

curtailment of a major source of employment. The area must meet the qualifications as set forth in § 301.5 (a) through (c). Although no boundary constraints, as set forth in § 301.13, shall apply, the area for which designation is sought must be one for which EDA can obtain data establishing its eligibility for designation.

\* \* \* \*

Dated: April 1, 1996.

Wilbur F. Hawkins,

*Deputy Assistant Secretary for Economic Development.*

[FR Doc. 96-8518 Filed 4-5-96; 8:45 am]

BILLING CODE 3510-24-M

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM-122; Special Conditions No. 25-M-111]

#### Special Conditions: McDonnell Douglas Model DC9-10, -20, -30, -40, -50, High-Intensity Radiated Fields

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final special conditions; request for comments; correction.

**SUMMARY:** This action corrects the comment due date in a final special conditions; request for comments, published on March 22, 1996, (61 FR 11728) concerning McDonnell Douglas Model DC9-10, -20, -30, -40, -50, high-intensity radiated fields.

**DATES:** The effective date of these special conditions is March 14, 1996. Comments must be received on or before May 6, 1996.

**ADDRESSES:** Comments on these final special conditions, request for comments, may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Council, Attn: Rules Docket (ANM-7), Docket No. NM-122, 1601 Lind Avenue SW, Renton, Washington 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Council at the above address. Comments must be marked: Docket No. NM-122.

**FOR FURTHER INFORMATION CONTACT:** Gerald Lakin, (206) 227-1187.

#### Correction of Publication

In the final special conditions; request for comments, on page 11728 in the issue of Friday, March 22, 1996, make the following correction:

In the **DATES** section on page 11728 in the third column the comments due

date was previously listed as April 6, 1996. This date should be changed to read May 6, 1996.

Issued in Washington, DC on April 1, 1996.

Donald P. Byrne,

*Assistant Chief Counsel.*

[FR Doc. 96-8645 Filed 4-5-96; 8:45 am]

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## UNITED STATES INFORMATION AGENCY

### 22 CFR Part 514

#### Exchange Visitor Program

**AGENCY:** United States Information Agency.

**ACTION:** Interim final rule with request for comment.

**SUMMARY:** The Agency is amending its regulations which will clarify the procedures for requesting an extension of program duration for designated sponsors seeking such extension on behalf of a professor or research scholar participating in activities conducted by the sponsor. This amendment will also provide new procedures whereby the Agency may authorize a sponsor to design and conduct research programs that allow for the participation of a professor or research scholar for a period of time in excess of three years. Limitations governing the eligibility for program participation of professor and research scholar participants are also set forth. These limitations are set forth to enhance the integrity and programmatic effectiveness of the Exchange Visitor Program.

**DATES:** These rules are effective April 8, 1996. Written comments regarding this rule will be accepted until May 23, 1996.

**ADDRESSES:** Comments regarding this rule must be presented in duplicate and addressed as follows: United States Information Agency, Office of the General Counsel, Rulemaking 120, 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) 619-4979.

**SUPPLEMENTARY INFORMATION:** On March 19, 1993, the Agency published a final rule that set forth comprehensive regulations for the Exchange Visitor Program (See 58 FR 15180.) This final rule defined clearly, the obligations, duties and relationships owed to or existing between the Agency, its designated exchange program sponsors,

and exchange participants. This rule also set forth, for the first time, specific regulations governing professor and research scholar exchange participants.

In formulating this comprehensive rule, the Agency consulted extensively with designated sponsors conducting various exchange activities under the umbrella of the Exchange Visitor Program. Thus, the academic community was instrumental in assisting the Agency in its drafting of regulations governing academic-based exchanges. This assistance resulted in the devotion of particular attention to the development of regulations governing professor and research scholar regulations and the length of time such exchange visitors should be permitted to participate in the Exchange Visitor Program.

Since 1949, a three year period of program duration has been afforded to professor and research scholar participants. During the development of the comprehensive rules published in 1993, the Agency received numerous comments suggesting that the period of program duration for professors and research scholars should be greater than three years. The Agency studied these comments at length but was unable to identify a compelling public diplomacy reason to abandon the long-standing three year limitation governing the program participation of professors and research scholars.

However, the Agency did recognize that in some circumstances an extension of this three year period of program participation would enhance the effectiveness of the Exchange Visitor Program. Accordingly, and in consultation with the academic community, the Agency adopted provisions that would allow the Responsible Officer of a designated exchange program to extend, in his or her discretion and for a six month period, the permitted length of program duration for a professor or research scholar participating in that sponsor's program. Such six month extension, if given, was to allow the professor or research scholar to complete his or her program.

In similar fashion, the Agency adopted provisions whereby a Responsible Officer could request that the Agency extend the program duration of a professor or research scholar for up to an additional three years. This regulatory provision, set forth at § 514.20(j)), has resulted in the false impression by some members of the academic community that the period of time that a professor or research scholar could participate in the program was now six, rather than three years. This

impression is, in part, due to the Agency's use of the phrase "good cause" in the regulations governing requests to the Agency for program extensions. The academic community suggests that a professor or research scholar's involvement in on-going research or an institution's heavy reliance upon the professor or research scholar is sufficient to satisfy the "good cause" threshold set forth in this regulation.

