Authority: 8 U.S.C. 1101, 1103, 1157, 1158, 1159, 1228, 1252, 1282; 8 CFR part 2.

4. Section 209.1 is revised to read as follows:

§ 209.1 Adjustment of status of refugees.

The provisions of this section shall provide the sole and exclusive procedure for adjustment of status by a refugee admitted under section 207 of the Act whose application is based on his or her refugee status.

(a) *Eligibility.* (1) Every alien in the United States who is classified as a refugee under part 207 of this chapter, whose status has not been terminated, is required to apply to the Service 1 year after entry in order for the Service to determine his or her admissibility under section 212 of the Act.

(2) Every alien processed by the Immigration and Naturalization Service abroad and paroled into the United States as a refugee after April 1, 1980, and before May 18, 1980, shall be considered as having entered the United States as a refugee under section 207(a) of the Act.

(b) *Application.* Upon admission to the United States, every refugee entrant shall be notified of the requirement to submit an application for permanent residence 1 year after entry. An application for the benefits of section 209(a) of the Act shall be filed on Form I–485, without fee, with the director of the appropriate Service office identified in the instructions which accompany the Form I–485. A separate application must be filed by each alien. Every applicant who is 14 years of age or older must submit a completed Form G–325A (Biographical Information) with the Form I–485 application. Following submission of the Form I–485 application, a refugee entrant who is 14 years of age or older will be required to execute a Form FD–258 (Applicant Fingerprint Card) at such time and place as the Service will designate.

(c) *Medical examination.* A refugee seeking adjustment of status under section 209(a) of the Act is not required to repeat the medical examination performed under § 207.2(c), unless there were medical grounds of inadmissibility applicable at the time of admission. The refugee is, however, required to establish compliance with the vaccination requirements described under section 212(a)(1)(A)(ii) of the Act, by submitting with the adjustment of status application a vaccination supplement, completed by a designated civil surgeon in the United States.

(d) *Interview.* The Service director having jurisdiction over the application will determine, on a case-by-case basis, whether an interview by an immigration officer is necessary to determine the applicant's admissibility for permanent resident status under this part.

(e) *Decision.* The director will notify the applicant in writing of the decision of his or her application for admission to permanent residence. If the applicant is determined to be inadmissible or no longer a refugee, the director will deny the application and notify the applicant of the reasons for the denial. The director will, in the same denial notice, inform the applicant of his or her right to renew the request for permanent residence in removal proceedings under section 240 of the Act. There is no appeal of the denial of an application by the director, but such denial will be without prejudice to the alien's right to renew the application in removal proceedings under part 240 of this chapter. If the applicant is found to be admissible for permanent residence under section 209(a) of the Act, the director will approve the application and admit the applicant for lawful permanent residence as of the date of the alien's arrival in the United States. An alien admitted for lawful permanent residence will be issued Form I–551, Alien Registration Receipt Card.

§ 209.2 [Amended]

5. In § 209.2, revise the term ''district director'' to read ''director'' wherever it appears in the following places:

a. Paragraph (a)(1) introductory text;

b. Paragraph (a)(2);

c. Paragraph (b); and

d. Paragraph (f).

6. Section 209.2 is further amended by:

a. Revising paragraphs (c) and (d); and by

b. Adding a sentence at the end of paragraph (e), to read as follows:

§ 209.2 Adjustments of status of alien granted asylum.

* * * * *

(c) *Application.* An application for the benefits of section 209(b) of the Act may be filed on Form I–485, with the correct fee, with the director of the appropriate Service office identified in the instructions to the Form I–485. A separate application must be filed by each alien. Every applicant who is 14 years of age or older must submit a completed Form G–325A (Biographic Information) with the Form I–485 application. Following submission of the Form I–485 application, every applicant who is 14 years of age or older will be required to execute a Form FD–258 (Applicant Fingerprint Card) at such time and place as the Service will designate. Except as provided in paragraph (a)(2) of this section, the application must also be supported by evidence that the applicant has been physically present in the United States for at least 1 year. If an alien has been placed in deportation or exclusion proceedings, the application can be filed and considered only in proceedings under section 240 of the Act.

