Corporation and The Santa Cruz Operation, Inc. have filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are International Business Machines Corporation, Armonk, NY; and The Santa Cruz Operation, Inc., Santa Cruz, CA. The nature and objectives of the venture are to cooperatively develop and enhance UNIX operating systems designed to operate on the 32-bit and 64-bit Intel architecture platforms to enable innovative new open systems computer technologies and products more rapidly and efficiently than either party could achieve independently. Each party may market such jointly developed products.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24610 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Motorola/Jabil Circuits

Notice is hereby given that, on March 30, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Motorola, Inc. has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b)of the Act, the identities of the parties are Auburn University, Auburn, AL; Jabil Circuit, Inc., San Jose, CA; Loctite Corporation, Rocky Hill, CT; and Motorola, Inc., Schaumburg, IL. The nature and objectives of the venture are to engage in a collaborative effort of limited duration to gain further knowledge and understanding of, and develop new materials and technology for, integrated-circuit fabrication facilities using conventional surface mount technology to handle new ''direct chip attach'' components, enabling more efficient production of these high performance devices.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24608 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1998–99]

RIN 1115–AF50

Advance Notice of Expansion of Expedited Removal to Certain Criminal Aliens Held in Federal, State, and Local Jails

AGENCY: Immigratnion and Naturalization Service, Justice.

ACTION: Advance notice with request for comments.

SUMMARY: This notice advises the public that the Immigration and Naturalization Service (Service) intends to apply the expedited removal provision of section 235(b)(1) of the Immigration and Nationality Act (Act) on a pilot basis to certain criminal aliens being held in three correctional facilities in the State of Texas. This action will not become effective until the Service evaluates and addresses public comments and informs the public by notice in the **Federal Register** when the expedited removal provisions will be implemented. This pilot program will last for a period of 180 days, and will be followed with an evaluation of the program. The Service believes that implementing the expedited removal provisions to person who have been found by a Federal judge to be guilty of illegal entry and are serving short criminal sentences will result in removal of those criminal aliens faster than can be achieved under ordinary removal proceedings. This will ensure prompt immigration determinations in those cases and consequently will save Service detention space and immigration judge and trial attorney resources, while at the same time protecting the righ5ts of the individuals affected.

DATES: Comments must be submitted on or before November 22, 1999.

ADDRESSES: Please submit written comments, **original and two copies,** 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 No. 1998–99 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: Isabelle Chewning, Detention and Deportation Officer, Immigration and Naturalization Service, 801 I Street NW, Suite 800, Washington, DC 20536, telephone (202) 616–7797, or Melinda Clark, Detention and Deportation Officer, Immigration and Naturalization Service, 425 I Street NW, Room 3214, Washington, DC 20536, telephone (202) 514–1986.

SUPPLEMENTARY INFORMATION:

What is the expedited removal program?

Under section 235(b)(1) of the Immigration and Nationality Act (Act), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), certain aliens who are inadmissible to the United States under sections 212(a) (6) (C) or 212(a) (7) of the Act are not entitled to a formal removal hearing before an immigration judge under section 240 of the Act. Instead, these aliens are subject to an expedited removal order issued by an immigration officer. Sections 212(a) (6) (C) and 212(a) (7) are the grounds of inadmissibility which cover aliens who seek or have sought to procure a visa, other documentation, or admission to the United States or other benefits under the Act by fraud or misrepresentation or who arrive without proper entry documents.

On March 6, 1997, the Department of Justice issued implementing regulations which apply the expedited removal provisions of section 235(b)(1) of the Act to certain aliens arriving in the United States on or after April 1, 1997. (See 62 FR 10312).

To whom Will the Section 235(b) (1) Expedited Removal Provisions Be Applied?

Section 235(b) (1) (A) (iii) of the Act permits the Attorney General, in her sole and unreviewable discretion, to designate certain other aliens to whom the expedited removal provisions may be applied even though they are not arriving in the United States. Specifically, the Attorney General may apply the expedited removal provisions to any or all aliens who have not been admitted or paroled into the Untied States and who have been physically present for less than 2 years prior to the date of the determination of inadmissibility. By publication of this notice, the Attorney General is exercising her discretionary authority to apply the provisions of the expedited removal to certain alien who:

(i) Have been convicted of illegal entry into the United States under 8 U.S.C. 1325(a) (1) or (2) (section 275 of the Act) if the court record establishes the time, place, and manner of entry;

(ii) Have not been admitted or paroled into the United States and who have been physically present for less than 2 years prior to the date of the determination of inadmissibility; and

(iii) Are serving criminal sentences in the Big Spring Correction Center, Eden Detention Center, or Reeves County Bureau of Prisons Contract Facility.

