

return, the district director may, in the exercise of discretion, consider release of the alien from custody upon such terms and conditions as the district director may prescribe, without regard to paragraphs (c)(2), (c)(4), and (c)(5) of this section.

(ii) The district director may also, notwithstanding paragraph (c)(5) of this section, consider release from custody, upon such terms and conditions as the district director may prescribe, of any alien described in paragraph (c)(2)(ii) of this section who has been in the Service's custody for six months pursuant to a final order of deportation terminating the alien's status as a lawful permanent resident.

(iii) The district director may release an alien from custody under this paragraph only in accordance with the standards set forth in paragraph (c)(3) of this section and any other applicable provisions of law.

(iv) The district director's custody decision under this paragraph shall not be subject to redetermination by an immigration judge, but, in the case of a custody decision under paragraph (c)(6)(ii) of this section, may be appealed to the Board of Immigration Appeals pursuant to paragraph (d)(3)(iii) of this section.

(7) *Construction.* A reference in this section to a provision in section 241 of the Act as in effect prior to April 1, 1997, shall be deemed to include a reference to the corresponding provision in section 237 of the Act as in effect on April 1, 1997. A reference in this section to a "crime" shall be considered to include a reference to a conspiracy or attempt to commit such a crime. In calculating the 10-year period specified in paragraph (c)(4) of this section and the 15-year period specified in paragraph (c)(5) of this section, no period during which the alien was detained or incarcerated shall count toward the total. References in paragraph (c)(6)(i) of this section to the "district director" shall be deemed to include a reference to any official designated by the Commissioner to exercise custody authority over aliens covered by that paragraph. Nothing in this part shall be construed as prohibiting an alien from seeking reconsideration of the Service's determination that the alien is within a category barred from release under this part.

(11) An immigration judge may not exercise the authority provided in this section, and the review process described in paragraph (d) of this section shall not apply, with respect to

any alien beyond the custody jurisdiction of the immigration judge as provided in § 3.19(h) of this chapter.

(d) * * *

(4) *Effect of filing an appeal.* The filing of an appeal from a determination of an immigration judge or district director under this paragraph shall not operate to delay compliance with the order (except as provided in § 3.19(i)), nor stay the administrative proceedings or removal.

* * * * *

Dated: May 12, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98-13178 Filed 5-18-98; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-ANE-30-AD; Amendment 39-10527; AD 98-10-15]

RIN 2120-AA64

Airworthiness Directives; AlliedSignal Inc. Model TFE731-40R-200G Turbofan 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 AlliedSignal Inc. Model TFE731-40R-200G turbofan engines. This action requires replacing the fuel line between the main fuel pump and the motive flow pump with a serviceable assembly and adding a supporting bracket and clamp. This amendment is prompted by a report of a cracked fuel line between the main fuel pump and the motive flow pump causing the spraying of fuel on and around electrical components. The actions specified in this AD are intended to prevent fuel spraying on and around electrical components due to a cracked fuel line, which could result in an engine fire.

DATES: Effective May 19, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 19, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 20, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-30-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from AlliedSignal Aerospace Services Attn: Data Distribution, M/S 64-3/2101-201, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2493, fax (602) 365-5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5246, fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received a report of a cracked fuel line between the main fuel pump and the motive flow pump causing the spraying of fuel on and around electrical components on an AlliedSignal Inc. Model TFE731-40R-200G turbofan engine. While taxiing after flight, the ground crew noted a fuel leak from the right hand engine of an Israel Aircraft Industries, LTD. (IAI) Astra SPX aircraft. The fuel line, part number (P/N) 3061191-1, between the main fuel pump and the motive flow pump, was found cracked at the weld of the elbow fitting. The right-hand engine had accumulated 8 operating hours. The investigation revealed that during manufacturing of the fuel line between the main fuel pump and the motive flow pump, inadequate weld penetration was created by an orbital weld operation. The lack of penetration was not identified by the post-weld X-ray inspection. The fracture of the fuel line was due to high cycle fatigue which initiated at the localized area of incomplete weld penetration. This condition, if not corrected, could result in fuel spraying on and around electrical components due to a cracked fuel line, which could result in an engine fire.

The FAA has reviewed and approved the technical contents of AlliedSignal Inc. Alert Service Bulletin (ASB) No. TFE731-A73-5111, dated April 16,

1998, that describes procedures for replacing the fuel line between the main fuel pump and the motive flow pump with a serviceable assembly and adding a supporting bracket and clamp.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent fuel line cracking. This AD requires, within 10 hours time in service (TIS) after the effective date of this AD, replacing the fuel line between the main fuel pump and the motive flow pump with a serviceable assembly and adding a supporting bracket and clamp. The actions are required to be accomplished in accordance with the ASB described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public 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 flight safety and, thus, was not preceded by notice and an opportunity for public 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 under the caption **ADDRESSES**. 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 notice

must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-ANE-30-AD." The postcard will be date stamped and returned to the commenter.

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. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98-10-15 ALLIED SIGNAL INC.: Amendment 39-10527. Docket 98-ANE-30-AD.

