

his medical licensure. Further, the Medical Board also supports the Respondent's application for registration in Schedules IV and V.

As to factor two, the Respondent's "experience in dispensing \* \* \* controlled substances," and factor four, the Respondent's "[c]ompliance with applicable State, Federal, or local laws relating to controlled substances," the Deputy Administrator agrees with Judge Tenney's conclusion, that the Respondent had prescribed controlled substances to himself and his wife for their personal use and for no legitimate medical reason. To be effective, a prescription for a controlled substance "must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice." 21 CFR 1306.04(a); see also Harlan J. Borchering, D.O., 60 FR 28,796, 28,798 (1995). The Respondent's conduct failed to meet this standard.

As to factor five, "[s]uch other conduct which may threaten the public health or safety," the Deputy Administrator agrees with Judge Tenney's conclusion, that "[t]here is no persuasive evidence that the Respondent's DEA registration would threaten the public health and safety."

The Deputy Administrator also finds significant that the Respondent and his wife have been in a state of recovery from their substance abuse condition since 1989. Further, the evidence demonstrates that, since the Respondent voluntarily surrendered his DEA Certificate of Registration in 1989, he has not prescribed nor dispensed controlled substances. The Respondent submitted voluminous evidence of negative drug screening results over a five-and-one-half year time frame. Finally, numerous witnesses with firsthand knowledge of the Respondent's and his wife's conduct since 1989 have testified to their continued sobriety and opined that a relapse after over five years of sobriety was highly unlikely. Such evidence supports the Respondent's position that granting him a DEA Certificate of Registration in Schedules IV and V would be in the public's interest.

However, Judge Tenney also noted the Respondent's history of successful treatment in 1984 and a relapse in 1988. He concluded that,

due to the seriousness of Respondent's substance abuse problem in the past, it is prudent to continue to monitor Respondent's recovery. Dr. Moffitt, one of the founders of the Impaired Professional Program for doctors in Mississippi, testified that Respondent should be granted a DEA registration at this time, but that Respondent

should also continue drug testing. I agree with that suggestion.

Consistent with his conclusion, Judge Tenney recommended that the Respondent be granted a DEA registration subject to two conditions. The Deputy Administrator agrees with Judge Tenney's conclusion, with some minor modification to the order. The Respondent will be required, beginning on the effective date of this order:

(1) To submit on a monthly basis to the Special Agent in Charge of the New Orleans Field Division of the DEA or his designee, a copy of his urine screening results from urine screenings, (a) taken once every two weeks for a period of six months, and (b) subsequently taken once every month for a follow-on period of six months.

(2) To continue to attend weekly Alcoholics Anonymous meetings, or other support group meetings of his choice, for a period of one year.

Therefore, the Deputy Administrator finds that the public interest is best served by issuing a DEA Certificate of Registration in Schedules IV and V to the Respondent, subject to the above requirements.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 CFR 0.100(b) and 0.104, hereby orders that the pending application of David M. Headley, M.D., for a DEA Certificate of Registration in Schedules IV and V be, and it hereby is, approved, subject to the above requirements.

Further, the Respondent submitted extensive evidence demonstrating the need for the DEA Certificate of Registration in his current practice, as well as evidence of the community's need for a physician of his specialty with prescribing capabilities. Also, the Respondent presented evidence that he would be willing to comply with the ordered requirements as a condition to granting this registration. Thus, the Deputy Administrator has determined that the public interest will be better served in making this final order effective upon publication, rather than thirty days from the date of publication. Therefore, this order is effective upon the date of publication in the Federal Register.

Dated: July 22, 1996.

Stephen H. Greene,

*Deputy Administrator.*

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## Immigration and Naturalization Service

[INS No. 1779-96; AG Order No. 2044-96]

RIN 1115-AE26

### Extension of Designation of Bosnia-Herzegovina Under Temporary Protected Status Program

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** This notice extends, until August 10, 1997, the Attorney General's designation of Bosnia-Herzegovina under the Temporary Protected Status ("TPS") program provided for in section 244A of the Immigration and Nationality Act, as amended ("the Act"). Accordingly, eligible aliens who are nationals of Bosnia-Herzegovina (or who have no nationality and who last habitually resided in Bosnia-Herzegovina) may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of TPS which ended on August 10, 1993.

