

insertion of the term "weapons of mass destruction" in place of the term "defense projects" used in the statute limits the SSIA applicant's work experience to a specific type of weaponry not enumerated in the statute and is, therefore, ultra vires. The commenter further contended that the statute states that either expertise or experience with military-related projects in the former Soviet Union qualify a scientist or engineer for SSIA benefits.

Section 2(3)(B) of the SSIA, in part, defines eligible scientists as scientists or engineers who have expertise in nuclear, chemical, biological, or other high technology fields or who are working on nuclear, chemical, biological, or other high-technology defense projects, or are working on nuclear, chemical, biological, or other high-technology defense projects, as defined by the Attorney General. In the interim rule, the Service, employing the Attorney General's express authority to define eligible scientists, modified the definition to reflect that the expertise need not be related to a specific defense project if the expertise was in a field which could be applied to the development of weapons of mass destruction. As discussed in the preamble to the interim rule, this modification was necessary to clarify Congress' intent to include in the SSIA those scientists who "have specialized in weapons of mass destruction." See 60 FR 54028, citing 138 Cong. Rec. S1249 (daily ed. Feb. 6, 1992). Accordingly, the Service will not change the definition of eligible scientists.

The commenter also criticized the Service from requiring any letters from United States Government agencies be from the head of the agency or a duly appointed designee. See 8 CFR 204.10(e)(2)(ii). The commenter argued that this provision narrows the pool of experts available to an applicant and makes it more difficult to obtain a letter from a Government agency. As noted in the interim rule, this provision was necessary to enhance the reliability of endorsements issued by Government agencies. See 60 FR 54029. This provision, however, still allows SSIA petitioners, as an alternative to obtaining a letter from a U.S. Government agency, to submit two letters from nationally or internationally recognized experts to satisfy this evidentiary requirement.

The interim rule requires a SSIA petitioner to submit corroborative evidence of claimed expertise including the official labor book, any significant awards or publications and other comparable evidence or an explanation

of why such evidence cannot be obtained. See 8 CFR 204.10(e)(2)(iii). The commenter contended that the requirement that the petitioner submit proof of any significant awards or publications is superfluous, since the petitioner must submit his or her official labor book or Trudavaya Knizhka, which records most such awards. The purpose of this regulatory provision is merely to make it clear that, if an applicant has awards noted in his or her official labor book and wishes to have the Service consider such awards as evidence of the alien's qualifications, the applicant should provide separate proof of receipt of such an award unless it is unavailable. Accordingly, no changes have been made in response to this comment.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not, if promulgated, have a significant adverse economic impact on a substantial number of small entities. This rule merely adopts interim regulations concerning the immigration of up to 750 scientists from the former Soviet Union as final. It will not significantly change the number of persons who immigrate to the United States. Any impact on small business entities will be, at most, indirect and attenuated.

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).

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12612

This regulation 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.

Accordingly, the interim rule amending 8 CFR part 204, which was published in the Federal Register at 60 FR 54027-54030 on October 19, 1995, is adopted as a final rule without change.

Dated: February 4, 1997.

Doris Meissner,
Commissioner, Immigration and Naturalization Service.

[FR Doc. 97-3589 Filed 2-12-97; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-99-AD; Amendment 39-9928; AD 97-02-08 R1]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80 and C-9 (Military) Series Airplanes, and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9, DC-9-80 and C-9 (military) series airplanes, and Model MD-88 airplanes. The AD currently requires either the installation of external protective doublers between the outboard flight spoiler actuators and the aft spar webs of the wings, or replacement of the pistons of the outboard flight spoiler actuators with improved pistons. This action corrects a part number specified for flight spoiler actuator assembly that is acceptable for installation on these airplanes. This action is necessary to ensure that operators who previously have installed assemblies with this part number will be given proper credit for that installation, and will not be required to perform additional, unnecessary work to comply with the requirements of the AD.

DATES: Effective March 4, 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 4, 1997 (62 FR 3985, January 28, 1997).

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5237; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: On January 14, 1997, the FAA issued AD 97-02-08, amendment 39-9893 (62 FR 3985, January 28, 1997), which is applicable to certain McDonnell Douglas Model DC-9, DC-9-80 and C-9 (military) series airplanes, and Model MD-88 airplanes. That AD requires that operators of these airplanes either:

1. Install external protective doublers between the outboard flight spoiler actuators and the aft spar webs of the wings; or
2. Replace the pistons of the outboard flight spoiler actuators with improved pistons.

That action was prompted by reports of failure of the piston of the outboard flight spoiler actuator due to fatigue at the clevis end of the upper lug mounting hole of the piston. The actions specified by this AD are intended to prevent such failure of the piston and the consequent puncturing of the aft spar web, which could result in fuel leakage and reduced structural integrity of the wings.

Actions Since Issuance of the AD

Recently, the FAA has become aware of the fact that, due to a typographical error when the AD was published, an incorrect part number appeared in the text of the rule. Specifically, Note 3 of paragraph (a) stated that installation of McDonnell Douglas flight spoiler actuator assemblies, having part number 5915900-5525, on the right and left wings prior to the effective date of the AD was considered acceptable for compliance with the requirements of paragraph (a). However, the part number cited was erroneous. The correct part number is 5913900-5525.

