

year 1994. During this same period, approximately 3,598 horses of all classes were imported into the United States from countries other than Canada and Mexico through air and ocean ports; approximately 24,904 horses were imported from Canada; and, approximately 1,364 horses were imported from Mexico.

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 in conflict 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 in 9 CFR Part 92

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

Accordingly, 9 CFR part 92 is 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).

§ 92.304 [Amended]

2. Section 92.304 is amended as follows:

a. Paragraph (a)(4)(ii), by adding, in alphabetical order, “The State of Texas”.

b. Paragraph (a)(7)(ii), by adding, in alphabetical order, “The State of Texas”.

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

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–23970 Filed 9–26–95; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 95–79]

Technical Correction of J List

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to correct the description set forth in § 134.33, the “J List”, of rails, joint bars and tie plates as articles excepted from country of origin marking requirements pursuant to 19 U.S.C. 1304(a)(3)(J). The description of rails, joint bars and tie plates now does not accurately reflect the correct tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) of articles covered within the marking exception. The error in the description is due to the inadvertent omission of certain subheading numbers when the Customs Regulations were amended to implement the Harmonized System of tariff classification by converting references to the Tariff Schedules of the United States to references to the HTSUS.

EFFECTIVE DATE: This amendment is effective September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Keith Rudich, Special Classification and Marking Branch, (202) 482–6980.

SUPPLEMENTARY INFORMATION:

Background

Section 134.33, Customs Regulations (19 CFR 134.33) sets forth a list of articles, including certain of the applicable tariff provisions, which are excepted from the requirements of country of origin marking pursuant to 19 U.S.C. 1304(a)(3)(J). When this “J List” was amended by T.D. 89–1 dated December 21, 1988 (53 FR 51256) to change the referenced tariff provisions from the Tariff Schedules of the United

States (TSUS) to the Harmonized Tariff Schedule of the United States (HTSUS), certain tariff classifications were inadvertently omitted from the reference in the “J List” to “Rail, joint bars and tie plates”. This document corrects those omissions by amending section 134.33 of the Customs Regulations (19 CFR 134.33) to clarify that the reference to “Rails, joint bars and tie plates” encompasses subheadings 7302.10.10 through 7302.90.00, HTSUS.

Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This document does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

Inapplicability of Public Notice and Comment Requirements and Delayed Effective Date Requirements

Because this document merely corrects an error from a previously published document, it has been determined, pursuant to 5 U.S.C. 553(b)(B), that the notice and public comment procedures thereon are unnecessary. For the same reasons, it has also been determined, pursuant to 5 U.S.C. 553(d)(3), that good cause exists for not requiring a delayed effective date.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 134

Customs duties and inspection, Labeling, Packaging and containers.

Amendment to the Regulations

For the reasons set forth in the preamble, part 134 of the Customs Regulations (19 CFR part 134) is amended as set forth below.

PART 134—COUNTRY OF ORIGIN MARKING

1. The general authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1304, 1624.

2. In § 134.33, the entry in the “Articles” column stating “Rails, joint bars, and tie plates covered by subheadings 7302.90.00, Harmonized Tariff Schedule of the United States” is

removed and the entry "Rails, joint bars, and tie plates covered by subheadings 7302.10.10 through 7302.90.00, Harmonized Tariff Schedule of the United States" is added in its place.

George J. Weise,
Commissioner of Customs.

Approved: September 6, 1995.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95-23954 Filed 9-26-95; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Wage and Hour Division

29 CFR Part 508

RIN 1205-AA88 and RIN 1215-AA68

Attestations by Employers for Off-Campus Work Authorization for Foreign Students (F-1 Nonimmigrants)

AGENCIES: Employment and Training Administration, Labor; and Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Joint interim final rule.

