

(G) The cold treatment facility must remain locked during non-working hours.

(H) Blacklight or sticky paper must be used within the cold treatment facility, and other trapping methods, including Jackson/methyl eugenol and McPhail traps, must be used within the 4 square miles surrounding the cold treatment facility.

(I) During cold treatment, a backup system must be available to cold treat the shipments of fruit should the primary system malfunction. The facility must also have one or more reefers (cold holding rooms) and methods of identifying lots of treated and untreated fruits.

(J) The cold treatment facility must have the ability to conduct methyl bromide fumigations on-site.

(K) The cold treatment facility must have contingency plans, approved by the Deputy Administrator, for safely destroying or disposing of fruit.

\* \* \* \* \*

3. In § 319.56–2x(b), the first sentence is revised to read as follows:

**§ 319.56–2x Administrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required.**

\* \* \* \* \*

(b) If treatment has not been completed before the fruits and vegetables arrive in the United States, fruits and vegetables listed above and requiring treatment for fruit flies may arrive in the United States only at the following ports: Atlantic ports north of, and including, Baltimore, MD; ports on the Great Lakes and St. Lawrence Seaway; Canadian border ports on the North Dakota border and east of North Dakota; the maritime ports of Wilmington, NC, Seattle, WA, and Gulfport, MS; Seattle-Tacoma International Airport, Seattle, WA; Hartsfield-Atlanta International Airport, Atlanta, GA; and Baltimore-Washington International and Dulles International airports, Washington, DC. \* \* \*

Done in Washington, DC, this 3rd day of September 1996.

A. Strating,

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 240

[INS No. 1612–93]

RIN 1115–AE43

#### Removal of Obsolete Sections of the Regulation Concerning Temporary Protected Status for Salvadorans

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Immigration and Naturalization Service (Service) regulations by removing those sections relating to Temporary Protected Status (TPS) for Salvadorans under section 303 of the Immigration Act of 1990 (IMMACT). Since the TPS program for Salvadorans expired on June 30, 1992, this action is necessary to remove obsolete language from the Service's regulations.

**EFFECTIVE DATE:** September 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ron Chirlin, Adjudications Officer, Residence and Status Services Branch, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington DC, 20536, Telephone: (202) 514–5014.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 302 of the Immigration Act of 1990 (IMMACT), Public Law 101–649, dated November 29, 1990, added section 244A of the Immigration and Nationality Act (Act), establishing Temporary Protected Status (TPS) relief. Upon designation of a foreign state by the Attorney General, TPS affords temporary protection and work authorization in the United States to eligible individuals from a designated foreign state that is experiencing ongoing armed conflict, environmental disaster, or other harmful conditions that would prevent such individuals from returning to that state in safety.

In addition to the general procedures governing TPS under section 244A of the Act, section 303 of IMMACT afforded such protection specifically to nationals of El Salvador for an 18-month period ending on June 30, 1992. The special TPS program for Salvadorans included some special limitations and requirements which were implemented in 8 CFR 240.40 through 240.47. These special procedures for Salvadorans included additions or exceptions to the general TPS procedures in 8 CFR 240.1 through 240.20. The Service published

both the general and the specific Salvadoran TPS regulations in the Federal Register as an interim rule on January 7, 1991, at 56 FR 618 and as a final rule on May 22, 1991, at 56 FR 23491.

Under section 303 of IMMACT, TPS designation for El Salvador was to expire on June 30, 1992, unless the Attorney General extended the designation. On June 26, 1992, the Commissioner of the Service announced in the Federal Register at 57 FR 28700 that Salvadoran TPS designation would not be extended.

Although Salvadoran TPS expired, many of the Salvadoran TPS registrants became eligible to apply for a 1-year program of deferred enforced departure (DED) established by presidential order through the June 26, 1992, Federal Register notice. By a Federal Register notice published June 8, 1993, at 58 FR 32157, the Service further extended DED until December 31, 1994, as directed by President Clinton. The Service subsequently extended until April 30, 1996, the DED-related work authorization of Salvadorans whose DED registration expired on December 31, 1994, by a series of Federal Register notices concluding on January 30, 1996, at 61 FR 3053.

Under a court-approved settlement in a lawsuit captioned *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991) (*ABC*), eligible TPS and DED Salvadorans are entitled to a *de novo* asylum adjudication. The Service will begin to schedule *ABC* class members for asylum interviews on a routine basis.

The Salvadoran TPS program expired on June 30, 1992. The Service therefore finds it appropriate to remove the obsolete regulations concerning the expired Temporary Protected Status program for Salvadorans.