**EFFECTIVE DATES:** This extension of designation is effective on August 11, 1996, and will remain in effect until August 10, 1997. The primary re-registration procedures become effective on July 29, 1996, and will remain in effect until August 27, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street NW., Washington, DC 20536, telephone (202) 514-5014.

**SUPPLEMENTARY INFORMATION:** Under section 244A of the Act, as amended by section 302(a) of Public Law 101-649 and section 304(b) of Public Law 102-232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on August 10, 1992, the Attorney General designated Bosnia-Herzegovina for Temporary Protected Status for a period of 12 months, 57 FR 35604. The Attorney General extended

the designation of Bosnia-Herzegovina under the TPS program for additional 12-month periods until August 10, 1996, 60 FR 39004.

This notice extends the designation of Bosnia-Herzegovina under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures that eligible aliens who are nationals of Bosnia-Herzegovina (or who have no nationality and who last habitually resided in Bosnia-Herzegovina) must follow in order to re-register for TPS.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Bosnia-Herzegovina's TPS designation, late initial registrations are possible for some Bosnians under 8 CFR 240.2(f)(2). Such late initial registrants must have been "continuously physically present" in the United States since August 10, 1992, must have had a valid immigrant or non-immigrant status during the original registration period, and must register no later than 30 days from the expiration of such status.

An Application for Employment Authorization, Form I-765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I-821. The appropriate filing fee must accompany Form I-765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or the applicant does not wish to obtain employment authorization. The Immigration and Naturalization Service requires TPS registrants to submit Form I-765 for data-gathering purposes.

#### Notice of Extension of Designation of Bosnia-Herzegovina Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) The conditions in Bosnia-Herzegovina; and (b) whether permitting nationals of Bosnia-Herzegovina, and aliens having no nationality who last habitually resided in Bosnia-Herzegovina, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Bosnia-Herzegovina continue

to be met. Accordingly, it is ordered as follows:

(1) The designation of Bosnia-Herzegovina under section 244A(b) of the Act is extended for an additional 12-month period from August 11, 1996, to August 10, 1997.

(2) I estimate that there are approximately 400 nationals of Bosnia-Herzegovina, and aliens having no nationality who last habitually resided in Bosnia-Herzegovina, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Bosnia-Herzegovina (or an alien having no nationality who last habitually resided in Bosnia-Herzegovina) who received a grant of TPS during the initial period of designation from August 10, 1992, to August 10, 1993, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Bosnia-Herzegovina (or an alien having no nationality who last habitually resided in Bosnia-Herzegovina) who previously has been granted TPS, must re-register by filing a new Application for Temporary Protected Status, Form I-821, together with an Application for Employment Authorization, Form I-765, within the 30-day period beginning on July 29, 1996 and ending on August 27, 1996 in order to be eligible for Temporary Protected Status during the period from August 11, 1996, until August 10, 1997. Late re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I-821 filed as part of the re-registration application. A Form I-821 filed as part of the re-registration application. A Form I-765 must also be filed at the same time. If the alien requests employment authorization for the extension period, the fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars (\$70), will be charged for Form I-765. An alien who does not request employment authorization must nonetheless file Form I-765 together with Form I-821, but in such cases no fee will be charged.

(6) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before August 10, 1997, the designation of Bosnia-Herzegovina under the TPS program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the Federal Register.

(7) Information concerning the TPS program for nationals of Bosnia-Herzegovina, and aliens having no nationality who last habitually resided in Bosnia-Herzegovina, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: July 23, 1996.

Janet Reno,

*Attorney General.*

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#### Immigration and Naturalization Service

[INS No. 1778-96; AG Order No. 2045-96]

[RIN 1115-AE26]

#### Extension of Designation of Somalia Under Temporary Protected Status Program

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** This notice extends, until September 17, 1997, the Attorney General's designation of Somalia under the Temporary Protected Status ("TPS") program provided for in section 244A of the Immigration and Nationality Act, as amended ("the Act"). Accordingly, eligible aliens who are nationals of Somalia (or who have no nationality and who last habitually resided in Somalia) may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of TPS which ended on September 16, 1992.

**EFFECTIVE DATES:** This extension of designation is effective on September 18, 1996, and will remain in effect until September 17, 1997. The primary re-registration procedures become effective on August 19, 1996 and will remain in effect until September 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20326, telephone (202) 514-5014.

**SUPPLEMENTARY INFORMATION:** Under section 244A of the Act, as amended by section 302(a) of Public Law 101-649 and section 304(b) of Public Law 102-232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no