

has waived its review process required by Executive Order 12866.

This action removes seven entire counties in Arizona and portions of six counties in Arizona, New Mexico, and Texas from the list of areas quarantined because of Karnal bunt. This situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) impracticable. This rule may have a significant economic impact on a substantial number of small entities. If we determine this is so, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Act Analysis.

#### 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 required 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 new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

### PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In section 301.89–3, paragraph (e) is amended by revising the entries for Arizona, New Mexico, and Texas to read as follows:

#### **§ 301.89–3 Quarantined areas.**

\* \* \* \* \*

(e) \* \* \*

#### Arizona

*Cochise County.* The entire county.

*Graham County.* The entire county.

*LaPaz County.* The entire county.

*Maricopa County.* The entire county.

*Mohave County.* Beginning at the intersection of Arizona/Nevada State line and State Route 68; then east along State Route 68 to U.S. Highway 93; then southeast along U.S. Highway 93 to Interstate 40; then south along Interstate 40 to the Arizona/California State line; then north along the State line to the point of beginning.

*Pima County.* Beginning at the intersection of the Pima County line, the Pinal County line, and the Papago Indian Reservation boundary; then east along the Pima County line to its easternmost point; then south along the Pima County line to the Cochise and Santa Cruz County lines; then west along the Pima County line to the United States/Mexico boundary; then west along the United States/Mexico boundary to the Papago Indian Reservation boundary; then north along the Papago Indian Reservation boundary to the point of beginning.

*Pinal County.* The entire county.

*Yuma County.* The entire county.

\* \* \* \* \*

#### New Mexico

*Dona Ana County.* The entire county.

*Hidalgo County.* Beginning at the intersection of the Arizona/New Mexico State line and Interstate 10; then east along Interstate 10 to the Hidalgo/Grant County line; then south and east along the Hidalgo County line to the Luna County line; then south along the Hidalgo County line to its southernmost point; then west and north along the Hidalgo County line to point of beginning.

*Luna County.* Beginning at the intersection of the Grant/Luna County line and Interstate 10; then east along Interstate 10 to U.S. Highway 180; then north along U.S. Highway 180 to State Route 26; then north along State Route 26 to State Route 27; then northeast along State Route 27 to the Luna/Sierra County line; then east along the Luna County line to the Dona County line; then south along the Luna County line to the United States/Mexico boundary; then west along the United States/Mexico boundary to the Hidalgo County line; then north along the Luna County line to the point of beginning.

*Sierra County.* Beginning at intersection of the Luna/Sierra County line and State Route 27; then north along State Route 27 to State Route 152; then east along State Route 152 to

Interstate 25; then north along Interstate 25 to State Route 52; then northwest along State Route 52 to the Sierra/Socorro County line; then east along the Sierra County line to the Lincoln County line; then south along the Sierra County line to the Dona County line; then west along the Sierra County line to the point of beginning.

#### Texas

*El Paso County.* The entire county.

*Hudspeth County.* Beginning at the intersection of the El Paso/Hudspeth County line and U.S. Highway 62/U.S. Highway 180; then east along U.S. Highway 62/U.S. Highway 180 to County Road 1111; then south along County Road 1111 to its terminus; then west along an imaginary line to the United States/Mexico boundary; then northwest along the United States/Mexico boundary to the El Paso/Hudspeth County line; then north along the El Paso/Hudspeth County line to the point of beginning.

\* \* \* \* \*

Done in Washington, DC, this 27th day of June 1996.

Terry L. Medley,

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

[FR Doc. 96–16998 Filed 7–3–96; 8:45 am]

BILLING CODE 3410–34–P

### Agricultural Marketing Service

#### 7 CFR Part 946

[Docket No. FV96–946–2FIR]

#### Irish Potatoes Grown in Washington; Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that established an assessment rate of the State of Washington Potato Committee (Committee) under Marketing Order 946 for the 1996–97 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of Irish potatoes grown in Washington. Authorization to assess potato handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. **EFFECTIVE DATE:** Effective on July 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Martha Sue Clark, Program Assistant, Marketing Order Administration

Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, FAX 202-720-5698, or Daniel L. West, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503-326-2724, FAX 503-326-7440.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR part 946) regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Washington potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes beginning July 1, 1996, and continuing until amended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 450 producers of Washington potatoes in the production area and approximately 40 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of Washington potato producers and handlers may be classified as small entities.

