

specific fee amount in favor of adding a more general reference to section 286(d) of the Act which sets forth both the legal authority and amount of the immigration user fee.

#### 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. This rule requires carriers to charge and collect a user fee for certain air and sea passengers arriving in the United States. Since the passengers rather than the carriers ultimately pay the immigration inspection user fee, and they are not considered small entities as the term is defined in 5 U.S.C. 601(6), this rule does not bear an impact on small entities.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### Executive Order 12866

This rule is 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. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

#### Executive Order 13132

This regulation will not have substantial direct effects on the States,

on the relationship between the National Government and the States, or on the distribution or power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### List of Subjects in 8 CFR Part 286

Air carriers, Immigration, Maritime carriers, Reporting and recordkeeping requirements.

Accordingly, part 286 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 286—IMMIGRATION USER FEE

1. The authority citation for part 286 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1356; 8 CFR part 2.

2. Section 286.2(a) is revised to read as follows:

#### § 286.2 Fee for arrival of passengers aboard commercial aircraft or commercial vessels.

(a) A fee, in the amount prescribed in section 286(d) of the Act, per individual is charged and collected by the Commissioner for the immigration inspection of each passenger aboard a commercial aircraft or commercial vessel, arriving at a port-of-entry in the United States, or for the preinspection of a passenger in a place outside the United States prior to such arrival, except as provided in § 286.3.

\* \* \* \* \*

Dated: March 7, 2002.

**James W. Ziglar,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 02-7737 Filed 3-29-02; 8:45 am]

**BILLING CODE 4410-10-M**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 01-062-2]

#### Change in Disease Status of the Czech Republic Because of BSE

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the regulations by adding the Czech Republic to the list of regions where bovine spongiform encephalopathy exists because the disease has been detected in native-born animals in that region. The Czech Republic had already been listed among the regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States, so the effect of the interim rule was a continued restriction on the importation of ruminants that have been in the Czech Republic and meat, meat products, and certain other products of ruminants that have been in the Czech Republic. The interim rule was necessary in order to update the disease status of the Czech Republic regarding bovine spongiform encephalopathy.

**EFFECTIVE DATE:** The interim rule became effective on June 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donna Malloy, Senior Staff Veterinarian, National Center for Import and Export, Products Program, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231; (301) 734-3277.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule effective June 8, 2001, and published in the **Federal Register** on December 4, 2001 (66 FR 62913, Docket No. 01-062-1), we amended the regulations in 9 CFR part 94 by adding the Czech Republic to the list of regions where bovine spongiform encephalopathy (BSE) exists. The Czech Republic had previously been listed in § 94.18(a)(2) as a region that presents an undue risk of introducing BSE into the United States. However, due to the detection of BSE in native-born animals in that region, the interim rule was necessary to update the disease status of the Czech Republic regarding BSE.

Comments on the interim rule were required to be received on or before

February 4, 2002. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

#### PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule amending 9 CFR part 94 that was published at 66 FR 62913 on December 4, 2001.

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 26th day of March 2002.

**W. Ron DeHaven,**

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

[FR Doc. 02-7776 Filed 3-29-02; 8:45 am]

**BILLING CODE 3410-34-U**

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 264a

#### Reserve Bank Directors-Actions and Responsibilities

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

**ACTION:** Final Rule.

**SUMMARY:** The Board is removing 12 CFR 264a (Reserve Bank Directors-Actions and Responsibilities). The regulation has been superceded by a regulation of the Office of Government Ethics (Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting A Personal Financial Interest)).

**EFFECTIVE DATES:** April 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Cary K. Williams, Assistant General Counsel, Legal Division (202/452-3295) or Bryan A. Bonner, Senior Attorney, Legal Division (202/452-3719). For users of the Telecommunications Device for the Deaf (TDD)only, please call 202/263-4869.

#### SUPPLEMENTARY INFORMATION:

##### Background

18 U.S.C. 208(a) prohibits an officer or employee of the executive branch, of any independent agency of the United States, of the District of Columbia, or Federal Reserve bank director, officer, or employee, or any special Government employee from participating in an official capacity in particular matters in which he/she has a personal financial interest, or in which certain persons or organization with which he/she is affiliated have a financial interest. 18 U.S.C. 208 (b) permits waivers of the disqualification provision in certain cases, either on an individual basis or pursuant to general regulation. 12 CFR 264a was promulgated for the purpose of assuring preservation of and adherence to the intent of both the Federal Reserve Act and section 208 of title 18, United States Code, as it applies to directors of Federal Reserve Banks, to include the prohibitions and waiver criteria set out in 18 U.S.C. 208(a) & (b).

5 CFR 2640 was promulgated after 12 CFR 264a. 5 CFR 2640 identifies those financial interests which, by regulation, may be exempt from the general prohibitions set out in 18 U.S.C. 208 (a). 5 CFR 2640 also provides interpretation of the 18 U.S.C. 208 (a) prohibitions, as well as guidance to agencies on the factors to consider when issuing individual waivers under 18 U.S.C. 208 (b). 12 CFR 264a is superceded by 5 CFR 2640. Accordingly, the Board is removing it.

#### List of Subjects in 12 CFR Part 264a

Federal Reserve System

#### Authority and Issuance

#### PART 264a - RESERVE BANK DIRECTORS-ACTIONS AND RESPONSIBILITIES [Removed and Reserved]

For the reasons set forth in the preamble, under the authority of 18 U.S.C. 208, the Board is removing and reserving part 264a in chapter II of title 12 of the Code of Federal Regulations.

By order of the Secretary of the Board, acting pursuant to delegated authority for the

Board of Governors of the Federal Reserve System, March 26, 2002.

**Jennifer J. Johnson**

*Secretary of the Board.*

[FR Doc. 02-7660 Filed 3-29-02; 8:45 am]

**BILLING CODE 6210-01-S**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[WY-001-0007a, WY-001-0008a, WY-001-0009a; FRL-7166-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Withdrawal of Direct Final Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to the State of Wyoming's withdrawal of the August 9, 2000, August 7, 2001 and August 13, 2001 submittals to the EPA that revise the Wyoming State Implementation Plan (SIP), EPA is withdrawing the direct final rule to partially approve and partially disapprove these revisions that restructure and modify the State's air quality rules. In the direct final rule, published on February 6, 2002 (67 FR 5485), we stated that if we received adverse comment by March 8, 2002, the rule would be withdrawn and would not take effect. EPA subsequently received a letter from the State of Wyoming (on March 8, 2002) withdrawing the three submittals that EPA is taking action on in our February 6, 2002 direct final rule. EPA also received adverse comments from the Wyoming Outdoor Council (on March 7, 2002). Since, in addition to receiving adverse comments, the State of Wyoming withdrew their submittals, the direct final rule is withdrawn and will not take effect. In the "Proposed Rules" section of today's **Federal Register** publication, we are withdrawing the proposed rule published on February 6, 2002 (67 FR 5552).

**EFFECTIVE DATE:** The direct final rule is withdrawn as of April 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Megan Williams, EPA Region VIII, (303) 312-6431 or Laurel Dygowski, EPA Region VIII, (303) 312-6144.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the Rules and Regulations section of the February 6, 2002 **Federal Register** (67 FR 5485).