

U.S.C. chapter 35), AMS obtained emergency approval for a new information collection request under OMB No. 0581–NEW for Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida, Marketing Order No. 905. The emergency request was necessary because insufficient time was available to follow normal clearance procedures. This information collection will be merged with the forms currently approved for use under OMB No. 0581–0189 “Generic OMB Fruit Crops.”

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Further, the committee’s meeting was widely publicized throughout the citrus industry and all interested persons were invited to attend the meeting and participate in committee deliberations. Like all committee meetings, the May 22, 2002, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Also, the committee has a number of appointed subcommittees to review certain issues and make recommendations to the committee. A subcommittee met May 21, 2002, and discussed the tree run issue in detail. That meeting was also a public meeting and both large and small entities were able to participate and express their views.

An interim final rule concerning this action was published in the **Federal Register** on October 7, 2002. Copies of the rule were mailed by the committee’s staff to all committee members and citrus handlers. In addition, the rule was made available through the Internet by the Office of the **Federal Register** and USDA. That rule provided for a 60-day comment period which ended December 6, 2002. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the committee’s recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (67 FR 62313, October 7, 2002) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 905

Oranges, Grapefruit, Tangerines, Tangelos, Marketing agreements, Reporting and recordkeeping requirements.

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 905 which was published at 67 FR 62313 on October 7, 2002, is adopted as a final rule without change.

Dated: January 23, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

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#### DEPARTMENT OF JUSTICE

#### Immigration and Naturalization Service

#### 8 CFR Parts 236 and 241

[INS No. 2203–02]

RIN 1115–AG67

#### Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities

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

**ACTION:** Final rule.

**SUMMARY:** This final rule governs the public disclosure by any state or local government entity or by any privately operated facility of the name and other information relating to any immigration detainee being housed or otherwise maintained or provided service on behalf of the Immigration and Naturalization Service (INS or Service). This rule establishes a uniform policy on the public release of information on Service detainees and ensures the Service’s ability to support the law enforcement and national security needs of the United States.

**DATES:** This rule is effective on January 29, 2003.

**FOR FURTHER INFORMATION CONTACT:** Dea Carpenter, Deputy General Counsel, Office of the General Counsel, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536, telephone (202) 514–2895.

**SUPPLEMENTARY INFORMATION:** The Commissioner of the Immigration and Naturalization Service (“Service”) published this rule as an interim rule

with request for comments on April 22, 2002. 67 FR 19508. In the 60-day comment period, the Service received only four comments.

The comments received may be described as follows: One commenter contended that the rule violates non-citizens’ constitutional rights, the public’s right to know under the First Amendment, the States’ rights under the Tenth Amendment and the Guarantee Clause of Article IV of the Constitution. This comment also argued that the manner of promulgation of the interim rule violated the Administrative Procedure Act (APA), and that consent to the rule by a non-federal institution could not validate the rule. A second commenter asserted that the rule violates the First Amendment and the Due Process Clause of the Fifth Amendment to the Constitution; that the rule derogates treaty obligations of the United States under international law; that, in enacting the interim rule, the Service failed to comply with the notice and comment provisions of the APA; that the rule violates the Tenth Amendment; and that the rule exceeds the scope of delegated authority under the Immigration and Nationality Act (“Act”). The third comment also took the position that the rule exceeds the authority delegated under the Act. The fourth comment urged that the rule is impractical and affects the ability of third persons to communicate with detainees. All of the commenters were of the view that the rule reflects undesirable public policy.

Rather than respond to each comment individually, the Service believes that it is more functional to respond to the concerns raised, organized by subject matter. The Service has considered the comments and responds as follows:

1. The commenters’ suggestion that the rule exceeds the Attorney General’s authority under federal law is without merit. Federal control over matters regarding aliens and immigration is plenary and exclusive. “Control over immigration and naturalization is entrusted exclusively to the Federal Government, and a State has no power to interfere.” *Nyquist v. Mauclet*, 432 U.S. 1, 10 (1977); see also, e.g., *Mathews v. Diaz*, 426 U.S. 67, 81 (1976) (“[T]he responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.”). Under federal law, the Attorney General is explicitly charged with the administration and enforcement of the Nation’s immigration laws. 8 U.S.C. 1103(a)(1) (“[t]he Attorney General shall be charged with the administration and