#### Impact of Removal of Obsolete Sections of the Regulation

The removal of obsolete sections of the regulation will streamline the regulations and decrease confusion. The Service will continue to inform all former Salvadoran TPS registrants who inquire that the program has expired and that they are not eligible for further registration or work authorization under that program.

#### Basis for Removal of Obsolete Sections of the Regulation Without Advance Notice or Provision for Public Comments

The Service's implementation of this rule as a final rule without advance notice or provision for public comment procedures is based upon the "good

cause" exception found at 5 U.S.C. 553 (b) and (d). The reasons for immediate final publication of this rule without provision for public comment are as follows:

The Service is removing language in the regulations which relates only to the specific statutory Salvadoran TPS program which expired on June 30, 1992. As the Salvadoran TPS reregistration period and TPS program both expired on that date, all such applications have been adjudicated and any further applications are inappropriate. The continued presence of this obsolete language serves no function and advance notice and public comment procedures are therefore unnecessary.

#### 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 because it merely removes language which implemented an expired statutory provision.

#### 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

This regulation 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, this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 8 CFR Part 240

Administrative practice and procedure, Immigration.

Accordingly, part 240 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### **PART 240—TEMPORARY PROTECTED STATUS FOR NATIONALS OF DESIGNATED STATES**

1. The authority citation for part 240 continues to read as follows:

Authority: 8 U.S.C. 1103, 1254, 1254a note.

2. Part 240 is amended by removing the heading for Subpart A.

3. Part 240 is amended by removing Subpart B.

Dated: July 11, 1996.

Doris Meissner,

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 96-23034 Filed 9-9-96; 8:45 am]

BILLING CODE 4410-10-M

#### **8 CFR Part 264**

[INS No. 1606-94; AG ORDER No. 2053-96]

RIN 1115-AC83

#### **Addition of Provision for the Registration and Fingerprinting of Nonimmigrants Designated by the Attorney General; Removal of the Requirement for the Registration and Fingerprinting of Certain Nonimmigrants Bearing Iraqi and Kuwaiti Travel Documents**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts without change an interim rule published by the Immigration and Naturalization Service (Service) in the Federal Register on December 23, 1993, which added the provision for the registration and fingerprinting of certain nonimmigrants of specific countries designated by the Attorney General. The interim rule also removed the requirement for the registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who applied for admission to the United States, which was promulgated in response to a specific political situation. This action will continue to afford the Attorney General with the flexibility to facilitate implementation of the fingerprinting requirement when future political situations arise which threaten the national security of the United States.

**EFFECTIVE DATE:** October 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jake Achterberg, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW, Room 7228, Washington, DC, 20536, telephone (202) 514-3019.

**SUPPLEMENTARY INFORMATION:** On January 16, 1991, a final rule was published in the Federal Register, at 56 FR 1566, adding a new § 264.3 of Title 8 of the Code of Federal Regulations, requiring the registration and fingerprinting of certain nonimmigrants

bearing Iraqi and Kuwaiti travel documents. The requirement was promulgated in response to the United States condemnation of Iraq's invasion of Kuwait, United States sanctions against Iraq, and the theft of thousands of Kuwaiti passports during Iraq's occupation of Kuwait, all of which heightened the potential for domestic anti-United States terrorist activities. Due to the withdrawal of Iraqi forces from Kuwait, and the Government of Kuwait's requirement that all old Kuwaiti passports be replaced with a new version, this requirement was no longer necessary and was removed by an interim rule which was published in the Federal Register on December 23, 1993, at 58 FR 68024.

To address future political situations which elevate concern for United States' security and would require the registration and fingerprinting of certain nonimmigrants, the interim rule also added a provision allowing the Attorney General to designate, by public notice published in the Federal Register, certain nonimmigrants of specific countries to be registered and fingerprinted upon arrival in the United States, pursuant to section 263(a)(5) of the Immigration and Nationality Act, 8 U.S.C. 1303(a)(5).

The provision was necessary to afford the Attorney General with the flexibility to facilitate implementation of the fingerprinting requirement when responding to specific political situations that threatened the security of the United States. Elsewhere in the same issue of the December 23, 1993, Federal Register, the Service published a notice requiring certain nonimmigrants from Iraq and the Sudan to be registered and fingerprinted upon arrival in the United States. This action was taken in response to increased concern for national security resulting from terrorist attacks and uncovered plots directed by nationals of Iraq and Sudan.

The interim rule requested that comments concerning the new provisions be submitted to the Service by January 24, 1994. The Service did not receive any comments and is therefore adopting the interim rule as final without change.

#### Regulatory Flexibility Act

The Attorney General, 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. This rule merely affects a limited number of individuals.