Under What Authority Is the Immigration and Naturalization Service Taking This Action?

In addition to the statutory authority contained in section 235(b)(1)(A)(iii) of the Act, the expedited removal provisions contained in the Service's regulations at 8 CFR 235.3(b)(1)(ii) provides as follows:

(ii) As specifically designated by the Commissioner, aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled following inspection by an immigration officer at a designated port-of-entry, and who have not established to the satisfaction of the immigration officer that they have been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility. The Commission shall have the sole discretion to apply the provisions of section 235(b)(1) of the Act, at any time, to any class of aliens described in this section. The Commissioner's designation shall become effective upon publication of a notice in the **Federal Register**. However, if the Commissioner determines, in the exercise of discretion, that the delay caused by publication would adversely affect the interests of the United States or the effective enforcement of the immigration laws, the Commissioner's designation shall become effective immediately upon issuance, and shall be published in the **Federal Register** as soon as practicable thereafter. When these provisions are in effect for aliens who enter without inspection, the burden of proof rests with the alien to affirmatively show that he or she has the required continuous physical presence in the United States. Any absence from the United States shall serve to break the period of continuous physical presence. An alien who was not inspected and admitted or paroled into the United States but who establishes that he or she has been continuously physically present in the United States for the 2-year period immediately prior to the date of determination of inadmissibility shall be detained in accordance with section 235(b)(2) of the Act for a proceeding under section 240 of the Act.

Because the regulation provides the authority to apply expedited removal to aliens affected by this pilot program, the Service is not amending its regulation, but it is announcing the pilot program through this notice and a subsequent notice after receiving public comment.

Why Is This Action Being Taken?

The Service identifies and processes thousands of criminal aliens for removal each year while they are incarcerated in Federal, State, and local jails and correctional facilities. There are several programs and methods in place to accomplish this task. Most notable is the Institutional Removal Program (IRP), whereby immigration officers are stationed at specific Federal and State correctional facilities to process aliens for removal proceedings, which are conducted at that site by Immigration Judges before their release from criminal custody. If found removable, the aliens can then be removed from the country immediately upon completion of their sentence, without the Service incurring additional detention costs to house them during their removal proceedings. Many of the aliens incarcerated in certain IRP facilities have been convicted of illegal entry under 8 U.S.C. 1325 (section 275 of the Act), often initiated after the alien has committed multiple illegal entries. Many are given relatively short sentences that make it difficult to complete removal proceedings before an immigration judge prior to the completion of their sentences. Since these aliens have been convicted of illegal entry, the court records and documentation in the file will clearly establish the time, place, and manner of entry, thereby establishing eligibility for expedited removal. Under this pilot program, therefore, expedited removal will only be applied where the Federal Courts have affirmatively determined that the alien falls within the illegal entry criteria for expedited removal.

Will the Program Be Expanded to all Federal, State, and Local Jails and Correctional Facilities?

No. This pilot program will be limited to the following IRP facilities: Big Spring Correction Center, Eden Detention Center, and Reeves County Bureau of Prisons Contract Facility. This limitation will permit the Service to provide thorough training to all officers involved in the process, to monitor the procedures being followed, and to evaluate the effectiveness of the pilot program for possible application to other IRP facilities.

Will Expedited Removal Be Applied to all Criminal Aliens Detained at These Sites?

No. The Service intends to apply the expedited removal provisions only to those aliens convicted of illegal entry who have not previously been removed, provided the court records explicitly established the time, place, and manner of entry, and that the alien has not been admitted or paroled into the United States and has not been physically present continuously for the 2-year period immediately prior to the date of the determination of inadmissibility.

Those aliens who have reentered the United States illegally after having been previously ordered removed from the United States will continue to be subject to reinstatement of the prior order of removal under section 241(a)(5) of the Act. The Service will also continue to apply the existing procedures under section 238 of the Act for removal of most aliens convicted of an aggravated felony.

What Does the Service Expect To Achieve Through This Pilot Program?

