

An informal docket may also be examined during normal business at the Office of the Manager, Operations Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT:

William Buck, Airspace Specialist, Operations Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6556.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 96-AWP-16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Available of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P. O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being

placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace area at Phoenix, Deer Valley Municipal Airport, AZ. The development of GPS SIAP at Phoenix-Deer Valley Municipal Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS RWY 07R SIAP at Phoenix-Deer Valley Municipal Airport, AZ. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface on the earth are published in Paragraph 6002 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.09C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6002—Class E airspace areas designated as a surface area for an airport.

* * * * *

AWP AZ E2 Phoenix, Deer Valley Municipal Airport, AZ [New]

Phoenix, Deer Valley Municipal Airport, AZ (Lat. 33°41'18"N, long. 112°04'57"W)

Within 3 miles south and 2 miles north of the 287° bearing from the Deer Valley Municipal Airport extending from the 4.4-mile radius of the Deer Valley Municipal Airport to 9.2 miles west of the airport.

* * * * *

Issued in Los Angeles, California, on August 9, 1996.

James H. Snow,

Acting Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 96-22542 Filed 9-4-96; 8:45 am]

BILLING CODE 4910-13-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would amend existing regulations governing the Agency's internal Exchange Visitor Waiver Review Board and requests for waiver of the two-year home-country physical presence requirement made by interested United States Government agencies on behalf of an exchange visitor. Changes in the regulations providing for the Agency's Waiver Review Board are proposed to reconcile them with Agency policy and to control the number of cases mandatorily referred to the Board. The Agency expects that the number of cases afforded Board review will be reduced. Changes to the regulations governing waiver requests by interested United States Government agencies are believed necessary to provide for uniform administration of such requests. The Agency anticipates that the proposed changes will increase administrative efficiency and speed of response and also ensure that multiple interested U.S. Government agency (or state) waiver requests on behalf of an individual exchange visitor are not processed.

DATES: Comments regarding this proposed rule will be accepted until November 4, 1996.

ADDRESSES: Comments may be mailed to Rulemaking Clerk, Room 700, Office of General Counsel, United States Information Agency, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street, SW., Washington, DC 20547; Telephone, (202) 619-6829.

SUPPLEMENTARY INFORMATION: Under the aegis of the Exchange Visitor Program, some 175,000 foreign nationals come to this country to work, study, or train in the United States annually. As part of the public diplomacy efforts of the United States Government, these foreign nationals enter the United States as participants in the Exchange Visitor Program which seeks to promote peaceful relations and mutual understanding with other countries through educational and cultural exchange programs. Accordingly, many exchange visitors entering the United States are subject to a statutory provision, set forth at 8 U.S.C. 1182(e) (section 212(e) of the Immigration and Nationality Act), which requires that they return to their home country for a period of two years to share with their countrymen the knowledge, experience and impressions gained during their sojourn in the United States.

Foreign nationals entering the United States as Exchange Visitor Program participants are subject to the return home requirement if they: (i) Received U.S. or foreign government financing for any part of their studies or training in the U.S.; (ii) studied or trained in a field deemed of importance to their home government and such field is on the "skills list" maintained by the Agency in consultation with foreign governments; or, (iii) entered the U.S. to pursue graduate medical education or training. An exchange visitor subject to this requirement is not eligible for an H or L visa, or legal permanent resident status until the return-home requirement is fulfilled or waived.

If subject to the two-year return-home requirement, an exchange visitor may seek a waiver of such requirement. The bases upon which a waiver may be granted are: (i) A no objection statement from visitor's home government; (ii) exceptional hardship to the visitor's U.S. citizen (or legal permanent resident) spouse or child; (iii) a request, on the visitor's behalf, by an interested United States Government agency; (iv) a reasonable fear of persecution if the

visitor were to return to his or her home country; and, (v) a request by a state on behalf of an exchange visitor who has pursued graduate medical education or training in the U.S.

Interested U.S. Government Agency Waiver Requests

The Agency's Exchange Visitor Program Services, Waiver Review Branch, is responsible for processing waiver applications. Last year, this branch received approximately 6,000 waiver applications, approximately 95 percent of which were based upon either a no objection statement from the visitor's home government or a request from an interested government agency. Over the past four years, the number of interested government agency requests submitted to the Agency has increased approximately five-fold to some 1,700 annually for calendar year 1995.