The Agency is of the opinion that on-going research and heavy reliance as justification for an extension are not reconcilable with the Agency's stated position that the period of program duration for a professor or research scholar should remain at three years. Accordingly, and in an effort to clarify and reinforce the Agency's three year limitation on program duration, the "good cause" standard is removed from § 514.20(j) and replaced with an exceptional or unusual" circumstance standard. The Agency anticipates that "exceptional or unusual" circumstance will generally involve situations in which the professor or research scholar has been prevented from completing his or her program due to factors not directly related to the project.

Due to the importance of maintaining valid program status and the work authorization that flows therefrom, the Agency is adopting a time requirement for the filing of extension requests. Such requests must be filed with the Agency no less than 90 days from the expiration of the exchange visitor's three year period of program duration. This time limitation will permit the Agency to review the request and notify the requesting sponsor well in advance of the expiration of the visitor's program. Requests that are not timely filed will not be reviewed or acted upon. The Agency will notify the requesting sponsor of its decision which shall be the Agency's final decision. Requests for reconsideration will not be accepted or acted upon.

At § 514.20(i), the Agency restates the three year limitation on program participation for professor and research scholar participants. Also set forth in this regulation are new provisions whereby a designated sponsor may request advance authorization from the Agency to design and conduct a program in excess of three years duration. The Agency is adopting very specific criteria for the authorization of such programs in order to further the objectives and mission of the Exchange Visitor Program. It is anticipated that participants in such programs will be well advanced in their fields of study and considered senior researchers or the equivalent thereof.

To this end, the Agency will readily authorize an extended program in order to further international science projects conducted in the United States. Also of interest to the Agency would be those programs in which foreign-educated professor or research scholar participants are selected for participation in foreign or United States Government funded activities. Such projects and activities clearly promote the public diplomacy mission underlying the Exchange Visitor Program.

The Agency adopts the foreign-educated requirement in order to promote the exchange of international scholars. Such participants will not, by definition, have spent years in undergraduate and graduate studies at United States institutions or generally been afforded assorted opportunities to work in the United States. The Agency concludes that persons having previously spent years at United States academic institutions as students or researchers will not further the goals and objectives of the Exchange Visitor Program by participating in yet another long-term project that prevents their return to their home country.

Finally, the Agency adopts at § 514.20(d), a new provision directly limiting the eligibility for program participation of a professor or research scholar. This provision is adopted as a safeguard to the integrity of the Exchange Visitor Program. The Agency seeks to prevent abuse of the exchange visitor program by prohibiting participation by persons that have been in J visa status for a twelve month period immediately preceding their participation as a professor or research scholar. Accordingly, this regulation will bring to an end the practice of issuing an IAP-66 form to a participant that has completed a three year program as a professor or research scholar and having that person exit the country and reenter under a "new" program. Further, this regulation will prohibit a student in J status from becoming a professor research scholar participant unless Agency authorization is given pursuant to § 514.41.

#### Comment

The Agency concludes that these regulatory amendments increase the clarity of promulgated regulations and will result in an enhanced consistency of application. Further, these amendments will allow for the more efficient utilization of scarce Agency resources. The Agency invites comments regarding this interim final 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 will accept comments for 45 days following publication of this interim final rule. A final rule will be adopted upon Agency review of all comments received.

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 3, 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 514.20 is amended by revising paragraphs (d), (i), and (j) to read as follows:

#### **§ 514.20 Professors and research scholars.**

\* \* \* \* \*

(d) *Visitor eligibility.* An individual may be selected for participation in the Exchange Visitor Program as a professor or research scholar subject to the following conditions:

(i) The participant is not placed in a tenure track position; and

(ii) The participant has not held or been afforded nonimmigrant status under the provisions of 8 U.S.C. 1101(a)(15)(J) for the twelve month period immediately preceding a sponsor's issuance of an IAP-66 form to the participant, unless the participant is transferring to the sponsor's program as provided in § 514.42.

\* \* \* \* \*

(i) *Duration of participation.* The permitted duration of program

participation for a professor or research scholar shall be as follows:

(1) *General limitation.* The professor and research scholar shall be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete his or her program, which time shall not exceed three years.

(2) *Exceptional circumstance.* The Agency may authorize a designated Exchange Visitor Program sponsor to conduct an exchange activity requiring a period of program duration in excess of three years. A sponsor seeking to conduct an activity requiring more than the permitted three years of program duration shall make written request to the Agency and secure written Agency approval. Such request shall include:

(i) A detailed explanation of the exchange activity;

(ii) A certification that only foreign educated research scholars will be selected to participate in the activity;

(iii) A certification that the research scholar will be supported by United States or foreign government funds or that the research scholar was selected for participation in the activity by a foreign government.

