

Agency's administrative processing of requests for the waiver of the two-year return home requirement to which some exchange visitors are subject, pursuant to the provisions of Section 212(e) of the Immigration and Nationality Act. Specifically, these proposed amendments would change the processing of waiver requests submitted to the Agency by interested government agencies on behalf of foreign medical graduates subject to the two-year return home requirement due to their pursuit of graduate medical education or training in the United States.

The General Accounting Office published a report titled "Foreign Physicians: Exchange Visitor Program Becoming Major Route to Practicing in U.S. Underserved Areas" on December 30, 1996. USIA, along with those U.S. Government agencies that request waivers of the two-year home country presence requirement on behalf of foreign physicians, is reviewing this report and the policy implications presented therein. The Agency is also continuing with its review of the legal and policy questions that arise from Section 622 of the recently enacted Illegal Immigration and Immigrant Responsibility Act of 1996. Accordingly, the Agency is delaying publication of a final rule regarding foreign physician waivers but anticipates such publication in the near future.

The nature, composition, and duties of the Waiver Review Board were critiqued extensively in the public comment submitted by the American Immigration Lawyers Association. In part, this comment suggests that the Board should be viewed as an "appeals court" to which all disappointed waiver applicants can resort. The Agency does not agree with this suggestion and believes such a structure would cripple the waiver process. This comment also focused on the role of pure legal issues that arise in the waiver process and the manner in which such issues are identified and resolved. The Agency has considered this comment but believes that existing procedures provide adequate procedural safeguards.

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: April 15, 1997.

Les Jin,

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. 1431–1421 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 paragraph (g) to read as follows:

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

* * * * *

(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, or 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 practically 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 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 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 weight the request against the program, policy, and foreign relations aspects of the case.

(6) The General Counsel shall appoint, on a case-by-case basis, from among the attorneys in the Office of the General Counsel, one attorney to serve as legal advisor to the Board.

(7) 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.

(8) 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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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–97–001]

Temporary Deviation; Miles River, Easton, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation; request for comments.

SUMMARY: At the request of the Maryland Department of Transportation (MDOT), the Coast Guard has approved a temporary deviation from the regulations that govern the operation of the Maryland Route 370 drawbridge across the Miles River, Mile 10.0, at Easton, Maryland. This temporary deviation will test the effects of requiring a six hour advance notice for drawbridge openings between 6 p.m. and 6 a.m. It also will designate the hours during which the bridge must open on signal as the period between 6 a.m. and 6 p.m. Currently the draw of

the Route 370 bridge is required to open on signal from sunrise to sunset. Vessels wishing to pass through the draw between sunset and sunrise must notify the bridge tender of the time they wish to pass, and the draw opens as close to that time as practicable. This test is intended to help the Coast Guard determine if a permanent change to the regulations would relieve the bridge owner of the burden of having a bridge tender constantly available at times when there are few or no requests for openings while still providing for the reasonable needs of navigation.

DATES: This deviation is effective from April 1 through June 30, 1997. Comments must be received on or before July 31, 1997.

ADDRESSES: Comments should be mailed to Commander (Aowb), USCG Atlantic Area, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Comments will become a part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, USCG Atlantic Area, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to comment on this temporary deviation by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice of temporary deviation (CGD05-97-001) and the specific section of this deviation to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgement of receipt of comments should enclose a stamped self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period when determining whether to propose a permanent change to the regulation.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (AOWB), USCG Atlantic Area, at the address under **ADDRESSES**. The request

should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid any future proposed rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard is conducting a temporary deviation from the requirements of 33 CFR 117.565 to test the effects of requiring a six hour advance notice for openings from 6 p.m. to 6 a.m. for the Maryland Route 370 bridge, and changing the requirement for opening on demand from the currently designated period from sunrise to sunset to the period from 6 a.m. to 6 p.m. This change was requested by the Maryland Department of Transportation (MDOT) due to the minimal number of bridge openings during the period between 6 p.m. and 6 a.m. and to better clarify the times during which the bridge must open on signal. This test is based on a review of drawlog records from 1992 and 1993 provided by MDOT. These records show that during the hours between 6 p.m. and 6 a.m., a total of 4 bridge openings were recorded for the entire two year period. Due to the minimal number of openings, this test will be conducted to determine if a permanent change to the regulations would still provide any needed drawbridge openings to accommodate vessel traffic while helping to relieve the bridge owner of the burden of having a bridgetender constantly available.

Based on the above information, Commander, Fifth Coast Guard District has approved a temporary deviation from the requirements of 33 CFR 117.565 from April 1 through June 30, 1997. This temporary deviation will require the drawbridge to open on signal from 6 a.m. to 6 p.m., and from 6 p.m. to 6 a.m. a six hour advance notice to the Maryland Department of Transportation would be required. The provisions of 33 CFR 117.31 which provide for the passage on signal for Federal, State and local Government vessels used for public safety; vessels in distress where delay would endanger life and property; commercial vessels engaged in rescue or emergency salvage operations; and vessels seeking shelter from severe weather will remain unchanged.

The terms of the temporary deviation are as follows: the draw of the S370 bridge, mile 10, located in Easton, Maryland, shall operate as follows from April 1 through June 30, 1997: from 6 a.m. to 6 p.m. shall open on signal; and

from 6 p.m. to 6 a.m. to draw shall open if at least six hours advance notice is given to the Maryland Department of Transportation. Signs will be posted on the bridge providing the necessary information and phone numbers. Vessel operators may contact the Maryland Department of Transportation, state-wide operations center at phone number 1-800-543-2515.

Dated: March 28, 1997.

Kent H. Williams,
*Vice Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.*

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POSTAL SERVICE

39 CFR Part 20

Global Package Link

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service, after considering comments submitted in response to its request in 61 FR 55 572 (October 28, 1996) for comments on an interim rule establishing a charge for harmonization of catalog items for mailers using Global Package Link, hereby gives notice that it is adopting the interim regulations on a permanent basis, with modification.

EFFECTIVE DATE: 12:01 a.m., April 21, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Michelson, (202) 268-5731.

SUPPLEMENTARY INFORMATION: On October 28, 1996, the Postal Service published in the **Federal Register** interim regulations establishing a charge of \$1.25 per item for catalog harmonization work performed by the Postal Service for the mailer. Harmonized items are needed for most GPL destination countries to ensure an expeditious customs clearance and to allow the USPS to settle the customs charges on behalf of the mailer. The service includes expedited customs clearance through use of a software-based information system containing all the applicable duty and tax rates for specific products being mailed to destination countries. Of the current GPL destination countries, Brazil, Canada, Chile, Germany, Japan, and the U.K., only Japan does not require harmonized items for a GPL clearance.

Comments were due on or before December 15, 1996. Comments were received from one commenter, a company engaged in international package mail order, J.C. Penney