The vast majority of interested government agency requests processed by the Agency involve foreign medical graduates who entered the United States to pursue graduate medical education or training. At present, the Department of Veterans Affairs, the Department of Housing and Urban Development, the Department of Agriculture, and the Appalachian Regional Commission will act as an interested government agency on behalf of a foreign medical graduate seeking a waiver of his or her two-year home-country physical presence requirement. In return for agency request, the foreign medical graduate must agree to practice patient care in a geographic area designated by the Secretary of Health and Human Services as either a Primary Care Health Professional Shortage Area ("HPSA"), or Medically Underserved Area ("MUA"), or psychiatric care in a Mental Health Professional Shortage Area or to work at a facility operated by the Department of Veterans Affairs.

For years, the Department of Veterans Affairs and the Appalachian Regional Commission were the only agencies making requests for waivers on behalf of these foreign medical graduates, but in the past three years the Department of Agriculture and the Department of Housing and Urban Development also have begun to act on their behalf. With the entry into the waiver process of these two additional agencies, inconsistency in the administration of waiver requests among the different agencies has created a degree of confusion in the administrative process. Further, foreign medical graduates have also pursued concurrent waiver requests with multiple agencies. These concurrent requests reflect conflicting commitments or are duplicative and are

therefore inappropriate, waste limited administrative staff resources, and do not further the requesting agency's mission and policy objectives. Further, such concurrent requests are unfair to the communities named in the unapproved applications given the considerable expenditure of resources that local communities devote to the waiver process. Accordingly, the Agency proposes to amend § 514.44(c) to both provide uniformity to this process and prevent the filing of concurrent waiver requests.

Waiver Review Board

An increase in the number of interested government agency and "no objection" waiver requests has also placed an increased burden on the Agency's internal Waiver Review Board. Many of these waiver requests involve exchange visitors who have received government funding for part or all of their exchange activities. Current regulations require that such cases be referred to the Waiver Review Board if the government sponsor that has provided funding objects to the exchange visitor's receiving a waiver. Other circumstances that require automatic referral to the Waiver Review Board are set forth in 22 CFR 514.44(g).

Given the increased number of waiver requests and the questionable value to program goals added by the Waiver Review Board process in certain types of mandatorily-referred cases, the Agency has identified a need to streamline the waiver review process and to reduce significantly the number of waiver applications routinely or mandatorily referred to the Waiver Review Board for decision. Further, organizational and staffing changes within the Agency's Exchange Visitor Program Services unit have resulted in the abolishment of the position of Director, Exchange Visitor Program Services and an alteration of the duties of the Waiver Branch Chief. The loss of the Director position has, in turn, rendered certain procedures set forth in § 514.44 (g) and (h) no longer germane. Accordingly, the Agency proposes new provisions to reflect the administrative changes in the Waiver Review Branch and to adjust the existing requirement of automatic referral to the Board of certain cases.

Comment

The Agency invites comments regarding this proposed rule notwithstanding the fact that it is under no legal requirement to do so. The oversight and administration of the Exchange Visitor Program are deemed to be foreign affairs functions of the United States Government. The Administrative

Procedures Act, 5 U.S.C. 553(a)(1), (1989) specifically exempts foreign affairs functions from the rulemaking requirements of the Act.

The Agency extends a 60-day public comment period. In response to suggestions and requests from immigration practitioners, the Agency is also requesting public comment on certain matters related to this proposed rule but not set forth therein. Specifically, the Agency welcomes comment regarding the need for and merits of non-compete and punitive damages clauses that are set forth in contracts between local health facilities and foreign medical graduates receiving a waiver in order to work at such facility. These contractual clauses impose limitations upon the geographical area in which waiver recipients may practice medicine at the end of the employment contract and also penalize waiver recipients who fail to complete their contractual obligations by providing the health care facility the opportunity to pursue significant monetary damages against the waiver recipient. It is the Agency's belief that some, but not all, of these contracts contain such provisions and the Agency is accordingly interested in learning whether such provisions should be uniformly mandated. Further, based upon suggestions from the private bar, the Agency is interested in comment that discusses the need for and merits of an internal audit procedure for use by federal agencies or departments making interested government agency waiver requests. The Agency believes that such internal audit procedures could safeguard the integrity of the waiver request process.

