

person at a Service office to be interviewed by an immigration examiner. This rule does not have impact on small entities.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 8 CFR part 245 which was published at 57 FR 49374-49375 on November 2, 1992, is adopted as a final rule without change.

Dated: October 28, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-29971 Filed 11-22-96; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

12 CFR Part 1806

RIN 1505-AA71

Bank Enterprise Award Program

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Amendments to interim rule.

SUMMARY: The Department of the Treasury is issuing revisions to the interim regulations for the Bank Enterprise Award (BEA) Program published in the Federal Register on October 19, 1995 and subsequently amended on January 23, 1996 and

February 29, 1996. The BEA Program was authorized by the Community Development Banking and Financial Institutions Act of 1994. The program is designed to encourage insured depository institutions to make equity investments in or otherwise support Community Development Financial Institutions and/or increase lending and other services provided within distressed communities.

DATES: This interim rule is effective November 25, 1996. Comments must be received on or before December 26, 1996.

ADDRESSES: All questions or comments concerning this interim rule should be addressed to the Director, Community Development Financial Institutions Fund, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Kirsten S. Moy, Director, Community Development Financial Institutions Fund at (202) 622-8662. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

I. General

Executive Order (E.O.) 12866

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this interim rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Moreover, the Department of the Treasury finds that any economic or other consequences of this interim rule are a direct result of the implementation of statutory provisions.

Administrative Procedures Act

Pursuant to 5 U.S.C. 553(a)(2), these amendments are not subject to the provisions in 5 U.S.C. 553(b) concerning notice and public comment or the delayed effective date provisions of 5 U.S.C. 553(d). Furthermore, the Department for good cause finds that notice and public comment prior to effect are impracticable and contrary to the public interest. These revisions are intended to amend the interim regulations for the BEA Program that were published in the Federal Register on October 19, 1995 and subsequently amended on January 23, 1996 and February 29, 1996. The purpose of the revisions is to give applicants greater flexibility as to the type of instruments that will be considered Equity Investments, reduce the burden

associated with reporting certain Eligible Development Activities, and permit applicants that achieved less than 90 percent, as opposed to less than 90 percent but at least 75 percent, of their projected activities to receive a partial, pro-rated award.

Catalog of Federal Financial Assistance Number Bank Enterprise Award Program—21.021.

II. Background

On October 19, 1995, the Department published interim regulations in the Federal Register for the Bank Enterprise Award Program (12 CFR part 1806). These interim regulations were amended pursuant to revisions published in the Federal Register on January 23, 1996 and corrections to these revisions published in the Federal Register on February 29, 1996. Subsequent to the publication of such interim regulations, as amended, the Department has developed policies designed to clarify several existing provisions in the interim regulations. The purpose of these amendments is to give applicants greater flexibility as to the type of instruments that will be considered Equity Investments, reduce the burden associated with reporting certain Eligible Development Activities, and permit applicants that achieved less than 90 percent, as opposed to less than 90 percent but at least 75 percent, of their projected activities to receive a partial, pro-rated award.

III. Bank Enterprise Award Program

Under the Bank Enterprise Award Program (12 CFR Part 1806), the Department will provide awards to selected Applicants that successfully carry out certain community development activities. The following summarizes the amendments to the interim regulations.

Definitions

The term "Equity Investment" is amended in Section 1806.103(q) to give Applicants greater flexibility as to the type of instruments that will be considered Equity Investments. An Equity Investment shall be considered new financial assistance provided by an Applicant or its Subsidiary to a CDFI in the form of a stock purchase, a grant (excluding grants used to support operating costs), a purchase of any type of partnership interest, a loan made on such terms that it has characteristics of equity (and is considered as such by the Fund and is consistent with requirements of the Applicant's Appropriate Federal Banking Agency), or any other investment deemed to be an equity investment by the Fund.

Measuring Activities

Section 1806.202(a) is revised to give an Applicant the option of reporting their activities in all categories of Qualified Activities or providing an explanation satisfactory to the Fund for not reporting in all categories and providing any certifications reasonably deemed necessary by the Fund, including, without limitation, a certification that during the Assessment Period the Applicant did not reduce its total activity in any unreported categories. The form and content of any certification shall be determined by the Fund.

