting barley production guarantee is 1750.0 bushels (the lesser of 35 or 21.875 (2500 contracted bushels ÷ 80 acres x 70 percent coverage) x 80 acres). The value of your production guarantee is \$1050.00 (1750 bushels x \$0.60 per bushel). Your production to count is 200 bushels. The value of your production to count is \$110.00 (200 bushels x \$0.55 (\$0.60—\$0.05)). Your indemnity for the malting barley unit is \$940.00 ((\$1050.00—\$110.00) x 100 percent share). Any remaining loss is paid under the Small Grains Crop Provisions for feed barley.

Done in Washington, D.C., on March 1, 1996.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance
Corporation.

[FR Doc. 96-5383 Filed 3-4-96; 1:01 pm]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 242

[INS No. 1716-95]

RIN 1115-AE13

Order to Show Cause and Notice of Hearing; Apprehension, Custody and Detention

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends existing Immigration and Naturalization Service (Service) regulations, by adding the position of institutional hearing program director to the list of Immigration and Naturalization Service officials authorized to issue orders to show cause and warrants of arrest. This is an internal change only and is necessitated by the placement of Service special agents at correctional institution sites to process criminal aliens for deportation proceedings. The modification is intended to facilitate the processing of incarcerated criminal aliens. The position of patrol agent in charge is also being added to the list of officials authorized to issue orders to show cause and warrants of arrest. This change will allow the Service to obtain more efficient use of its personnel and resources and is in keeping with current organizational command structure and program responsibility with a Border Patrol sector. This rule also deletes positions from the list of officials authorized to issue orders to show cause

and warrants of arrest which are no longer necessary.

EFFECTIVE DATE: March 6, 1996.

FOR FURTHER INFORMATION CONTACT: Ira L. Frank, Senior Special Agent, Investigations Division, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, telephone: (202) 514-0747.

SUPPLEMENTARY INFORMATION: This rule adds the position of institutional hearing program director and patrol agent in charge to the list of Immigration and Naturalization Service officials authorized to issue orders to show cause, thereby initiating deportation proceedings pursuant to 8 CFR 242.1(a). It also amends 8 CFR 242.2(c)(1) to permit the same officials to sign warrants of arrest.

The Institutional Hearing Program (IHP) represents one of the Service's major undertakings to process criminal aliens while they are incarcerated in correctional institutions and to obtain orders of deportation prior to their release from imprisonment. The correctional institutions designated as IHP sites are often geographically situated a great distance from an existing Service office that has an official designated to sign orders to show cause and warrants of arrest. Sending orders to show cause or warrants of arrest to another Service office location frequently causes an unnecessary delay in the processing of the criminal alien. This rule will permit the institutional hearing program director, in charge of a staff at a correctional institution designated as an IHP site, to sign orders to show cause and warrants of arrest.

Frequently, patrol agents in charge are also geographically remote from the sector officials currently authorized to issue orders to show cause and warrants of arrest. The addition of patrol agents in charge to the list of immigration officials authorized to issue orders to show cause and warrants of arrest will allow the Service to obtain more efficient use of its personnel and resources, and is in keeping with current organizational command structure and program responsibility within a Border Patrol sector.

The Service is withdrawing authorization for the Director, Organized Crime Drug Enforcement Task Force (OCDETF), and the Assistant Director, OCDETF (New York, NY; Houston, TX; Los Angeles, CA; and Miami, FL), to issue orders to show cause and warrants of arrest. These organizational positions cease to exist. The Service is also withdrawing authorization for the Assistant

Commissioner, Refugees, Asylum and Parole, to issue orders to show cause, because this organizational position no longer exists.

The Service's implementation of this rule as a final rule is based upon the "good cause" exception found at 5 U.S.C. 553(b)(B). The reason and the necessity for immediate implementation of this final rule is as follows: This is a rule of agency organization, practice, or procedure and does not include action which goes beyond formality and substantially affects the rights of those over whom the agency exercises authority.

The rule will not have a significant economic impact. It does not affect parties that are small entities.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities as discussed in the Supplemental section of this document.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, § 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 242

Administrative practice and procedure, Aliens, Deportation.

Accordingly, part 242 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. The authority citation for part 242 continues to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1252 note, 1252a, 1252b, 1254, 1362; 8 CFR part 2.

