

**Executive Order No. 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 No. 12612**

The regulation adopted herein 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, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Executive Order No. 12988**

The rule meets the applicable standards set forth in sections 3(a) and (3)(b)(2) of E.O. 12988.

**List of Subjects in 8 CFR Part 242**

Administrative practice and procedure, Aliens, Deportation.

Accordingly, part 242 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

**PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALL ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL**

1. The authority citation for part 242 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1252 note, 1252a, 1252b, 1254, 1362; 8 CFR part 2.

2. In section 242.25 a new paragraph (i) is added to read as follows:

**§ 242.25 Proceedings under section 242A(b) of the Act.**

\* \* \* \* \*

(i) Effective March 3, 1997, the Service will cease issuance of both Form I-851 and Form I-851A. The Service retains the authority to execute at any time Form I-851A that is final before March 3, 1997. The Service will resume the issuance of Form I-851 and Form I-851A after April 1, 1997, pursuant to regulations implementing section 238(b) of the Act, as amended by the Illegal Immigration Reform and Responsibility Act of 1996.

Dated: December 20, 1996.

**Doris Meissner,**  
*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 96-33092 Filed 12-24-96; 10:56 am]

BILLING CODE 4410-01-M

**FEDERAL ELECTION COMMISSION**

**11 CFR Part 9038**

[Notice 1996-22]

**Examinations and Audits**

**AGENCY:** Federal Election Commission.  
**ACTION:** Correcting amendments.

**SUMMARY:** This document contains a correction to final regulations which were published June 16, 1995 (60 FR 31854). The regulations relate to the notification of repayment determinations.

**EFFECTIVE DATE:** December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, N.W., Washington, D.C. 20463, (202) 219-3690 or toll free (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** On June 16, 1995, the Commission published final rules revising its regulations governing public financing of presidential primary election candidates. 60 FR 31854 (June 16, 1995). These regulations implement provisions of the Presidential Primary Matching Payment Account Act. Unfortunately, the June 16, 1995 Federal Register document contained a nonsubstantive error which may prove to be confusing. The error occurred when the Federal Register typeset the document for publication. The Commission is publishing this document to correct the error.

**List of Subjects in 11 CFR Part 9038**

Administrative practice and procedure, Campaign funds.

**PART 9038—EXAMINATIONS AND AUDITS**

Accordingly, 11 CFR Part 9038 is corrected by making the following correcting amendment:

1. The authority citation for Part 9038 continues to read as follows:

**Authority:** 26 U.S.C. 9038 and 9039(b).

**§ 9038.2 Repayments. [Corrected]**

2. In section 9038.2, in the last sentence of paragraph (a)(2), the word "purchases" is revised to read "purposes".

Dated: December 26, 1996.

**Lee Ann Elliott,**  
*Chairman, Federal Election Commission.*

[FR Doc. 96-33292 Filed 12-30-96; 8:45 am]

BILLING CODE 6715-01-M

**FEDERAL RESERVE SYSTEM**

**12 CFR Part 204**

[Regulation D; Docket No. R-0929]

**Reserve Requirements of Depository Institutions**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System is amending its Regulation D regarding reserve requirements of depository institutions issued pursuant to section 19 of the Federal Reserve Act in order to simplify and update it and reduce regulatory burden. The amendments to modernize Regulation D are in accordance with the Board's policy of regular review of its regulations and the Board's review of its regulations under section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994.

**EFFECTIVE DATE:** April 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ann Owen, Economist, Division of Monetary Affairs (202/736-5671); Sue Harris, Economist, Division of Research and Statistics (202/452-3490); or Rick Heyke, Staff Attorney, Legal Division (202/452-3688), Board of Governors of the Federal Reserve System. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:**

**Background**

As part of its policy of regular review of its regulations, and consistent with section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Riegle Act), the Board of Governors of the Federal Reserve System (Board) is amending its Regulation D regarding reserve requirements of depository institutions (12 CFR part 204) issued pursuant to section 19 of the Federal Reserve Act. Section 303 of the Riegle Act requires each federal banking agency to review and streamline its regulations and written policies to improve efficiency, reduce unnecessary costs, and remove

"applicable" and the letter "(s)" at the end of the word "price(s)".

**§ 1046.73 [Amended]**

35. In § 1046.73, the last sentence in paragraph (a) is removed, paragraph (b) introductory text is amended by removing the letter "(s)" at the end of the word "price(s)" and the words "or base milk and excess milk". paragraphs (d) (4) and (5) are amended by removing the letter "(s)" at the end of the word "rate(s)" everywhere it appears, and paragraph (d)(3) is removed and reserved.

