

because of the following factors. The rule primarily concerns matters of agency records and proof of facts at administrative hearings that do not concern small entities.

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, section 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 proposed herein will not have substantial direct effect 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.

Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation has no impact on family well-being.

List of Subjects

8 CFR Part 235

Administrative practice and procedure, Aliens, Detention, Immigration, Port of entry, Reporting and recordkeeping requirements.

8 CFR Part 242

Administrative practice and procedure, Aliens.

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

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

2. In § 235.3, a new paragraph (g) is added to read as follows:

§ 235.3 Detention and deferred inspection.

* * * * *

(g) *Privilege of communication.* The mandatory notification requirements of consular and diplomatic officers

pursuant to 8 CFR 242.2(g) apply to exclusion proceedings.

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

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

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

4. In § 242.2, paragraph (g) is revised to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(g) *Privilege of communication.* Every detained alien shall be notified that he or she may communicate with the consular or diplomatic officers of the country of his or her nationality in the United States. Existing treaties require immediate communication with appropriate consular or diplomatic officers whenever nationals of the following countries are detained in exclusion or expulsion proceedings, whether or not requested by the alien and even if the alien requests that no communication be undertaken in his or her behalf:

- Albania¹
- Antigua
- Armenia
- Azerbaijan
- Bahamas
- Barbados
- Belarus
- Belize
- Brunei
- Bulgaria
- China (People's Republic of)²
- Costa Rica
- Cyprus
- Czech Republic
- Dominica
- Fiji
- Gambia, The
- Georgia
- Ghana
- Grenada
- Guyana
- Hungary
- Jamaica
- Kazakhstan
- Kiribati
- Kuwait
- Kyrgyzstan
- Malaysia
- Malta
- Mauritius
- Moldova
- Mongolia
- Nigeria
- Philippines
- Poland
- Romania
- Russian Federation

- St. Kitts/Nevis
- St. Lucia
- St. Vincent/Grenadines
- Seychelles
- Sierra Leone
- Singapore
- Slovak Republic
- South Korea
- Tajikistan
- Tanzania
- Tonga
- Trinidad/Tobago
- Turkmenistan
- Tuvalu
- Ukraine
- United Kingdom³
- U.S.S.R.⁴
- Uzbekistan
- Zambia

1. Arrangements with these countries provide that U.S. authorities shall notify responsible representatives within 72 hours of the arrest or detention of one of their nationals.

2. When Taiwan nationals (who carry "Republic of China" passports) are detained, notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan's interests in the United States.

3. British dependencies are also covered by this agreement. They are: Anguilla, British Virgin Islands, Hong Kong, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

4. All U.S.S.R. successor states are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

* * * * *

Dated: March 23, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95-7684 Filed 3-28-95; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 98

[Docket No. 94-087-1]

Canadian Border Ports; Baudette, MN

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the animal importation regulations by adding Baudette, MN, as a Canadian border port for pet birds, poultry, horses, ruminants, swine, and germ plasm. We have determined that Baudette, MN, has inspection facilities which meet our

requirements for Canadian border port status. This action will provide an additional Canadian border port.

DATES: This rule will be effective on May 30, 1995 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before April 28, 1995.

ADDRESSES: Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to Docket No. 94-087-1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1228. Please state that your submission refers to Docket No. 94-087-1. Submissions received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments and notices are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, Import/Export Animals Staff, 4700 River Road Unit 39, Riverdale, MD 20737-1228; (301) 734-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 92 and 98 (referred to below as the regulations) restrict the importation of specified animals and animal products into the United States. The regulations designate land border ports along the U.S.-Canada border which have inspection facilities for the importation of certain animals and germ plasm that require inspection. Section 92.102(a) of the regulations lists the special ports having inspection facilities for the importation of certain pet birds. Sections 92.203(b), 92.303(b), 92.403(b), 92.503(b) and 98.33(b) of the regulations list the Canadian border ports having inspection facilities for the importation of certain poultry, horses, ruminants, swine and germ plasm, respectively.

A new facility in Baudette, MN, is ready for use as an inspection station. We have determined that the Animal and Plant Health Inspection Service has the personnel and facilities at Baudette, MN, required to effectively provide inspection services. Baudette, MN, is currently listed in §§ 92.403(e) and 92.503(e) as a limited port for ruminants

and ruminant products and swine and swine products, respectively. Limited ports are used for animals and animal products that do not require restraint and holding facilities. Since Baudette, MN, is capable of performing full inspection services, we will remove Baudette, MN, from the list of limited ports.

This rule will amend §§ 92.102(a), 92.203(b), 92.303(b), 92.403(b), 92.403(e), 92.503(b), 92.503(e), and 98.33(b) in accordance with the procedures explained below under "Dates." The amendment will add Baudette, MN, as a Canadian border port and remove it as a limited port.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Currently, Baudette, MN, is a limited port for certain ruminants, ruminant products, swine, and swine products.

This rule will add Baudette, MN, as a Canadian border port for certain pet birds, poultry, horses, ruminants, swine, and germ plasm. We believe the primary impact will be on importers of certain pet birds, poultry, horses, ruminants, swine, and germ plasm. Few if any of these entities can be regarded as small.