2. Section 242.1, paragraph (a) is revised to read as follows:

§ 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* Every proceeding to determine the deportability of an alien in the United States is commenced by the filing of an order to show cause with the Office of the Immigration Judge, except for an alien who has been admitted to the United States under the provisions of section 217 of the Act and Part 217 of this chapter other than such an alien who has applied for asylum in the United States. In the proceeding, the alien shall be known as the respondent. Orders to show cause may be issued by:

- (1) District directors (except foreign);
- (2) Deputy district directors (except foreign);
- (3) Assistant district directors for investigations;
- (4) Deputy assistant district directors for investigations;
- (5) Assistant district directors for deportation;
- (6) Deputy assistant district directors for deportation;
- (7) Assistant district directors for examinations;
- (8) Deputy assistant district directors for examinations;
- (9) Officers in charge (except foreign);
- (10) Assistant officers in charge (except foreign);
- (11) Chief patrol agents;
- (12) Deputy chief patrol agents;
- (13) Associate chief patrol agents;
- (14) Assistant chief patrol agents;
- (15) Patrol agents in charge;
- (16) The Assistant Commissioner, Investigations;
- (17) Service center directors;
- (18) Supervisory asylum officers; or
- (19) Institutional Hearing Program Directors.

* * * * *

3. In § 242.2, paragraph (c)(1) (i) through (xvii) is revised to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(c) * * *

(1) * * *

(i) District directors (except foreign);

- (ii) Deputy district directors (except foreign);
- (iii) Assistant district directors for investigations;
- (iv) Deputy assistant district directors for investigations;
- (v) Assistant district directors for deportation;
- (vi) Deputy assistant district directors for deportation;
- (vii) Assistant district directors for examinations;
- (viii) Deputy assistant district directors for examinations;
- (ix) Officers in charge (except foreign);
- (x) Assistant officers in charge (except foreign);
- (xi) Chief patrol agents;
- (xii) Deputy chief patrol agents;
- (xiii) Associate chief patrol agents;
- (xiv) Assistant chief patrol agents;
- (xv) Patrol agents in charge;
- (xvi) The Assistant Commissioner, Investigations; or
- (xvii) Institutional Hearing Program Directors.

* * * * *

Dated: February 22, 1996.
Doris Meissner,
Commissioner, Immigration and Naturalization Service.
[FR Doc. 96-5176 Filed 3-5-96; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-ASO-1]

Removal of Class D and E2 Airspace; Lawrenceville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, withdrawal.

SUMMARY: This action withdraws the final rule published in the Federal Register on January 23, 1996, with an effective date of April 25, 1996. The rule revoked the Class D and E2 airspace at Lawrenceville, GA. The planned opening of a non-federal control tower at the Lawrenceville/Gwinnett County-Briscoe Field Airport was delayed indefinitely due to construction problems. Therefore, the Class D and E2 airspace was not necessary, and action was undertaken to remove this airspace. However, the Gwinnett County Airport Authority has been able to secure a temporary tower until the permanent tower can be completed. Therefore, the Class D and E2 airspace will be necessary, and action to revoke this airspace is being withdrawn.

DATES: The withdrawal is effective March 6, 1996.

FOR FURTHER INFORMATION CONTACT:

Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

SUPPLEMENTARY INFORMATION:

History

Class D and E2 airspace at Lawrenceville, GA, was established to support the planned opening of a non-federal control tower at the Lawrenceville/Gwinnett County-Briscoe Field Airport. Due to construction problems, the opening was delayed indefinitely. Therefore, on January 23, 1996, the FAA published a final rule stating that, since the Class D and E2 airspace was not necessary, the Class D and E2 airspace in the vicinity of the Lawrenceville/Gwinnett County-Briscoe Field Airport was being revoked (61 FR 1705). However, the Gwinnett County Airport Authority has been able to secure a temporary control tower until the permanent control tower can be completed. As a result, the Class D and E2 airspace will be necessary. Therefore, the action to revoke the Class D and E2 airspace at Lawrenceville, GA, is being withdrawn.

Conclusion

In consideration of the action taken to provide the Lawrenceville/Gwinnett County-Briscoe Field Airport with a temporary control tower until the permanent tower is completed, action to revoke the airspace is unnecessary.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Withdrawal of Final Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 96-ASO-1, as published in the Federal Register on January 23, 1996 (61 FR 1705), is hereby withdrawn.

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

Issued in College Park, Georgia, on February 21, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96-5125 Filed 3-5-96; 8:45 am]

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