Actual Award Amounts

Section 1806.205 is revised to permit any Applicant that achieves less than 90 percent, as opposed to less than 90 percent but at least 75 percent, of its projected Qualified Activities to receive a partial award based upon (among other things) the Applicant's satisfactory explanation for its failure to substantially achieve the activities projected in its application. Any estimated award amount will be adjusted on a pro-rata basis to reflect the activities actually performed.

List of Subjects in 12 CFR Part 1806

Banks, banking, Community development, Economic development, Grant programs—community development, Housing, Savings associations, Small businesses.

For the reasons set forth in the preamble, Part 1806 of Chapter XVIII of Title 12 of the Code of Federal Regulations is amended as follows:

PART 1806—BANK ENTERPRISE AWARD PROGRAM

1. The authority citation for Part 1806 continues to read as follows:

Authority: 12 U.S.C. 4703, 4717; chapter X, Pub. L. 104–19, 109 Stat. 237 (12 U.S.C. 4703 note).

2. Section 1806.103 (q) is revised to read as follows:

§ 1806.103 Definitions.

* * * * *

(q) *Equity Investment* means new financial assistance provided by an Applicant or its Subsidiary to a CDFI in the form of a stock purchase, a grant (excluding grants used to support operating costs), a purchase of any type of partnership interest, a loan made on such terms that it has characteristics of equity (and is considered as such by the Fund and is consistent with requirements of the Applicant's Appropriate Federal Banking Agency),

or any other investment deemed to be an equity investment by the Fund.

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3. Section 1806.202(a) is revised to read as follows:

§ 1806.202. Measuring activities.

(a) *General.* Qualified Activities shall be measured by comparing the Qualified Activities carried out during the Baseline Period with the Qualified Activities projected to be carried out during the Assessment Period. Increases in the values of Qualified Activities between the Baseline Period and Assessment Period will be used in determining award amounts. Applicants shall report their activities in all categories of Qualified Activities in which they engage for the Baseline Period and Assessment Period or provide an explanation satisfactory to the Fund for not reporting in all categories and provide any certification reasonably deemed necessary by the Fund, including, without limitation, a certification that during the Assessment Period the Applicant did not reduce its total activity in any unreported categories. The form and content of any certification shall be determined by the Fund. The dates of the Baseline Period and Assessment Period will be published in the NOFA for each funding round.

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4. Section 1806.205(c)(1) is revised to read as follows:

§ 1806.205 Actual award amounts.

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(c) *Partial achievement*—(1) *General.* If an Awardee carries out less than 90 percent of its projected Qualified Activities, it may be deemed to have partially achieved those activities. In such cases, the Fund may, in its sole discretion, provide a partial award based upon (among other things) the Awardee's satisfactory explanation for its failure to substantially achieve the activities projected in its application. Any estimated award amount will be adjusted on a pro-rata basis to reflect the activities actually performed.

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Dated: November 18, 1996.

Kirsten S. Moy,

Director, Community Development Financial Institutions Fund.

[FR Doc. 96–29993 Filed 11–22–96; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96–ANE–41; Amendment 39–9834, AD 96–24–09]

RIN 2120–AA64

Airworthiness Directives; Allison Engine Company Model 250–C47B Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; Request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Allison Engine Company Model 250–C47B turboshaft engines. This action supersedes priority letter AD 96–21–12, applicable to Bell Helicopter Textron, A Division of Textron Canada Ltd. (BHTC) Model 407 helicopters, that currently prohibits further flight, due to uncommanded inflight engine shutdowns. This action requires replacing the engine main electrical harness assembly with an improved assembly, disabling the overspeed solenoid, inspecting the engine control unit (ECU) internal PW10 voltage to determine electrical noise characteristics, and replacing units not considered serviceable. In addition, this AD requires adding a placard to the helicopter instrument panel notifying the pilot that the overspeed protection system is disabled and removes a placard which was required by priority letter AD 96–21–12; revises the BHTC Model 407 Rotorcraft Flight Manual (RFM); and requires maintenance actions to clear the engine electronic control unit (ECU) of faults prior to each flight. Accomplishment of these actions will enable operators to resume flight operations. This amendment is prompted by investigation into the causes of the inflight engine shutdowns. The actions specified by this AD are intended to prevent uncommanded inflight engine shutdowns, which can result in autorotation, forced landing, and possible loss of the helicopter.

DATES: Effective November 25, 1996, except effective upon receipt to all persons receiving a copy of this AD directly from the FAA.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 25, 1996.

Comments for inclusion in the Rules Docket must be received on or before January 24, 1997.