In accordance with 5 U.S.C. 605(b), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of E.O. 12291, nor does it have federal implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

List of Subjects in 22 CFR Part 514

Cultural Exchange programs.

Dated August 29, 1996.

R. Wallace Stuart,
Acting General Counsel.

Accordingly, 22 CFR part 514 is amended as follows:

PART 514—EXCHANGE VISITOR PROGRAM

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1258; 22 U.S.C. 1431–1442, 2451–2460; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR, 1977 Comp. p. 200; E.O. 12048 43 FR 13361, 3 CFR, 1978 Comp. p. 168; USIA Delegation Order No. 85–5 (50 FR 27393).

2. Section 514.44 is amended by removing paragraph (h) and revising paragraphs (c) and (g) to read as follows:

§ 514.44 Two-year home-country physical presence requirement.

* * * * *

(c) *Requests for waiver made by an interested United States Government Agency.* (1) A United States Government agency may request a waiver of the two-year home-country physical presence requirement on behalf of an exchange visitor if such exchange visitor is actively and substantially involved in a program or activity sponsored by or of interest to such agency.

(2) A United States Government agency requesting a waiver shall submit its request in writing and fully explain why the grant of such waiver request would be in the public interest and the detrimental effect that would result to the program or activity of interest to the requesting agency if the exchange visitor is unable to continue his or her involvement with the program or activity.

(3) A request by a United States Government agency shall be signed by the head of the agency, or his or her designee, and shall include copies of all IAP–66 forms issued to the exchange visitor, his or her current address, and his or her country of nationality or last legal permanent residence.

(4) A request by a United States Government agency, excepting the Department of Veterans Affairs, on behalf of an exchange visitor who is a foreign medical graduate who entered the United States to pursue graduate medical education or training, and who is willing to provide primary patient care in a designated Primary Medical Care Health Professional Shortage Area, or a Medically Underserved Area, or psychiatric care in a Mental Health Professional Shortage Area, shall, in addition to the requirements set forth in § 514.44 (c)(2) and (3), include:

(i) A copy of the employment contract between the foreign medical graduate and the health care facility at which he or she will be employed. Such contract shall specify a term of employment of not less than three years and that the foreign medical graduate is to be employed by the facility for the purpose of providing primary medical care in a designated Primary Medical Care Health Professional Shortage Area or designated Medically Underserved Area

(“MUA”) or psychiatric care in a designated Mental Health Professional Shortage Area.

(ii) A statement, signed and dated by the head of the health care facility at which the foreign medical graduate will be employed, that the facility is located in an area designated by the Secretary of Health and Human Services as a Medically Underserved Area or Primary Medical Care Health Professional Shortage Area or Mental Health Professional Shortage Area. The statement shall also list the Health Professional Shortage Area or Medically Underserved Area identifier number assigned to the area by the Secretary of Health and Human Services.

(iii) A statement, signed and dated by the foreign medical graduate exchange visitor that shall read as follows:

I, _____ (name of exchange visitor) hereby declare and certify, under penalty of the provisions of 18 U.S.C. 1101, that: (1) I have sought or obtained the cooperation of _____ (enter name of United States Government agency which will submit/is submitting an IGA request on behalf of the Exchange Visitor to obtain a waiver of the 2-year home residence requirement); and (2) I do not now have pending nor will I submit during the pendency of this request, another request to any United States Government department or agency or any State Department of Public Health, or equivalent, to act on my behalf in any matter relating to a waiver of my two-year home-country physician presence requirement.

(iv) Evidence that unsuccessful efforts have been made to recruit an American physical for the position to be filled by the exchange visitor.

(5) Except as set forth in § 514.44(g)(4), infra, the recommendation of the Waiver Review Branch shall constitute the recommendation of the Agency and such recommendation shall be forwarded to the Commissioner.

* * * * *

(g) *The Exchange Visitor Waiver Review Board.* (1) The Exchange Visitor Waiver Review Board (“Board”) shall consist of the following Agency officers:

(i) The Associate Director of the Bureau of Educational and Cultural Affairs, or his or her designee;

(ii) The Director of the geographic area office responsible for the geographical area of the waiver applicant, or his or her designee;

(iii) The Director of the Office of Congressional and Intergovernmental Affairs, or his or her designee;

(iv) The Director of the Office of Academic Exchange, or his or her designee; and

(v) The Director of the Office of Research, or his or her designee.

