

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

U.S.C. 1621 *et seq.*) to assist in the orderly marketing of various animal products and byproducts not subject to the Federal Meat Inspection Act or the Poultry Products Inspection Act.

Each year the fees charged by FSIS for voluntary inspection services are reviewed and a cost analysis<sup>1</sup> is performed to determine whether they are adequate to recover the costs FSIS incurs in providing the services. Based on the projected Fiscal Year 1995 cost analysis, FSIS is increasing the fees for voluntary services.

The new rates are for base time, \$31.92 per hour, per program employee; for overtime and holiday services, \$32.96 per hour per program employee; and for laboratory services, \$52.92 per hour, per program employee. These increased costs are attributable to the average FSIS national and locality pay raise of 3.2 percent for Federal employees effective January 1995; the increasing number of employees covered by the Federal Employees Retirement System and subject to the Federal Insurance Contributions Act tax; and increased health insurance costs.

On April 12, 1995, FSIS published a proposed rule in the **Federal Register** (60 FR 18551) 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.

FSIS received one comment in response to the proposal. The comment was from a trade association which represents approximately 1,300 small to medium sized processing operations and strongly opposed any increase in the fees charged for overtime and holiday inspection, voluntary inspection, identification, certification and laboratory services to meat and poultry establishments.

FSIS considered the comment and reanalyzed the available data relating to costs of providing these services. FSIS maintains that the increased rates are necessary and reflect the cost of providing inspection services. The new rates reflect only an incremental increase in the costs currently borne by those entities electing to utilize overtime and holiday inspection services and certain other voluntary inspection services.

To recover these increased costs in an expeditious manner, the Administrator has determined that these amendments

should be effective less than 30 days after publication in the **Federal Register**.

#### **Executive Order 12866**

This final rule has been determined to be not significant for purposes of Executive Order 12866.

#### **Executive Order 12778**

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect. Prior to any judicial challenge to the provisions, all applicable administrative procedures must be exhausted. Under the Federal Meat and Poultry Products Inspection Acts, the administrative procedures are set forth in 7 CFR Part 1.

#### **Effect on Small Entities**

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The fees reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

#### **List of Subjects in 9 CFR Part 391**

Fees and charges, Meat inspection, Poultry products inspection.

Accordingly, Part 391 of the Federal meat and poultry products inspection regulations is amended as follows:

#### **PART 391—FEES AND CHARGES FOR INSPECTION SERVICES**

1. The authority citation for Part 391 continues to read as follows:

**Authority:** 7 U.S.C. 138f; 7 U.S.C. 394, 1622, and 1624; 21 U.S.C. 451 *et seq.*; 21 U.S.C. 601–695; 7 CFR 2.17(g) and (i), 2.55.

2. Sections 391.2, 391.3, and 391.4 are revised to read as follows:

##### **§ 391.2 Base time rate.**

The base time rate for inspection services provided pursuant to §§ 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be \$31.92 per hour, per program employee.

##### **§ 391.3 Overtime and holiday rate.**

The overtime and holiday rate for inspection services provided pursuant to §§ 307.5, 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, 362.5, and 381.38 shall

be \$32.96 per hour, per program employee.

##### **§ 391.4 Laboratory services rate.**

The rate for laboratory services provided pursuant to §§ 350.7, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be \$52.92 per hour, per program employee.

Done at Washington, DC, on: July 14, 1995.

**Michael R. Taylor,**

*Administrator, Food Safety and Inspection Service.*

[FR Doc. 95–17862 Filed 7–19–95; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 73**

[Airspace Docket No. 93–AWP–8]

#### **Modification of Restricted Areas R–2303A and R–2303B, and Establishment of R–2303C, Fort Huachuca, AZ**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Restricted Areas R–2303A and R–2303B, and establishes R–2303C at Fort Huachuca, AZ. R–2303A is amended to exclude the Fort Huachuca/Libby AAF/Sierra Vista Municipal Airport from the restricted area and provide airspace for visual flight rules (VFR) access to the airport when R–2303A is in use. This action lowers the floor and ceiling and revises the lateral dimensions of R–2303B in order to accommodate unmanned aerial vehicle training profiles. R–2303B is further subdivided by redesignating the southeast corner of the existing area as a separate restricted area, R–2303C. Additionally this action reduces the published hours of operation for R–2303A and R–2303B. The purpose of these changes is to accommodate increased training requirements and to return unneeded special use airspace to the National Airspace System (NAS).

**EFFECTIVE DATE:** 0901 UTC, September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jim Robinson, Military Operations Program Office (ATM–420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 493–4050.

<sup>1</sup> The cost analysis is on file with the FSIS Docket Clerk. Copies may be requested free of charge from the FSIS Docket Clerk, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700.