(d) *Medical examination.* An alien seeking adjustment of status under section 209(b) of the Act 1 year following the grant of asylum under section 208 of the Act shall submit the results of a medical examination to determine whether any grounds of inadmissibility described under section 212(a)(1)(A) of the Act apply. Form I–693, Medical Examination of Aliens Seeking Adjustment of Status, and a vaccination supplement to determine compliance with the vaccination requirements described under section 212(a)(1)(A)(ii) of the Act must be completed by a designed civil surgeon in the United States and submitted at the time of application for adjustment of status.

(e) * * * The Service director having jurisdiction over the application will determine, on a case-by-case basis, whether an interview by an immigration officer is necessary to determine the applicant's admissibility for permanent resident status under this part.

* * * * *

§ 209.2 [Amended]

8. In § 209.2, paragraph (f) is amended by revising the reference to ''parts 242 and 236'' to read ''part 240''.

Dated: May 28, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–14655 Filed 6–2–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF ENERGY

10 CFR Part 1010

RIN 1990–AA19

Conduct of Employees

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is amending its regulations on conduct of employees to remove an exemption from application of the financial conflict of interest prohibition. The removal of this exemption is in response to publication by the Office of Government Ethics (OGE) of a superseding, executive branch-wide regulation that describes the

circumstances under which certain financial interests are exempt from the general prohibitions concerning acts affecting a personal financial interest. In addition, DOE is adding a reference to OGE's executive branch-wide regulation in its cross-references provision.

EFFECTIVE DATE: June 3, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Beard (Deputy Assistant General Counsel for Standards of Conduct), Office of the Assistant General Counsel for General Law, GC–80, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202/586–1522).

SUPPLEMENTARY INFORMATION:

I. Background

DOE has had a longstanding regulation, codified at 10 CFR 1010.105, establishing that an employee's financial interest arising from the ownership of stock in a widely diversified mutual fund or other regulated investment company that in turn owns stock in, or bonds of, another enterprise, is exempt from the prohibition contained in 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest). Section 208(a) prohibits employees of the executive branch from participating in an official capacity in particular matters in which they, or certain persons or entities with whom they have specified relationships, have a financial interest.

On December 18, 1996, (61 FR 66830, as corrected at 62 FR 1361 (January 9, 1997) and 62 FR 23127 (April 29, 1997)), OGE published a final executive branch-wide rule entitled ''Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest),'' which superseded DOE's waiver rule. OGE's new rule, codified at 5 CFR part 2640 and made effective January 17, 1997, describes, in subpart B, certain financial interests that the Director of OGE has determined, pursuant to 18 U.S.C. 208(b)(2), to be exempt from the general participation prohibition because they are too remote or too inconsequential to affect the integrity of the services of the employee to which the prohibition applies. At 5 CFR 2640.201(a), there is an exemption for diversified mutual funds and unit investment trusts, thereby superseding DOE's old waiver rule effective January 17, 1997 (see 5 CFR 2640.206 of OGE's regulation). Therefore, DOE is publishing this final rule removing 10 CFR 1010.105 in its entirety. DOE is also amending its cross-reference provision at 10 CFR 1010.102 to add a reference to OGE's executive branch-wide financial interests regulation.

II. Matters of Regulatory Procedure

Because DOE is required to delete the superseded provisions of 10 CFR part 1010 relating to 18 U.S.C. 208(b)(2) exemptions, with no discretion in the matter, DOE finds, pursuant to 5 U.S.C. 553(b)(3)(B), that there is good cause not to seek public comment on this rule, as such comment is unnecessary. Furthermore, consistent with 5 U.S.C. 553(d), DOE is making this interpretive rule effective upon publication in the **Federal Register**.

III. Review Under Executive Order 12866

DOE has determined that the removal of 10 CFR 1010.105 is not considered to be a ''significant regulatory action'' under Executive Order 12866, and, therefore, is not subject to review by the Office of Management and Budget.

IV. Review Under Paperwork Reduction Act

This final rule contains no information collection requirements as defined in 44 U.S.C. 3502(2), and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Federalism

The Department has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that there are no federalism implications that would warrant the preparation of a Federalism Assessment.