SUMMARY: The Department of Labor (DOL) amends regulations relating to attestations by employers seeking to use nonimmigrant foreign (F-1) students in off-campus work. DOL continues to review comments submitted by the public on the interim final rule and expects to publish a final rule shortly. However, existing attestations expire at the close of September 1995. For that reason, this rule extends the period of applicability of attestations for two months, through November 30, 1995.

EFFECTIVE DATE: September 30, 1995.

FOR FURTHER INFORMATION CONTACT:

On 20 CFR part 655, subpart J, and 29 CFR part 508, subpart J, contact Ms. Flora T. Richardson, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N-4456, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-219-5263 (this is not a toll-free number).

On 20 CFR part 655, subpart K, and 29 CFR part 508, subpart K, contact Mr. Thomas Shierling, Branch of Farm Labor Programs, Wage and Hour Division, Employment Standards

Administration, Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-219-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Immigration Act of 1990 (IMMACT) sec. 221 and Immigration and Nationality Act secs. 101(a)(15)(F) and 214 create a pilot program, of limited duration, allowing a nonimmigrant foreign student admitted on F-1 visas to work off-campus if: (1) he/she has completed one academic year as such a nonimmigrant and is maintaining good academic standing at the institution; (2) he/she will not be employed off-campus for more than 20 hours per week during the academic term (but may be employed full-time during vacation periods and between terms); and (3) the employer provides an attestation to the Department of Labor (DOL) and to the educational institution that it unsuccessfully recruited for the position for at least 60 days and will pay the higher of the actual wage at the worksite or the prevailing wage for the occupation in the area of employment. The employer submits such attestations to DOL and the educational institution for foreign students to receive work authorization, if otherwise qualified. The attestation process is administered by the Employment and Training Administration. Complaints and investigations regarding violations of employer attestations are handled by the Wage and Hour Division, Employment Standards Administration. If DOL determines an employer made a materially false attestation or failed to pay wages in accordance with an attestation, the employer, after notice and opportunity for a hearing, may be disqualified from employing F-1 students under the program.

An interim final rule, requesting comments was published November 6, 1991. 56 FR 56860. The interim final rule provided that the employer's attestation may remain in effect, unless withdrawn or invalidated, through no later than September 30, 1994, the original statutory termination date for the pilot. Public Law 103-416 extended the program. Currently, existing attestations are valid through September 30, 1995. 60 FR 38957 (July 31, 1995). Analysis of the comments is ongoing. The rule published today extends attestations through November 30, 1995. A final rule is expected to be published shortly. Should that not occur, the interim final rule will be extended again.

Absent today's amendment, all previously valid attestations would

expire at the close of September 30, 1995, and no new attestations could be filed. Without the amendment, F-1 students would not have work authorization under this program. New attestations filed after the effective date of today's rule also are valid through November 30, 1995, unless withdrawn or invalidated. Today's rule alleviates hardships for covered students and employers, and the limited extension gives DOL additional opportunity to complete analysis of comments on the interim final rule.

For these reasons, DOL for good cause finds a proposed rule is impracticable and contrary to the public interest (5 U.S.C. 553(b)(B)); and finds good cause to make the rule effective immediately (5 U.S.C. 553(d)(3)). The rule is not significant under E.O. 12866. The rule was not preceded by a proposed rule and, thus, is not covered by the Regulatory Flexibility Act. When the interim final rule was published, however, DOL notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the rule did not have a significant economic impact on a substantial number of small entities. The program is not in the Catalog of Federal Domestic Assistance.

List of Subjects

20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forest and forest products, Guam, Health professions, Immigration, Labor, Longshore work, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

29 CFR Part 508

Administrative practice and procedure, Aliens, Employment, Enforcement, Immigration, Labor, Penalties, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

Text of Joint Interim Final Rule

The text of the joint interim final rule appears below:

1. Section __.900(b)(2)(i) is amended by removing the date "September 30, 1995" and adding in lieu thereof the date "November 30, 1995".

2. Section __.900(d) is amended by removing the date "September 30, 1995" and adding in lieu thereof the date "November 30, 1995".