Corrections Necessary to the Current AD

The FAA has determined that it is appropriate to take action to revise AD 97-02-08 to correct the part number of the flight spoiler actuator assemblies, referred to in Note 3 of the AD, to "5913900-5525." This correction will ensure that operators who previously have installed assemblies with this part number will be given proper credit for that installation, and will not be

required to perform additional, unnecessary work to comply with the requirements of the AD.

Accordingly, action is taken herein to correct the error and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13). The effective date of the rule remains March 4, 1997.

The final rule is being reprinted in its entirety for the convenience of affected operators.

Impact of the Correction

Since this action only corrects a part number of an installation that is optional on the affected airplanes, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9893 (62 FR 3985, January 28, 1997), and by adding a new airworthiness directive (AD), amendment 39-9928, to read as follows:

97-02-08 R1 McDonnell Douglas:
Amendment 39-9928, Docket 96-NM-99-AD. Revises AD 97-02-08, amendment 39-9893.

Applicability: Model DC-9, Model DC-9-80 and C-9 (military) series airplanes, and Model MD-88 airplanes; as listed in McDonnell Douglas Service Bulletin DC9-27-300, Revision 02, dated June 29, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes 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 (b) 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 as indicated, unless accomplished previously.

To prevent fuel leakage and reduced structural integrity of the wings due to puncturing of the wings by a failed piston of the outboard flight spoiler actuator, accomplish the following:

- (a) Prior to the accumulation of 5,000 landings after the effective date of this AD, accomplish the actions specified in either paragraph (a)(1) or (a)(2) of this AD, in accordance with McDonnell Douglas Service Bulletin DC9-27-300, Revision 02, dated June 29, 1995.

Note 2. Accomplishment of the actions specified in this paragraph prior to the effective date of this AD in accordance with the original issue or Revision 1 of McDonnell Douglas Service Bulletin 27-300 is considered acceptable for compliance with this paragraph.

Note 3: Installation of McDonnell Douglas flight spoiler actuator assembly, part number (P/N) 5913900-5525, on the right and left wings prior to the effective date of this AD is considered acceptable for compliance with the requirements of this paragraph.

- (1) Install external protective doublers between the outboard flight spoiler actuators and the aft spar webs of the left and right wings; or

- (2) Replace the pistons of the outboard flight spoiler actuators on the left and right wings with improved pistons.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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 airplane to a location where the requirements of this AD can be accomplished.

(d) Except as specified in Note 2 of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9-27-300, Revision 02, dated June 29, 1995. This incorporation by reference was approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of March 4, 1997 (62 FR 3985, January 28, 1997). Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment is effective on March 4, 1997.

Issued in Renton, Washington, on February 6, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-3534 Filed 2-12-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 96-AEA-12]

Amendment to Class E Airspace; Hudson, NY

AGENCY: Federal Aviation Administration (FAA)DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace at Hudson, NY, to accommodate a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 21 at Columbia County Airport. This amendment also corrects the geographic position of Columbia County Airport published as a Notice Of Proposed Rulemaking in the Federal Register November 27, 1996 (61 FR 60238). The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations at the airport.

EFFECTIVE DATE: 9001 UTC, March 27, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA-530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On November 27 1996, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying Class E airspace at Hudson, NY, (61 FR 60238). This action would provide adequate Class E airspace for IFR operations at Columbia County Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No comments objecting to the proposal were received.

Class E airspace areas designations are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) modifies Class E airspace area at Hudson, NY, to accommodate a GPS RWY 21 SIAP and for IFR operations at Columbia County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA NY AEA E5 Hudson, NY [Revised]

Columbia County Airport, NY

(Lat. 42°17'29" N, long. 73°42'37" W)

Philmont NDB

(Lat. 42°15'10" N, long. 73°43'37" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Columbia County Airport and within 14.8-mile radius of Columbia County Airport extending clockwise from a 025° bearing to a 180° bearing from the airport and within 3.1 miles each side of a 194° bearing from the Philmont NDB extending from the 7-mile radius to 10 miles south of the NDB and within 7 miles each side of the 012° bearing from the airport extending from the 7-mile radius to 17 miles north of the airport, excluding the portion that coincides with the Albany, NY 700 foot Class E airspace area.

* * * * *

Issued in Jamaica, New York on February 3, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97-3670 Filed 2-12-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 96-AGL-12]

Establishment of Class E Airspace; Gettysburg Municipal Airport; Gettysburg, SD; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the bearing description of a final rule that was published in the Federal Register on December 16, 1996 (61 FR 65939), Airspace Docket No. 96-AGL-12. The final rule established Class E airspace at Gettysburg, SD.

EFFECTIVE DATE: 0901 UTC, March 27, 1997.

FOR FURTHER INFORMATION CONTACT:

John A. Clayborn, Air Traffic Division, Operations Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 96-31869, Airspace Docket No. 96-AGL-12, published on December 16, 1996 (61 FR 65939) established the description of the Class E airspace area at Gettysburg, SD, and Gettysburg Municipal Airport, SD. An error was discovered in the bearing description for the Gettysburg Municipal Airport, SD; Class E airspace area. This action corrects that error.