The Service expects the pilot program to demonstrate a greater efficiency in processing criminal aliens who meet the statutory criteria for expedited removal, but who may not be eligible for other existing programs or could not be as promptly removed under the IRP. In addition, many of the relatively routine cases that fall within the statutory criteria for expedited removal but are currently being heard by immigration judges in the IRP could be processed under expedited removal, and the administrative resources and detention costs currently expended on these cases could be applied to other IRP cases or to other detained cases. The increased volume of illegal entries and the increasing number of criminal aliens being apprehended and identified have resulted in a critical shortage of Service detention space in recent months. This shortage necessitates that the Service explore further appropriate means to achieve the most efficient use of limited Service detention space. The Service is confident that the experience it has gained since the implementation of the expedited removal program at ports-of-entry on April 1, 1997, will enable it to successfully pilot a very limited expansion of the program in a manner that is both effective and fair.

How Will the Service Ensure That an Alien Placed in the Expedited Removal Program Will Not Be Subjected to Persecution or Torture Upon Removal From the United States?

Service regulations provide that any alien who indicates either an intention to apply for asylum, withholding of removal under section 241(b)(3) of the Act, or protection under the Convention Against Torture, or expresses a fear of persecution, torture, or other harm shall be referred for an interview by an asylum officer to determine whether the alien has a credible fear. The Form I–867A and I–867B currently used by the officers who process aliens under the expedited removal program, in accordance with the statutory requirement at section 235(b)(1)(B)(iv) of the Act, carefully explains to all aliens in expedited removal proceedings the alien's right to a credible fear interview. The forms also require that the officer determine whether the alien has any reason to fear harm if returned to his or her country. This form will also be used for aliens subject to expedited removal under this pilot program. Additionally the training to be provided to other officers who will administer the program will emphasize the need to be alert for any verbal or non-verbal indications that the alien may be afraid to return to his or her homeland.

Once an alien is referred to an asylum officer for a credible fear interview, he or she has a right to consultation with a person of the alien's choosing, and a right to review by an immigration judge of any negative credible fear determination. Aliens found to have a credible fear are then placed into ordinary removal proceedings before an immigration judge where they may apply for asylum and withholding of removal.

How Does the Effect of an Expedited Removal Order Issued by an Immigration Officer Differ From the Effect of a Final Removal Order Issued by an Immigration Judge Under Section 240 of the Act?

Regardless of whether the final order is issued by an immigration judge or the Board of Immigration Appeals under section 240 of the Act or by an immigration officer under section 235(b)(1) of the Act, the consequences are the same. The alien is prohibited from returning to the United States without advance permission for the period of time specified in section 212(a)(9) of the Act. Where proceedings are initiated other than upon the alien's arrival in the United States, the alien ordered removed is inadmissible for a period of 10 years (or 20 years in the case of a second or subsequent removal). If the alien should illegally reenter the United States, he or she is subject to reinstatement of removal under section 241(a)(5) of the Act and to civil and criminal penalties contained in the Act and in other Federal statutes.

How Will the Service Evaluate the Integrity, Productivity and Effectiveness of This Program?

The Service intends to monitor the process carefully and will conduct an evaluation of the program upon the termination of the pilot program after 180 days have elapsed. The Service will regularly conduct reviews of a sampling of expedited removal cases processed at the selected facilities. The files will be reviewed to ensure that all procedures are properly followed, especially those procedures designed to protect the rights of the aliens involved. This is the same process used by the Service for monitoring port-of-entry expedited removal cases. The Service will also conduct site visits to conduct follow-up training and on-site monitoring. The Service will also monitor statistics pertaining to the number of aliens removed through this program.

Why Is the Service Soliciting Public Comments on This Notice?

While not required under the Administrative Procedures Act, the Service is interested in receiving comments from the public on all aspects of the expedited removal program, but especially on the effectiveness of the program, problems envisioned by the commenters, and suggestions on how to address those problems. We believe that, by maintaining a dialogue with interested parties, the Service can ensure that the program remains effective in combating and deterring illegal entry whole at the same time protecting the rights of the individuals affected.

When Will These Actions Begin and How Long Will It Last?

After evaluating and addressing the public comments, the Service will inform the public by notice in the **Federal Register** 30 days prior to the pilot program's implementation. The program will remain in effect for 180 days.

Dated: September 14, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–24385 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–73]

General Electric Company; Notice of Consideration of Application for Renewal of Facility License

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R–33, issued to the General Electric Company (the licensee) for operation of the General Electric Nuclear Test Reactor located on the Vallecitos Nuclear Center in Sunol, California.

The renewal would extend the expiration date of Facility License No. R–33 for twenty years from date of issuance, in accordance with the licensee's timely application for renewal dated September 30, 1997, as supplemented on November 20, 1997, and June 18, and August 23, 1999.

Prior to a decision to renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Within thirty days of publication of this notice, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC. If a request for a hearing or petition for leave to intervene is filed within the time prescribed above, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the