Applicability: AlliedSignal Inc. Model TFE731-40R-200G turbofan engines,

equipped with a fuel line, part number (P/N) 3061191-1, between the main fuel pump and the motive flow pump. These engines are installed on but not limited to Israel Aircraft Industries LTD. (IAI) Model Astra SPX aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines 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 spraying on and around electrical components due to a cracked fuel line, which could result in an engine fire, accomplish the following:

(a) Within 10 hours time in service (TIS) after the effective date of this AD, replace the fuel line, P/N 3061191-1, between the main fuel pump and the motive flow pump, with a serviceable assembly, and add a supporting bracket and clamp, in accordance with the Accomplishment Instructions of AlliedSignal Inc. Alert Service Bulletin (ASB) No. TFE731-A73-5111, dated April 16, 1998.

(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. 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 Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(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) The actions required by this AD shall be done in accordance with the following AlliedSignal Inc. ASB:

| Document No. | Pages | Date |
|-----------------------|-----------|-----------------|
| TFE731-A73-5111 | 1-8 | April 16, 1998. |

Total pages: 8.

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. Copies may be obtained from AlliedSignal Aerospace Services Attn: Data Distribution, M/S 64-3/2101-201, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2493, fax (602) 365-5577. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 19, 1998.

Issued in Burlington, Massachusetts, on May 7, 1998.

Thomas A. Boudreau,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98-12917 Filed 5-18-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-ANE-54-AD; Amendment 39-10523, AD 98-10-11]

RIN 2120-AA64

Airworthiness Directives; CFM International CFM56-3, -3B, -3C, -5, -5B, and -5C Series Turbofan 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 CFM International CFM56-3, -3B, -3C, -5, -5B, and -5C series turbofan engines. This action supersedes telegraphic AD T97-25-51 that currently requires removal of one engine from an aircraft, and replacement with a serviceable engine or replacement of parts, if both engines are equipped with a specific accessory gearbox (AGB) starter gearshaft or transfer gearbox (TGB) input bevel gear, and daily checks of the AGB/TGB magnetic chip detector. This amendment is prompted by further investigation that has revealed that certain TGB output bevel gears and AGB intermediate gear assemblies on CFM56-3, -3B, and -3C series engines, and AGB gearshaft cluster spur

assemblies on CFM56-5, -5B, and -5C series engines could also be affected. The actions specified by this AD are intended to prevent inflight engine shutdowns due to an AGB starter gearshaft, TGB input bevel gear, TGB output bevel gear, AGB gearshaft cluster spur assembly or AGB intermediate gear assembly failure.

DATES: Effective June 3, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 3, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 20, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-ANE-54-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552-2981, fax (513) 552-2816. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Glorianne Messemer, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; Telephone (781) 238-7132, Fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: On December 4, 1997, the Federal Aviation Administration (FAA) issued telegraphic airworthiness directive (AD) T97-25-51, applicable to CFM International (CFMI) CFM56-3, -3B, and -3C series turbofan series engines, which requires removal of one engine from an aircraft, and replacement with a serviceable engine or replacement of parts, if both engines are equipped with a specific accessory gearbox (AGB) starter gearshaft or transfer gearbox

(TGB) input bevel gear. In addition, that telegraphic AD requires daily checks of the AGB/TGB magnetic chip detector on engines identified by engine serial number (ESN) in the applicability section of that telegraphic AD until installation of a serviceable starter gearshaft or input bevel gear. That action was prompted by reports of three inflight engine shutdowns due to AGB starter gearshaft failures, and reports of four findings of TGB input bevel gear cracks that were detected during inspections. All seven reports occurred on low time newly delivered CFM56-3 series turbofan engines. The engines involved in these reports had time in service since new ranging from 213 to 500 hours, and cycles in service since new ranging from 153 to 229.

Preliminary investigation results indicate that the root cause of the AGB starter gearshaft failure and TGB input bevel gear cracks may stem from the improper cleaning procedure prior to the black oxide process during manufacture that causes residual stresses around the welding areas that could lead to a crack. That condition, if not corrected, could result in inflight engine shutdowns due to an AGB starter gearshaft or TGB input bevel gear failure.

Since the issuance of that telegraphic AD, the FAA has determined that certain TGB output bevel gears and AGB intermediate gear assemblies on CFM56-3, -3B, and -3C series engines, and AGB gearshaft cluster spur assemblies on CFM56-5, -5B, and -5C series engines could also be affected. There are 44 total AGB starter gearshafts, 41 total TGB input bevel gears, 33 total TGB output bevel gears, 60 total AGB gearshaft cluster spur assemblies, and 37 AGB intermediate gear assemblies that may be affected. Therefore, this expands the applicability of the AD to include those engines with these parts installed.

The FAA has reviewed and approved the technical contents of CFMI CFM56-3/-3B/-3C Alert Service Bulletin (ASB) No. 72-A861, Revision 3, dated December 3, 1997, that describes procedures for AGB/TGB magnetic chip detector inspections. In addition, the FAA has reviewed and approved the technical contents of CFMI CFM56-3/-3B/-3C Service Bulletin (SB) No. 72-863, Revision 1, dated November 18, 1997; CFMI CFM56-3/-3B/-3C SB No. 72-865, dated November 18, 1997;