

(c) *Determination on review.* On review, the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge. The Commission also may make any findings or conclusions that in its judgment are proper based on the record in the proceeding. If the Commission's determination on review terminates the investigation in its entirety, a notice will be published in the Federal Register.

9. Paragraphs (d) and (f) of § 210.66 are revised to read as follows:

**§ 210.66 Initial determination concerning temporary relief; Commission action thereon.**

\* \* \* \* \*

(d) Notice of the initial determination shall be served on the other agencies listed in § 210.50(a)(2). Those agencies will be given 10 calendar days from the date of service of the notice to file comments on the initial determination.

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(f) If the Commission determines to modify, reverse, or set aside the initial determination, the Commission will issue a notice and, if appropriate, a Commission opinion. If the Commission does not modify, reverse, or set aside the administrative law judge's initial determination within the time provided under paragraph (b) of this section, the initial determination will automatically become the determination of the Commission. Notice of the Commission's determination concerning the initial determination will be issued on the statutory deadline for determining whether to grant temporary relief, or as soon as possible thereafter, and will be served on the parties. Notice of the determination will be published in the Federal Register if the Commission's disposition of the initial determination has resulted in a determination that there is reason to believe that section 337 has been violated and a temporary remedial order is to be issued. If the Commission determines (either by reversing or modifying the administrative law judge's initial determination, or by adopting the initial determination) that the complainant must post a bond as a prerequisite to the issuance of temporary relief, the Commission may issue a supplemental notice setting forth conditions for the bond if any (in addition to those outlined in the initial determination) and the deadline for filing the bond with the Commission.

10. Paragraph (b) of § 210.74 is revised to read as follows:

**§ 210.74 Modification of reporting requirements.**

\* \* \* \* \*

(b) *Consent orders.* Consistent with the standards set forth in paragraph (a) of this section, the Commission may modify reporting requirements of consent orders. The Commission shall serve notice of any proposed change, together with the reporting requirements to be modified and the reasons therefor, on each party subject to the consent order. Such parties shall be given the opportunity to submit briefs to the Commission, and the Commission may hold a hearing on the matter. Notice of any proposed change in the reporting requirements will be published in the Federal Register if the Commission determines to solicit public comment on the proposed change.

Issued: October 4, 1995.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1310**

**[DEA-112I]**

**RIN 1117-AA35**

**Provisional Exemption From Registration for Certain List I Chemical Handlers; Extension**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Interim rule.

**SUMMARY:** DEA is amending its regulations to extend the temporary exemption from the chemical registration requirements from October 6, 1995 to November 13, 1996. DEA has become aware that many persons who are subject to the chemical registration requirement were unaware that they were required to submit their applications prior to the October 5, 1995 deadline for applying for registration. Persons failing to meet that deadline would have been required by law to cease all distributions, imports, or exports of List I chemicals until they had obtained a registration. In order to avoid interruption of domestic and international commerce in List I chemicals, DEA is extending the temporary exemption from the registration requirement for the additional period to allow affected

persons sufficient time to make application for registration.

**EFFECTIVE DATE:** October 12, 1995. The new deadline for submitting an application for registration is November 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** F. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-4025.

**SUPPLEMENTARY INFORMATION:** The Domestic Chemical Diversion Control Act of 1993 (DCDCA) became effective on April 16, 1994. One of the primary requirements of the DCDCA is that any person who manufactures, distributes, imports or exports a list I chemical shall obtain an annual registration from DEA for each location where such activities are carried out. DEA, recognizing that the regulations to implement the requirements of the DCDCA might not be finalized prior to April 16, 1994, published an Interim Rule in the Federal Register on March 24, 1994, (59 FR 13881) adding a new § 1310.09 to Title 21, Code of Federal Regulations (21 CFR), part 1310, granting a temporary exemption from the chemical registration requirements for any person who submitted an application for registration within 45 days following the effective date of the chemical registration regulations. The chemical registration regulations became effective on August 21, 1995, and the deadline for submitting an application and maintaining the temporary exemption from the registration requirement was October 5, 1995.

It has come to DEA's attention that, despite substantial efforts to provide notice to chemical handlers, including communications with the national associations representing the chemical industry, direct contacts with chemical manufacturers and distributors, and references to the new requirements in industry newsletters, there may be a significant number of persons subject to the registration requirement who have not yet submitted an application for registration. Under the existing requirements regarding chemical registration, such persons would not be authorized to distribute, import, or export a List I chemical; they would have to cease all such activities until they had applied for and received their DEA registrations. In the interest of avoiding a possible disruption of legitimate commerce that enforcement of the requirements might cause at this time and to allow chemical handlers additional opportunity to comply with the new registration requirements, DEA

is amending § 1310.09 to extend the temporary exemption until November 13, 1995.

The Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration hereby certifies that this interim rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This interim rulemaking extends a temporary exemption from the registration requirements of the DCDCA.

This rule is not a significant regulatory action and therefore has not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 21 CFR Part 1310

Drug Traffic Control, Recordkeeping and Reporting Requirements, List I and List II chemicals.

For reasons set out above, Title 21, Code of Federal Regulations, part 1310 is amended as follows:

#### PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b)

Section 1310.09 is revised to read as follows:

#### § 1310.09 Temporary exemption from registration.

Each person required by section 3(b) of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200, effective April 16, 1994), to obtain a registration to manufacture, distribute, import, or export a list I chemical (other than those list I chemicals exempted under § 1310.01(f)(1)(iv)), is temporarily exempted from the registration requirement. The exemption will remain in effect for each person until the person has made proper application for registration and the Administration has approved or denied such application, provided that the application is submitted on or before November 13, 1995. This exemption applies only to registration; all other chemical control requirements set forth in the Domestic Chemical Diversion Control Act of 1993 and in parts 1310 and 1313 of this chapter remain in full force and effect.

Dated: October 5, 1995.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

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#### UNITED STATES INFORMATION AGENCY

##### 22 CFR Part 514

###### [Rulemaking No. 115]

#### Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program

**AGENCY:** United States Information Agency.

**ACTION:** Final rule.

**SUMMARY:** Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416) amended Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) and added a new subsection (k) to section 214 of that Act (8 U.S.C. 1184) regarding waiver of the two-year foreign residence requirement as it applies to foreign medical graduates. An Interim Final Rule with request for comments was published in the Federal Register on April 3, 1995 (60 FR 16785). This final rulemaking amends the Exchange Visitor Program regulations to reflect those legislative changes.

**DATES:** This final rule is effective October 12, 1995.

**ADDRESSES:** United States Information Agency, Office of the General Counsel, Rulemaking 115, 301 Fourth Street, SW., Room 700, Washington, DC 20547-0001.

#### FOR FURTHER INFORMATION CONTACT:

William G. Ohlhausen, Assistant General Counsel, United States Information Agency, 301 Fourth Street, SW., Washington, DC 20547; telephone (202) 619-6972.

**SUPPLEMENTARY INFORMATION:** Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416), adopted in the closing days of the 103rd Congress, amended provisions of the Immigration and Nationality Act which deal with the two-year foreign residence requirement affecting foreign medical graduates (also known as "FMG's" or "international medical graduates") who were admitted to the United States on the J visa, or who acquired such status after admission to the United States, and who

are required to return to the country of their nationality or last residence upon the completion of their participation in an exchange visitor program.

The Immigration and Naturalization Service may grant a waiver of the two-year home country physical presence requirement upon the favorable recommendation of the Director of the United States Information Agency. Prior to the recent amendment to sections 212 and 214 of the Immigration and Nationality Act, there were three bases upon which an alien who is a graduate of a medical school pursuing a program in graduate medical education or training could seek a waiver of the two-year foreign residence requirement. The first basis was the so-called "interested Government Agency" or "IGA" waiver. Under that basis, the Director of the United States Information Agency could recommend a waiver to INS pursuant to the request of an "interested United States Government agency."

(Immigration and Nationality Act, as amended, section 212(e) (8 U.S.C. 1182(e); 22 CFR 514.44(a) (2) and (c).)

The other bases upon which a J visa foreign medical graduate could seek a waiver of the two-year foreign residence requirement were to apply to the Immigration and Naturalization Service for a waiver on the grounds that the departure of the alien physician from the United States would "impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion." (Immigration and Nationality Act, as amended, section 212(e) (8 U.S.C. 1182(e).) Additionally, all three bases for seeking a waiver required a finding by the Attorney General that the waiver was in the public interest.

The enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416) has now provided an additional basis upon which a foreign medical graduate may seek a waiver of the two-year home residence requirement. Section 220(a) of that Act added a provision that authorizes a State Department of Public Health or its equivalent to request the Director of USIA to recommend that INS grant the waiver. However, in addition, the new law requires that the government of the country to which the foreign medical graduate is otherwise contractually obligated to return must furnish the Director of the United States Information Agency with a statement in writing that it has no objection to such