VI. National Environmental Policy Act

The regulations being amended have no current environmental effect and this rulemaking will not change that status quo. The Department has therefore determined that this rule is covered under the Categorical Exclusion found at paragraph A.5 of Appendix A to subpart D, 10 CFR part 1021, which applies to a rulemaking amending an existing regulation that does not change the environmental effect of the regulation being amended. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

VII. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 requires each agency to assess the effects of Federal regulatory action on State, local, and tribal governments and the private sector. Section 201 excepts agencies from assessing effects on State, local, or tribal governments or the private sector of rules that incorporate requirements specifically set forth in law. The Department has determined that today's regulatory action does not impose a Federal mandate on State, local, or tribal governments or on the private sector.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, directs agencies to prepare a regulatory flexibility analysis whenever an agency is required to publish a general notice of proposed rulemaking for a rule. As discussed above, the Department has determined that prior notice and opportunity for public comment is unnecessary and contrary to the public interest. In accordance with 5 U.S.C. 604(a), no regulatory flexibility analysis has been prepared for today's rule.

IX. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3 of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to eliminate drafting errors and ambiguity; write regulations to minimize litigation; provide a clear legal standard for affected conduct rather than a general standard; and promote simplification and burden reduction. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

X. Small Business Regulatory Enforcement Fairness Act

In accordance with section 801 of the Small Business Regulatory Enforcement Act of 1996, 5 U.S.C. 801, DOE will report to Congress the promulgation of this rule prior to its effective date. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(a).

List of Subjects in 10 CFR Part 1010

Conduct standards, Conflicts of interest, Ethical conduct, Government employees.

Issued in Washington, D.C. on May 22, 1998.

Eric J. Fygi,

Acting General Counsel, Department of Energy.

For the reasons set out in the preamble, 10 CFR part 1010 is amended as follows:

PART 1010—CONDUCT OF EMPLOYEES

1. The authority citation for part 1010 is revised to read as follows:

Authority: 5 U.S.C. 301, 303, 7301; 5 U.S.C. App. (Inspector General Act of 1978); 18 U.S.C. 208; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 1010.102 [Amended]

2. Section 1010.102 is amended by revising the heading to read, ''Cross-references to employee ethical conduct standards, financial disclosure regulations, and other conduct rules.'' and by adding immediately after ''5 CFR part 2634,'' the words ''the executive branch-wide financial interests regulations at 5 CFR part 2640,'' before the word ''and.''

§ 1010.105 [Removed]

3. Section 1010.105, Conflict of interest waiver, is removed.

[FR Doc. 98–14714 Filed 6–2–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–100–AD; Amendment 39–10556; AD 98–11–31]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all British Aerospace (BAe) Jetstream Model 3101 airplanes equipped with a certain autopilot. This AD requires modifying the autopilot elevator electric system relays by installing two additional relays and associated wiring changes in the relay box located under the right hand crew seat. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent failure of the autopilot elevator electric system relays for the up and down trim interlocks, which could result in uncommanded trim servo operation and possible loss of control of the airplane.

DATES: Effective July 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 17, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone (01292) 479888; facsimile (01292) 479703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–100–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all BAe Jetstream Model 3101 airplanes equipped with certain autopilots was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 25, 1998 (63 FR 14383). The autopilot system that would be affected by the NPRM is installed under Jetstream Aircraft Limited (JAL) Modifications JM3027, 3243, 3352, or 3483. These modifications encompassed the installation of an autopilot system that has pitch-up and pitch-down relays with an 800-hour life limit. The NPRM proposed to require modifying the autopilot system by installing two additional relays and associated wiring changes in the relay box located below the right-hand crew seat in the cockpit. This modification would remove the existing 800-hour life limit on the pitch-up and pitch-down relays.

Accomplishment of the proposed action as specified in the NPRM would be in accordance with Jetstream Series 3100/3200 Service Bulletin 22–JK 2628, Revision 2, Original Issue: October 21, 1996.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because this action removes an existing 800-hour life limit on the pitch-up and pitch-down relays in the autopilot system. Therefore, to ensure that the above-referenced condition is corrected on all of the affected airplanes within a reasonable period of time without inadvertently grounding any airplanes, a compliance schedule based upon calendar time instead of hours TIS is required.

Cost Impact

The FAA estimates that 189 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $430 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $149,310, or $790 per airplane.

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