If this rule is not adopted, some importers would have to travel long distances to a port in another State. We believe that adding Baudette, MN, as a Canadian border port will benefit U.S. importers of pet birds, poultry, horses, ruminants, and swine since these importations will now be logistically easier for a number of these entities. Based on information from the local livestock industry we expect 500 to 1,000 head of Canadian cattle to be imported into the United States through Baudette, MN. Approximately half of these imports will be diverted from other ports. In 1993, cattle imports into the United States from Canada totaled approximately 1.2 million head. Therefore, we do not anticipate this increase in the imports to have a significant economic impact.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action 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 inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects

9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

9 CFR Part 98

Animal diseases, Imports.

Accordingly, 9 CFR parts 92 and 98 are amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.102 [Amended]

2. In § 92.102, paragraph (a) is amended by adding the words “Baudette, Minnesota;” immediately after “New York, New York;”.

§§ 92.203, 92.303, 92.403, and 92.503 [Amended]

3. Sections 92.203, 92.303, 92.403, and 92.503 are amended by adding the words “Baudette, Minnesota;” immediately after “Michigan;” in the following places:

- a. In § 92.203, paragraph (b);
- b. In § 92.303, paragraph (b);
- c. In § 92.403, paragraph (b); and
- d. In § 92.503, paragraph (b).

§§ 92.403 and 92.503 [Amended]

4. Sections 92.403 and 92.503 are amended by removing the words “Baudette and” in the following places:

- a. In § 92.403, paragraph (e) and
- b. In § 92.503, paragraph (e).

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

4. The authority citation for part 98 is revised to read as follows:

Authority: 7 U.S.C. 1622; 21 U.S.C. 103, 104, 105, 111, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 98.33 [Amended]

5. In § 98.33, paragraph (b) is amended by adding “Baudette, Minnesota;” immediately after “Sault Ste. Marie, Michigan;”.

Done in Washington, DC, this 22nd day of March 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–7598 Filed 3–28–95; 8:45 am]

BILLING CODE 3410–34-P

EXPORT-IMPORT BANK

12 CFR Parts 401, 402, and 406

General Procedures, Extension of Credit, and Book-Entry Procedures; Removal of Obsolete Regulation

AGENCY: Export-Import Bank.

ACTION: Final rule.

SUMMARY: The Export-Import Bank (“Ex-Im Bank”) is removing its existing regulations at 12 CFR parts 401, 402 and 406. These regulations no longer accurately describe the programs and policies of Ex-Im Bank.

EFFECTIVE DATE: The removal of 12 CFR parts 401, 402 and 406 is effective as of March 29, 1995.

FOR FURTHER INFORMATION CONTACT: Carol Lee, Export-Import Bank of the United States, General Counsel, 811 Vermont Ave., NW., Washington, DC 20571, tel. (202) 565–3430.

SUPPLEMENTARY INFORMATION:

List of Subjects

12 CFR Part 401

Administrative practice and procedure, Banks, banking, Exports, Insurance, Loan programs—business, Organization and functions (Government agencies).

12 CFR Part 402

Banks, banking, Exports, Insurance, Loan programs—business.

12 CFR Part 406

Accounting, Banks, banking, Federal Reserve System, Government securities.

PARTS 401, 402, and 406—[REMOVED]

Accordingly, under authority of 5 U.S.C. 552, 12 CFR parts 401, 402 and 406 are removed.

Dated: March 14, 1995.

Carol F. Lee,

General Counsel, Export-Import Bank.

[FR Doc. 95–6846 Filed 3–28–95; 8:45 am]

BILLING CODE 6690–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700–AB95

Amending the NASA Research Grant Handbook To Address Education Grants, Training Grants, and Reduce the Threshold for Incremental Funding of Grants

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA has revised its Research Grant Handbook to define education and training grants, permit the award of education grants, and decrease the threshold for incremental funding of grants. The purpose of these changes are to increase the coverage of the Handbook and provide greater funding flexibility. These changes benefit both NASA and the grantee community.

EFFECTIVE DATE: March 29, 1995.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Dussault, (202) 358–0463.

SUPPLEMENTARY INFORMATION:

Background

In response to the interim rule (59 FR 36355, July 18, 1994), NASA received 1 comment from 1 person.

The only comment made was in regard to lowering the threshold for incrementally funding grants. In the interim rule NASA lowered the threshold for being able to incrementally fund grants from over \$1 million to \$50,000. The comment made was that \$50,000 was thought to be too low and that NASA should consider raising it to \$250,000. The lower threshold of \$50,000 was selected because it allows NASA greater flexibility to award grants when the bulk of the funding will not be available until the next fiscal year.

Impact

NASA certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 14 CFR Part 1260

Grants.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 14 CFR part 1260 is amended as follows:

PART 1260—[AMENDED]

1. The authority citation for 14 CFR part 1260 continues to read as follows:

Authority: Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*).

2. Under the authority of Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*), the interim rule published at 59