(2) A person who has had substantial prior involvement in a particular case referred to the Board may not be appointed to serve on the Board for that particular case unless the General Counsel determines that the individual's inclusion on the Board is otherwise necessary or practicably unavoidable.

(3) The Associate Director of the Bureau of Educational and Cultural Affairs, or his or her designee, shall serve as Board Chairman. No designee under this paragraph (g)(3) shall serve for more than 2 years.

(4) Cases will be referred to the Board at the discretion of the Branch Chief, Waiver Review Branch, of the Agency's office of Exchange Visitor Program Services. The Waiver Review Branch shall prepare a summary of the particular case referred and forward it along with a copy of the relevant file to the Board Chairman. The Chief, Waiver Review Branch, or his or her designee, may, at the Chairman's discretion, appear and present facts related to the case but shall not participate in Board deliberations.

(5) The Chairman of the Board shall be responsible for convening the Board and distributing all necessary information to its members. Upon being convened, the Board shall review the case file and weigh the request against the program, policy, and foreign relations aspects of the case.

(6) At the conclusion of its review of the case, the Board shall make a written recommendation either to grant or to deny the waiver application. The written recommendation of a majority of the Board shall constitute the recommendation of the Board. Such recommendation shall be promptly transmitted by the Chairman to the Branch Chief, Waiver Review Branch.

(7) The recommendation of the Board in any case reviewed by it shall constitute the recommendation of the Agency and such recommendation shall be forwarded to the Commissioner by the Branch Chief, Waiver Review Branch.

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BILLING CODE 8230-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35, 270, and 271

[FRL-5606-8]

Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C; Proposed Rule; Notice of Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule: notice of reopening of comment period.

SUMMARY: Since publication of the proposed rule for Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C (61 FR 30471 (June 14, 1996)), EPA has received requests to extend the comment period. The Agency has reopened the comment period 30 days to September 12, 1996.

DATES: The comment period on the proposed rule for Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C (61 FR 30471) is reopened from August 13, 1996 to September 12, 1996.

ADDRESSES: Commenters on the Subtitle C Indian Authorization Rule proposal must send an original and two copies of their comments referencing Docket Number F-96-AITP-FFFFF to: (1) If using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC 20460, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. For other information regarding submitting comments electronically or viewing the comments received and supporting information, please refer to the proposed rule (61 FR 30471 (June 14, 1996)). The RCRA Information Center is located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia, and is open for public inspection and copying of supporting information for RCRA rules from 9 am to 4 pm, Monday through Friday, except for Federal holidays. The public must make an appointment to view docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Hotline is open Monday-Friday, 9 a.m. to 6 p.m., Eastern Standard Time. For more detailed information on specific aspects of the Subtitle C Indian Authorization rulemaking, contact Felicia Wright, Office of Solid Waste (5303W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, phone (703) 308-8634 (or email: wright.felicia@epamail.epa.gov).

SUPPLEMENTARY INFORMATION: On June 14, 1996, EPA proposed Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C. See 61 FR 30471. The Agency established a 60-day comment period and indicated that comments on the proposal would be accepted until August 13, 1996.

EPA received a written request to extend the comment period for the Subtitle C Indian Authorization proposal from the Navajo Nation and Morgan, Lewis & Bockius LLP on behalf of the FMC Corporation (FMC). The additional time requested was 30 days.

As justification for a time extension, the Navajo Nation pointed out that they need additional time to meet with the hazardous waste generator industries located on the Navajo Nation reservation to inform them of the proposed rule, and of the Navajo's plans to apply for authorization under a final rule. The extension will provide the Navajo Nation with adequate time to set up public meetings with the industries so that all parties may discuss the potential situation with the Navajo Nation and develop comments on the proposed rule to EPA. Similarly, FMC requested a time extension to better address the proposed rule in light of the complex legal issues relating to Indian Tribes.

The Agency has decided to grant an additional 30 days beyond the proposed 60-day comment period to allow stakeholders enough time to review the provisions of the rulemaking and to formulate comments and recommendations for the Agency's consideration in developing the final rule. The Agency believes that 90 days allows for sufficient time for commenters to analyze legal considerations, evaluate the proposal, and coordinate comments with others.