CATTLE AND CALVES 1—Continued

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	(1,000 head) 2,450 14,667 867 1,713 3,883 1,383 1,353 1,535 76 30 116 69 49 67 7 292 706

¹ 1993, 1994, and 1995 average. ² 1992, 1993, and 1994 average.

* * * * * * Dated: November 27, 1995.

Kenneth C. Clayton, Acting Administrator.

[FR Doc. 95–29459 Filed 12–1–95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 1654-94]

RIN 1115-AD66

Temporary Alien Workers Seeking H Classification for the Purpose of Obtaining Graduate Medical Education or Training

AGENCY: Immigration and Naturalization

Service, Justice.

ACTION: Final rule.

SUMMARY: After consideration of comments filed and the relevant issues. the Immigration and Naturalization Service (Service) has decided not to implement one of the changes previously proposed, to preclude the use of the H-1B non-immigrant classification for graduates of foreign medical schools pursuing medical residencies in the United States. However, this rule amends the Service's regulations in other respects by modifying the filing procedures for certain H nonimmigrant petitions involving multiple beneficiaries. The rule allows a petitioner to file a single petition even when the beneficiaries listed on the petition will be applying for nonimmigrant visas at different consulates or for entry into the United States at different Ports-of-Entry, provided that the aliens will be performing the same service or receiving the same training, for the same period of time, and in the same location. This rule further amends the Service's regulations by clearly differentiating between an H-3 alien trainee and an H-3 special education trainee with respect to the time limitations on admission for these types of classifications. This rule will ease the burden on the public when filing H petitions involving multiple beneficiaries and will correct a regulatory inconsistency regarding the limitations on stay for H-3 nonimmigrant aliens.

EFFECTIVE DATE: December 4, 1995. **FOR FURTHER INFORMATION CONTACT:** John W. Brown, Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536, telephone (202) 514–3240.

20536, telephone (202) 514-3240. SUPPLEMENTARY INFORMATION: On July 14, 1994, at 59 FR 35866-35867, the Immigration and Naturalization Service (Service) published a proposed rule in the Federal Register addressing three issues within the H nonimmigrant classification. The principal proposal related to the treatment of certain foreign medical graduates seeking to be classified under the H-1B nonimmigrant classification as amended by the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA). The Service proposed that graduates of foreign medical schools should be prohibited from seeking H-1B classification for the purpose of pursuing a medical residency in the United States and that, instead, these aliens should be required to avail themselves of the J-1 nonimmigrant classification. The Service also proposed that those aliens already

admitted to the United States as H–1B nonimmigrant aliens for the purpose of pursuing a medical residency be required to seek a change of nonimmigrant status to that of a J–1 nonimmigrant alien to complete the residency. After reviewing the comments received from the public, the Service has decided not to promulgate this portion of the proposed rule.

The comment period for the proposed rule ended on September 12, 1994. In response to the proposed rule, the Service received a total of 325 comments. The following is a discussion of the comments and the Service's response.

Multiple Beneficiaries and Time Limitations on Certain H–3 Trainees

Of the 325 comments received, only one addressed the Service's proposal relating to multiple beneficiaries on H petitions and its proposal regarding time limitations for H–3 alien trainees. The commenter opined that these two proposals comported with Congressional intent and recommended that they be adopted. The Service concurs and accordingly will incorporate those two proposals in the final rule.

Medical Residencies Under the H-1B Nonimmigrant Classification

The Service received 325 comments addressing the issue of medical residencies under the H-1B nonimmigrant classification. Only 11 commenters agreed with the Service's proposal that graduates of foreign medical schools be prohibited from using the H-1B nonimmigrant classification for the purpose of pursuing a medical residency. The remainder of the commenters expressed the opinion that Congress intended that graduates of foreign medical schools be permitted to pursue medical residencies under the H-1B nonimmigrant classification. In addition, 235 of the commenters stated that it was not fair or appropriate for the Service to require that an alien already admitted into the United States as an H-1B nonimmigrant alien in order to pursue a medical residency be required to change his or her nonimmigrant status to a J-1 nonimmigrant alien in order to complete the residency.

In proposing this rule, the Service expressed its opinion that Congress did not intend the H–1B nonimmigrant classification to be used by graduates of foreign medical schools coming to the United States to pursue medical residencies or otherwise receive graduate medical education or training, and that, therefore, these aliens should