(3) *Change of category.* A change between the categories of professor and research scholar shall not extend an exchange visitor's permitted period of participation beyond three years.

(j) *Extension of program.* Professors and research scholars may be authorized program extensions as follows:

(1) *Responsible officer authorization.* A responsible officer may extend, in his or her discretion and for a period not to exceed six months, the three year period of program participation permitted under § 514.20(i). The responsible officer exercising his or her discretion shall do so only upon their affirmative determination that such extension is necessary in order to permit the research scholar or professor to complete a specific project or research activity.

(2) *Agency authorization.* The Agency may extend, upon request and in its sole discretion, the three year period of program participation permitted under § 514.20(i). A request for Agency authorization to extend the period of program participation for a professor or research scholar shall:

(i) Be submitted to the Agency no less than 90 days prior to the expiration of the participant's permitted three year period of program participation; and

(ii) Present evidence, satisfactory to the Agency, that such request is justified due to exceptional or unusual circumstances and is necessary in order to permit the researcher or professor to

complete a specific project or research activity.

(3) *Timeliness.* The Agency will not review a request for Agency authorization to extend the three year period of program participation permitted under § 514.20(i) unless timely filed.

(4) *Final decision.* The Agency will respond to requests for Agency authorization to extend the three year period of program participation permitted under § 514.20(i) within 45 days of Agency receipt of such request. Such response shall constitute the Agency's final decision.

[FR Doc. 96-8676 Filed 4-5-96; 8:45 am]

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## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1625

#### Coverage of Apprenticeship Programs Under the Age Discrimination in Employment Act (ADEA)

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** On July 3, 1995 pursuant to Executive Orders 12067 and 12866, the Commission approved for inter-agency coordination and subsequent review by the Office of Management and Budget (OMB) a Notice of Proposed Rulemaking (NPRM) that would rescind the current apprenticeship regulation (29 C.F.R. § 1625.13) and replace it with a legislative regulation providing that apprenticeship programs are subject to the ADEA. The Commission then published the NPRM in the Federal Register for public comment on October 3, 1995. See 60 FR 51762 (Oct. 3, 1995). Based on a careful analysis of the comments received in response to the NPRM, a reassessment of the statutory language and legislative history of the ADEA, a review of case law and related statutes, and a thorough examination of the history of apprenticeship programs, the Commission has determined that a rule covering apprenticeship programs will better advance the ADEA's objectives of promoting the employment of older persons based on their ability rather than age and prohibiting arbitrary age discrimination in employment. Therefore, pursuant to sec. 9 of the ADEA, 29 U.S.C. § 628, the Commission is removing sec. 1625.13 from its Interpretive Regulations, found in 29 C.F.R. Part 1625 and is adding in Part 1625, a new sec. 1625.21 under Subpart B - Substantive Regulations. The new

sec. 1625.21 will subject all apprenticeship programs to the prohibitions of the Act unless otherwise specifically exempted under sec. 9, 29 U.S.C. § 628, in accordance with the procedures set forth in 29 C.F.R. 1627.15, or if excepted under section 4(f)(1) of the ADEA, 29 U.S.C. § 623 (f)(1).

Copies of this final rule are available in the following alternate formats: large print, braille, electronic file on computer disk, and audio tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663-4395 (voice) or (202) 663-4399 (TDD).

**EFFECTIVE DATE:** This rule takes effect on May 8, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Joseph N. Cleary, Assistant Legal Counsel or James E. Cooks, Senior Attorney Advisor, (202) 663-4690 (voice), (202) 663-7026 (TDD).

**SUPPLEMENTARY INFORMATION:**

Historical Background.

The Department of Labor (DOL) was initially given jurisdiction over the enforcement of the ADEA. In 1969, DOL published an interpretation that excluded apprenticeship programs from the ADEA. See 34 Fed. Reg. 323 (January 9, 1969). The rationale given by DOL for the "no-coverage" position was that apprenticeship programs had been traditionally limited to youths under a specified age in recognition of apprenticeship as an extension of the educational process.

The Commission assumed responsibility for enforcing the ADEA pursuant to Reorganization Plan No. 1 of 1978. See 45 Fed. Reg. 19807 (May 9, 1978). In June of 1979, the Commission published a notice in the Federal Register advising the public that all DOL interpretive guidelines on the ADEA would remain in effect until such time as the Commission could issue its own guidelines. See 44 Fed. Reg. 37974 (June 29, 1979). In November of 1979, the Commission published its own proposed ADEA Guidelines, but did not include a proposal on the apprenticeship issue. See 44 Fed. Reg. 68858 (Nov. 30, 1979).

On September 23, 1980, the Commission preliminarily approved a proposed rescission of the DOL position on apprenticeship and voted to replace it with a legislative rule providing for coverage of apprenticeship programs. The Commission then published for comment a proposed legislative rule stating that age limitations in apprenticeship programs would be unlawful under the ADEA unless