the Board recommends the initial percentages in September and has the option of recommending an increase in the free and export percentages and a decrease in the reserve percentage later in the marketing year. If the Department concurs with the Board's recommendation, the recommended percentages may be established or modified.

Section 984.49(b)(1) establishes a deadline of February 15 for the Board to recommend to the Secretary an increase in the free percentage and a decrease in the reserve percentage. On February 10, 1995, the Board unanimously recommended suspension of that deadline. This action will suspend the phrase "On or before February 15 of the marketing year," in section 984.49(b)(1) and will authorize the Board to recommend an increase in the free percentage and a decrease in the reserve percentage at any time during the marketing year, which ends on July 31.

In the past, many export markets were undeveloped and the domestic market provided better returns than export markets. The reserve percentage was used as a tool to keep the domestic walnut market from being oversupplied and the export percentage was used as a tool to place an orderly flow of California walnuts into the export market at prices that were competitive with foreign walnuts. Even though the free walnuts were allowed to be shipped to export markets, free walnuts were not price competitive with walnuts from other countries and consequently were not diverted to export markets. Under former marketing conditions, sufficient information relating to the domestic market was available prior to February 15 so that the Board could make an appropriate recommendation for final free and reserve percentages.

Under present marketing conditions, walnut export markets are well established and have returns equal to or higher than those received in the domestic market. As a result, the Board can recommend setting an export percentage of 0 percent which will preclude the shipment of reserve walnuts to export markets. The export market will then be supplied with only free walnuts. By setting a reserve percentage and keeping the export percentage at 0 percent, the Board can remove a quantity of walnuts in excess of domestic and export market demands.

When large shipments of reserve walnuts were exported, the February 15 deadline for recommending a decrease in the reserve gave handlers approximately five months to export the remainder of their reserve after the final reserve percentage was known. Since exports have now become a viable market for free walnuts, the Board may need more flexibility to consider later data on free shipments to revise its estimate of trade demand. The Board may also need more flexibility to consider the July forecast of the next crop to decide if the desirable carryout should be increased to supplement a short crop.

In addition, the order requires handlers to file monthly shipment reports that are due on the fifth day of the following month. Each additional monthly report the Board receives from handlers after the February 15 deadline, gives the Board a more accurate picture of the levels of shipments of walnuts for the current marketing year. More information is also available at that time on the foreign walnut crop, the pecan supply which directly, competes with walnuts, exchange rates, and foreign and domestic economic conditions. This information will allow the Board to better estimate the current and prospective domestic and export demand and supply conditions for California walnuts. Finally, later in the marketing year, the Board can better estimate the amount of the current crop of walnuts that should be carried over to the next marketing year. By allowing decisions to be made later in the season on a reserve program, the industry can better evaluate marketing conditions.

The Board estimates that sufficient information will be available by early June, but marketing conditions may cause the Board to wait longer before making a final recommendation on the free and reserve percentages. The suspension of the February 15 deadline will allow the Board more flexibility in dealing with the dynamic marketing conditions of the California walnut industry and in turn provide for more orderly marketing of walnuts.

A proposed suspension order was published in the **Federal Register** on June 2, 1995, (60 FR 28744). That action provided a 30-day comment period which ended on July 3, 1995. No comments were received.

Based on available information, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Board, it is determined that, under the conditions presently existing in the walnut industry, the February 15 deadline in section 984.49(b)(1) does not tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register (5 U.S.C. 533) because: (1) The Board will meet September 1995 to consider the need for volume control during the 1995–96 marketing year; (2) preliminary industry discussions on the need for volume control during 1995-96 are expected to begin soon and prompt implementation of the suspension will foster more meaningful discussions; (3) the industry is aware of this action, which was unanimously recommended by the Board at a public meeting and all interested persons in attendance were given the opportunity to provide input; and (4) interested persons were given the opportunity to submit written comments on the suspension of the February 15 deadline and none were received.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§984.49 [Suspended in part]

2. In § 984.49 paragraph (b)(1), the words "On or before February 15 of the marketing year," are suspended.

Dated: July 31, 1995.

David R. Shipman,

Acting Deputy Assistant Secretary, Marketing and Regulatory Programs. [FR Doc. 95–19330 Filed 8–4–95; 8:45 am] BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 212, 217, 235, 264, 286

[INS No. 1603-93]

RIN 1115-AD30

Charging of Fees for Services at Land Border Ports-of-Entry

AGENCY: Immigration and Naturalization Service, Justice. ACTION: Final rule.

SUMMARY: This rule amends the regulations to allow the Immigration