

PART 240—PROCEEDINGS TO DETERMINE REMOVABILITY OF ALIENS IN THE UNITED STATES

5. The authority citation for part 240 continues to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1362; 8 CFR part 2.

6. In § 240.11, paragraph (f) is amended by adding two new sentences after the 1st sentence, to read as follows:

§ 240.11 Ancillary matters, applications.

* * * * *

(f) * * * When a motion to reopen or reconsider is made concurrently with an application for relief seeking one of the immigration benefits set forth in paragraphs (a) and (c) of this section, only the fee set forth in § 103.7(b)(1) of this chapter for the motion must accompany the motion and application for relief. If such a motion is granted, the appropriate fee for the application for relief, if any, set forth in 8 CFR 103.7(b)(1), must be paid within the time specified in order to complete the application.

Dated: August 18, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97-22598 Filed 8-25-97; 8:45 am]

BILLING CODE 4410-30-M

FEDERAL RESERVE SYSTEM**12 CFR Part 265**

[Docket No. R-0984]

Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its delegation rules to remove the delegation to the Board's General Counsel to approve provisions of Federal Reserve Bank operating circulars related to uniform services. Under a newly amended supervisory letter, other Board officials will review uniform Reserve Bank operating circulars, in consultation with the General Counsel.

EFFECTIVE DATE: August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Oliver Ireland, Associate General Counsel, (202/452-3625) or Stephanie Martin, Senior Attorney (202/452-3198), Legal Division. For the hearing impaired *only*, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) (202/452-3544), Board of

Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board recently revised its supervisory letter containing policies and guidelines concerning Federal Reserve Bank operations. One of the provisions of the amended supervisory letter requires the Reserve Banks to submit proposed operating circulars or amendments to circulars to the Director of the Division of Reserve Bank Operations and Payment Systems (or to the Director of the Division of Monetary Affairs, in the case of the lending circular). The Reserve Bank may issue or amend the circular if the appropriate Director, in consultation with the General Counsel, does not object within ten business days of receiving the proposed circular or amendment. In accordance with this new review procedure, the Board is amending its Rules Regarding Delegation of Authority (12 CFR part 265) to remove the delegation to the Board's General Counsel to approve provisions of Federal Reserve Bank operating circulars related to uniform services.

Administrative Procedure Act

The Administrative Procedure Act (5 U.S.C. 553(a)(2)) exempts "matters relating to agency management or personnel" from the requirements regarding notice of proposed rulemaking, public comment, and 30-day advance publication. Because the Board's delegation rules fall under this exemption, the Board is adopting this amendment without notice-and-comment or advance publication procedures.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Banks, banking, Federal Reserve System.

For the reasons set forth in the preamble, the Board is amending 12 CFR Part 265 as set forth below:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation for Part 265 continues to read as follows:

Authority: 12 U.S.C. 248(i) and (k).

§ 265.6 [Amended]

2. In § 265.6, paragraph (a)(5) is removed.

By order of the Board of Governors of the Federal Reserve System, August 21, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97-22685 Filed 8-25-97; 8:45 am]

BILLING CODE 6210-01-P

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

[Docket No. 97-CE-75-AD; Amendment 39-10113; AD 97-18-03]

RIN 2120-AA64

Airworthiness Directives; Puritan-Bennett Aero Systems Co., Cone and Seal Assemblies, Part Numbers 210543 and 210543-01

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Puritan-Bennett Aero Systems Co. (Puritan-Bennett) cone and seal assemblies, part numbers 210543 and 210543-01, that were manufactured or repaired from August 1996 through July 1997. This AD applies to cone and seal assemblies regardless of whether or not they are attached to certain Puritan-Bennett sweep-on crew masks. The AD requires replacing any cone and seal assembly manufactured or repaired during the above time frame. This AD results from quality control tests that show that these cone and seal assemblies could have faulty ultrasonic welds. The actions specified by this AD are intended to prevent failure of the ultrasonic weld on the cone and seal assembly of the oxygen mask with consequent reduced oxygen flow through the mask, which could result in the crew not being able to obtain oxygen in an emergency situation.

DATES: Effective September 22, 1997.

Comments for inclusion in the Rules Docket must be received on or before October 31, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE-75-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Puritan-Bennett Aero Systems Co., 10800 Pflumm Road, Lenexa, Kansas 66215; telephone (913) 338-9800; facsimile (913) 338-7353. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE-75-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Michael D. Imbler, Aerospace Engineer,

FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4147; facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Discussion

Puritan-Bennett recently notified the FAA of a quality control problem on cone and seal assemblies, part numbers 210543 and 210543-01, that were manufactured or repaired from August 1996 through July 1997. Quality control sampling indicates that approximately 10-percent of the cone and seal assemblies manufactured or repaired during this time have ultrasonic welds that could fail. The FAA has no way of determining which particular cone and seal assemblies may have ultrasonic welds that could fail.

These Puritan-Bennett cone and seal assemblies, part numbers 210543 and 210543-01, may be attached to the following part number Puritan-Bennett sweep-on crew oxygen masks:

114321-01, 114321-15, 114321-16,
114322-01, 114322-02, 114322-03,
114322-05, 114323-01, 114622-01,
114622-02, 114623-01, 114623-02

If the affected cone and seal assemblies that have ultrasonic welds that could fail are not identified and replaced, then the oxygen flow through the crew masks could be reduced, which could result in the crew not being able to obtain oxygen in an emergency situation.

