

shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The motion may be accompanied by a memorandum of law. Upon receipt of such motion, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such motion, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the motion to the judge for the judge's consideration.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from the Order shall be governed by §§ 900.52(c)(2) through 900.71 of the Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders. However, each reference to *marketing order* in the title shall mean *order*.

#### **PART 1205—COTTON RESEARCH AND PROMOTION**

7. The authority citation for Part 1205 continues to read as follows:

**Authority:** 7 U.S.C. 2101-2118.

8. In Part 1205, Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Orders is removed.

#### **PART 1207—POTATO RESEARCH AND PROMOTION PLAN**

9. The authority citation for Part 1207 continues to read as follows:

**Authority:** 7 U.S.C. 2611-2627.

10. In Part 1207, Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Plans is removed.

#### **PART 1209—MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER**

11. The authority citation for Part 1209 continues to read as follows:

**Authority:** 7 U.S.C. 6101-6112.

12. In Part 1209, Subpart D—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Mushroom Promotion, Research, and Consumer Information Order is removed.

#### **PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN**

13. The authority citation for Part 1210 continues to read as follows:

**Authority:** 7 U.S.C. 4901-4916.

14. In Part 1210, Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Watermelon Research and Promotion Plan is removed.

#### **PART 1211—PECAN PROMOTION AND RESEARCH PLAN**

15. The authority citation for Part 1211 continues to read as follows:

**Authority:** 7 U.S.C. 6001-6013.

16. In Part 1211, Subpart C—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Plan is removed and reserved.

#### **PART 1212—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER**

17. The authority citation for Part 1212 continues to read as follows:

**Authority:** 7 U.S.C. 6201-6212.

18. In Part 1212, Subpart C—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From an Order is removed.

#### **PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION**

19. The authority citation for Part 1220 continues to read as follows:

**Authority:** 7 U.S.C. 6301-6311.

20. In Part 1220, Subpart C—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Soybean Promotion and Research Order is removed.

#### **PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION**

21. The authority citation for Part 1230 continues to read as follows:

**Authority:** 7 U.S.C. 4801-4819.

22. In Part 1230, Subpart C—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Pork Promotion, Research, and Consumer Information Order is removed.

#### **PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER**

23. The authority citation for Part 1240 continues to read as follows:

**Authority:** 7 U.S.C. 4601-4612.

24. In Part 1240, Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Honey Research, Promotion, and Consumer Information Order is removed.

#### **PART 1250—EGG RESEARCH AND PROMOTION**

25. The authority citation for Part 1250 continues to read as follows:

**Authority:** 7 U.S.C. 2701-2718.

26. In Part 1250, Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Orders is removed.

#### **SUBPART 1290—[REMOVED]**

27. Part 1290 is removed.

Dated: July 10, 1995.

**Lon Hatamiya,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 95-17325 Filed 7-19-95; 8:45 am]

BILLING CODE 3410-02-P

#### **DEPARTMENT OF JUSTICE**

#### **8 CFR Parts 103, 244, and 299**

[EOIR No. 107F; AG Order No. 1978-95]

RIN 1125-AA10

#### **Executive Office for Immigration Review; Application for Suspension of Deportation, Form EOIR-40**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the regulations to reflect the change in responsibility for the Form I-256A, Application for Suspension of Deportation, from the Immigration and Naturalization Service (Service) to the Executive Office for Immigration Review (EOIR). As a result of this change in responsibility, the form number for the Application for Suspension of Deportation has been changed from I-256A to EOIR-40. This final rule is necessary to ensure that the public uses the correct form when applying for suspension of deportation. **EFFECTIVE DATE:** This final rule is effective July 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone: (703) 305-0470.

**SUPPLEMENTARY INFORMATION:** In recognition that an application for

suspension of deportation may currently be submitted solely during proceedings before the Immigration Court, the Service and EOIR agreed to transfer responsibility for handling this application form from the Service to EOIR. On May 13, 1994, the Office of Management and Budget approved a new Form EOIR-40, Application for Suspension of Deportation, to replace the previous Form I-256A, Application for Suspension of Deportation. This final rule amends the regulations to reflect the correct form number for the Application for Suspension of Deportation. This regulation is necessary to ensure that the public uses the correct form when applying for suspension of deportation.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because this rule relates to rules of agency procedure and practice.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612. The rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

**List of Subjects**

**8 CFR Part 103**

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

**8 CFR Part 244**

Aliens, Reporting and recordkeeping requirements.

**8 CFR Part 299**

Immigration, Reporting and recordkeeping requirements.

**PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS**

1. The authority citation for part 103 continues to read as follows:

**Authority:** 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR

14874, 15557, 3 CFR, 1982 Comp., p 166; 8 CFR part 2.

2. In 8 CFR 103.7, paragraph (b)(1) is amended by removing the entry for "Form I-256A" and adding the entry for "Form EOIR-40" to the listing of forms, in proper alphanumerical sequence, to read as follows:

**§ 103.7 Fees.**

- \* \* \* \* \*
- (b) \* \* \*
- (1) \* \* \*

Form EOIR-40. For filing application for suspension of deportation under section 244 of the Act—\$100.00. (A single fee of \$100.00 will be charged whenever suspension of deportation applications are filed by two or more aliens in the same proceeding).

\* \* \* \* \*

**PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE**

3. The authority citation for part 244 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1252; 8 CFR part 2.

4. Section 244.1 is amended in the last sentence by revising the reference to "Form I-256A"; to read "Form EOIR-40".

**PART 299—IMMIGRATION FORMS**

5. The authority citation for part 299 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103; 8 CFR part 2.

6. Section 299.1 is amended by adding an entry for "EOIR-40" to the listing of forms, in proper alphanumerical sequence, to read as follows:

**§ 299.1 Prescribed forms.**

\* \* \* \* \*

Form No.	Edition date	Title
* * *	* * *	* * *
EOIR-40	11-94	Application for Suspension of Deportation.
* * *	* * *	* * *

Dated: July 11, 1995.

**Janet Reno,**  
*Attorney General.*

[FR Doc. 95-17653 Filed 7-19-95; 8:45 am]  
BILLING CODE 4410-01-M

**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

**9 CFR Part 391**

[Docket No. 95-004F]

**Fee Increase for Inspection Services**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations to increase the fees charged by FSIS to provide overtime and holiday inspection, voluntary inspection, identification, certification, or laboratory services to meat and poultry establishments. The fees reflect the increased costs of providing these services primarily as a result of Federal salary increases allocated by Congress under the Federal Employees Pay Comparability Act of 1990.

**EFFECTIVE DATE:** July 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. William L. West, Director, Budget and Finance Division, Administrative Management, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700, (202) 720-3367.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) provide for mandatory inspection by Federal inspectors of meat and poultry slaughtered and/or processed at official establishments. Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products. The costs of mandatory inspection (excluding such services performed on holidays or on an overtime basis) are borne by FSIS.

In addition to mandatory inspection, FSIS provides a range of voluntary inspection services to operators of official meat and poultry establishments, importers, or exporters (9 CFR 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, and 362.5). The costs of voluntary inspection are totally recoverable by the Federal Government. The fees charged are for overtime and holiday inspection, voluntary inspection, identification, certification, or laboratory services. These services are provided under the Agricultural Marketing Act of 1946, as amended (7