**§ 1046.74 [Amended]**

36. In § 1046.74, the letter "(s)" at the end of the word "price(s)" is removed.

**§ 1046.75 [Amended]**

37. In § 1046.75, paragraph (a) is amended by removing the phrase "and the uniform price for base milk".

**§§ 1046.90, 1046.91, 1046.92, 1046.93, and 1046.94 [Removed]**

38. § 1046.90 and the undesignated centerheading preceding it, and §§ 1046.91 through 1046.94 are removed.

Dated: December 23, 1996.

**Michael V. Dunn,**

*Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 96-33000 Filed 12-30-96; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service**

**8 CFR Part 242**

[INS. No. 1827-96]

RIN 1115-AE69

**Administrative Deportation Procedures for Aliens Convicted of Aggravated Felonies Who Are Not Lawful Permanent Residents**

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with section 442(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), this final rule adds a new paragraph to the administrative deportation proceedings regulation. The new paragraph explains how the Immigration and Naturalization Service (Service) will conduct administrative deportation proceedings without immigration court hearings for certain aliens convicted of aggravated felonies in light of two recent statutory changes. The Service is promulgating

this final rule to comply with the statutory requirement that the Service publish an implementing regulation by January 1, 1997. The final rule states that the Service will continue to process aliens under the current regulation until March 3, 1997, and will suspend administrative deportation proceedings from March 3, 1997, until the effective date of the implementing regulations for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

**EFFECTIVE DATE:** March 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Leonard C. Loveless, Detention and Deportation Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 514-2865.

**SUPPLEMENTARY INFORMATION:** Section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, created a new section 242A(b) of the Act, 8 U.S.C. 1252a(b), to provide for the deportation without an immigration court hearing of certain aliens convicted of aggravated felonies. On August 24, 1995, the Service published a final rule at 60 FR 43954 to create 8 C.F.R. 242.25 that implemented section 242A(b) of the Act. Section 442 of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) modified section 242A(b) and required that the Attorney General publish implementing regulations by January 1, 1997, to take effect 60 days after publication.

On September 30, 1996, however, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104-208. Section 304(c) of the IIRIRA, effective April 1, 1997, further amended administrative deportation proceedings by nullifying some of the amendments made by the AEDPA and by renumbering the statutory section from section 242A(b) of the Act to section 238(b).

The AEDPA amendments would require significant changes in operational procedures and forms that are not worthwhile, given that those amendments will be effective only for approximately 1 month. For example, the AEDPA added the requirement that administrative deportation proceedings be "conducted in, or translated for the alien into, a language the alien understands." This provision would require the Service to translate all documents used in the proceedings, rather than only the Form I-851, Notice of Intent to Issue Final Administrative Deportation Order. (Current translation and explanation requirements are set forth in 8 CFR 242.25(b)(2)(iv)). Since

the IIRIRA has eliminated the statutory translation requirement, it would be unduly burdensome to implement this requirement for 1 month.

Accordingly, as a policy matter, the Service has determined that these implementing regulations will simply announce a suspension of the operation of administrative deportation proceedings, which includes the issuance of both Form I-851 and Form I-851A, Final Administrative Order of Deportation, until the implementing regulations for the IIRIRA, under separate notice of proposed rulemaking, are effective. The Service will continue to process aliens under the current version of 8 CFR 242.25 until March 3, 1997. From that date until the IIRIRA amendments to administrative deportation take effect, the Service will cease all administrative deportation proceedings. During that period, aliens otherwise amenable to administrative deportation will be placed instead in regular deportation proceedings before an immigration judge. This change does not affect the enforceability of administrative deportation orders previously entered.

The Service has determined that the publication of this rule as a final rule is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(3)(B). The Service has determined that public notice and comment on this rule is impracticable because of the January 1, 1997, statutory deadline for publishing a final rule. In addition, public notice and comment is unnecessary because the final rule makes no change that affects an individual's rights. It simply continues until March 3, 1997, the existing rules governing administration deportation. On that date, the Service will suspend administrative deportation proceedings, and proceed under existing regulations governing regular deportation proceedings. Since there will be public notice and comment on the IIRIRA amendments to administrative deportation proceedings, public notice and comment on this final rule is 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 this rule will not have a significant economic impact on a substantial number of small entities because the affected parties are individual aliens who have been ordered deported from the United States.