Relevant Service Information

Puritan-Bennett has issued Service Bulletin No. 3500-97-14, dated August 7, 1997. This service bulletin specifies identification and replacement of these part numbers 210543 and 210543-01 cone and seal assemblies that were manufactured or repaired from August 1996 through July 1997.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that AD action should be taken to prevent reduced oxygen flow through the crew mask, which could result in the crew not being able to obtain oxygen in an emergency situation.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in aircraft that have these part numbers 210543 and 210543-01 Puritan-Bennett cone and seal

assemblies installed, the FAA is issuing an AD. This AD requires replacing any of these cone and seal assemblies that were manufactured or repaired from August 1996 through July 1997.

Compliance Time of This AD

The condition specified by this AD is not caused by actual hours time-in-service (TIS) of the aircraft where the affected Puritan-Bennett cone and seal assemblies are installed. The need for the replacement has no correlation to the number of times the equipment is utilized or the age of the equipment. For this reason, the compliance time of this AD is presented in calendar time instead of hours TIS.

Determination of the Effective Date of the AD

Since a situation exists (reduced oxygen flow to the crew in an emergency situation) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments

submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-75-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

97-18-03 Puritan-Bennett Aero Systems Co.: Amendment 39-10113; Docket No. 97-CE-75-AD.

Applicability: Cone and Seal assemblies, part numbers 210543 and 210543-01, that

were manufactured or repaired from August 1996 through July 1997; utilized in aircraft that are certificated in any category.

Note 1: These Puritan-Bennett cone and seal assemblies, part numbers 210543 and 210543-01, may be attached to the following part number Puritan-Bennett sweep-on crew oxygen masks:

114321-01, 114321-15, 114321-16, 114322-01, 114322-02, 114322-03, 114322-05, 114323-01, 114622-01, 114622-02, 114623-01, 114623-02

Note 2: This AD applies to each aircraft equipped with a cone and seal assembly that is identified in the preceding applicability provision, regardless of whether the aircraft has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 7 days after the effective date of this AD, unless already accomplished.

To prevent failure of the ultrasonic weld on the cone and seal assembly of the oxygen mask with consequent reduced oxygen flow through the mask, which could result in the crew not being able to obtain oxygen in an emergency situation, accomplish the following:

(a) Replace any cone and seal assembly referenced in the Applicability section of this AD with an FAA-approved assembly not covered by this AD.

(b) As of the effective date of this AD, no person may equip an aircraft with any Puritan-Bennett cone and seal assembly, part numbers 210543 and 210543-01, that were manufactured or repaired between August 1996 and July 1997.

Note 3: Puritan-Bennett Service Bulletin No. 3500-97-14, dated August 7, 1997, specifies identification and replacement of the part numbers 210543 and 210543-01 cone and seal assemblies.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 4: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Puritan-Bennett Aero Systems Co., 10800 Pflumm Road, Lenexa, Kansas 66215; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39-10113) becomes effective on September 22, 1997.

Issued in Kansas City, Missouri, on August 19, 1997.

Terry L. Chasteen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-22638 Filed 8-25-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-ANE-08; Amendment 39-10106; AD 97-17-04]

RIN 2120-AA64

Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney JT8D-200 series turbofan engines, that currently requires cleaning of front compressor front hubs (fan hubs); initial and repetitive eddy current (ECI) and fluorescent penetrant inspections (FPI) of tierod and counterweight holes for cracks; removal of bushings; the cleaning and ECI and FPI of bushed holes for cracks; and, if necessary, replacement with serviceable parts. In addition, the current AD requires reporting the findings of cracked fan hubs. This amendment does not change the current AD's inspection procedures, or the effectivity date that starts the cycle count for the initial inspection schedules. This AD does, however, add an additional inspection schedule that requires the initial inspection of certain fan hubs with standard drilled holes and coolant channel drilled (CCD) holes to occur earlier than the existing AD requires. Also, this AD requires reporting the results of the initial fan hub inspections. This amendment is prompted by additional investigation since publication of the current AD that reveals that certain fan hubs with

standard drilled holes and CCD holes may be more susceptible to cracking. The actions specified by this AD are intended to prevent fan hub failure due to tierod, counterweight, or bushed hole cracking, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective September 30, 1997.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of March 5, 1997 (62 FR 4902, February 3, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565-6600, fax (860) 565-4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803-5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7175, fax (617) 238-7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97-02-11, Amendment 39-9896 (62 FR 4902, February 3, 1997), applicable to Pratt & Whitney (PW) JT8D-200 series turbofan engines, was published in the **Federal Register** on February 24, 1997 (62 FR 8198), and a correction to a printing error in a table was published on March 31, 1997 (62 FR 15225). That action proposed to require cleaning, initial and repetitive eddy current inspections (ECI) and fluorescent penetrant inspections (FPI) for cracks of tierod and counterweight holes; removal of bushings; the cleaning and initial and repetitive ECI and FPI of bushed holes for cracks; and, if necessary, replacing with serviceable parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Three commenters state that the March 5, 1997, date to begin counting cycles is objectionable, as a retroactive date is unenforceable. The FAA concurs in part. The March 5, 1997, date is supported by a safety risk analysis, but basing the cyclic count on this date