The Washington potato marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Washington potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on February 15, 1996, and unanimously recommended 1996-97 expenditures of \$42,500 and an assessment rate of \$0.003 per hundredweight of potatoes. In comparison, last year's budgeted expenditures were \$42,300. The assessment rate of \$0.003 is the same as last year's established rate. Major expenditures recommended by the Committee for the 1996-97 year include \$17,400 for an agreement with the Washington State Potato Commission to provide miscellaneous services to the Committee and \$6,000 for compliance audits, the same as the budgeted amounts for these items in 1995-96.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of Washington potatoes. Potato shipments for the year are estimated at 9,000,000 hundredweight

which should provide \$27,000 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

An interim final rule regarding this action was published in the May 6, 1996, issue of the Federal Register (61 FR 20119). That interim final rule added \$946,248 to establish an assessment rate for the Committee. That rule provided that interested persons could file comments through June 5, 1996. No comments were received.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996-97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This final rule also corrects an error in the interim final rule published May 6, 1996, (61 FR 20119). The note

appearing before the amendatory instruction 2 incorrectly states that § 946.248 will not appear in the Code of Federal Regulations. Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 fiscal period begins on July 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period, and no comments were received.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

### **PART 946—IRISH POTATOES GROWN IN WASHINGTON**

Accordingly, the interim final rule amending 7 CFR part 946 which was published at 61 FR 20119 on May 6, 1996, is adopted with the following correction to the note immediately following amendatory instruction 2. The note should read:

Note: This section will appear in the annual Code of Federal Regulations.

Dated: June 26, 1996.

Robert C. Keeney,

*Director, Fruit and Vegetable Division.*

[FR Doc. 96–16852 Filed 7–3–96; 8:45 am]

BILLING CODE 3410–02–M

## **DEPARTMENT OF JUSTICE**

### **Immigration and Naturalization Service**

#### **8 CFR Part 301**

[INS No. 1736–95]

RIN 1115–AE19

### **Acquisition of Citizenship; Equal Treatment of Women in Conferring Citizenship on Children Born Abroad**

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

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule amends the Immigration and Naturalization Service (Service) regulations by establishing procedures for certain United States citizen women to confer citizenship on their children born outside of the United States before noon (Eastern Standard Time) May 24, 1934. The purpose of this rule is to ensure that all women receive equal treatment under laws relating to nationality. Implementation of the rule would allow for the issuance of certificates of citizenship to certain foreign-born children previously ineligible to acquire citizenship from their United States citizen mothers.

**DATES:** This interim rule is effective July 5, 1996. Written comments must be submitted on or before September 3, 1996.

**ADDRESSES:** Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS number 1736–95 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Jane B. Barker, Adjudications Officer, Adjudications Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–5014.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Prior to the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA), Public Law 103–416, dated October 25, 1994, a child born abroad before noon (Eastern Standard Time (EST) May 24, 1934, to an alien father and United States citizen mother could not acquire United States citizenship through his or her mother. If, however, the mother was the alien and the father was the United States citizen, the child could become a citizen through his or her father, pursuant to Section 1993 of Revised Statutes, February 10, 1855, 10 Stat. 604.

On May 24, 1934, Congress amended Section 1993 of the Revised Statutes so that children born abroad to parents, only one of whom was a United States citizen, would become citizens regardless of whether the citizen was the father or the mother. The 1934 amendment, however, was not retroactive. Subsection 101(a)(2) of INTCA amended the Immigration and Nationality Act (the Act) by adding a

new subsection 301(h) to provide for the acquisition of United States citizenship from either parent for persons born abroad before noon (EST) May 24, 1934, to parents, only one of whom is a United States citizen.

#### **Section 301(h)**

Under section 301(h) of the Act, a person born abroad before noon (EST) May 24, 1934, to a United States citizen mother and an alien father, may now acquire United States citizenship if his or her mother resided in the United States prior to the person's birth. A person who qualifies for United States citizenship under section 301(h) of the Act shall not be subject to any provisions of law that provided for loss of citizenship or nationality (including section 301(b) of the Act (as in effect before October 10, 1978) and the provisos of section 201(g) of the Nationality Act of 1940) if the person failed to come to, reside, or be physically present in the United States.

For purposes of transmission of citizenship, section 301(h) shall have no effect on the residence and retention requirements for those persons born abroad to a citizen parent and an alien parent between May 24, 1934, and October 10, 1978. Section 301(h) also shall have no effect on the validity of the citizenship of anyone who obtained United States citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934, 49 Stat. 797). Further, section 301(h) shall not confer citizenship on, nor have any effect on, the validity of any denaturalization, deportation, or exclusion action against any person who is or was excludable from the United States for participation in Nazi persecution or genocide, or who was excluded from, or who would not have been eligible for admission to the United States under the Displaced Persons Act of 1948 or under section 14 of the Refugee Relief Act of 1953.

#### **Procedures for Acquiring United States Citizenship Under Section 301(h)**

A person who is eligible for benefits under section 301(h) may make his or her citizenship claim in the United States with the Attorney General or abroad with the Secretary of State. A person who currently resides in the United States may file Form N–600, Application for Certificate of Citizenship, accompanied by the fee specified in 8 CFR 103.7(b)(1), with the Service office having jurisdiction over the applicant's place of residence, or with such other Service office as the Commissioner may designate. The application shall be supported by