

the Act is also ineligible to adjust status under section 245(i) of the Act.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

7. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a, and 8 CFR part 2.

8. Section 274a.12 is amended by:

a. Removing the “;” at the end of paragraph (c)(9) and replacing it with a “.”; and by

b. Adding two new sentences at the end of the paragraph (c)(9), to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) * * *

(9) * * * For purposes of section 245(c)(8) of the Act, an alien will not be deemed to be an “unauthorized alien” as defined in section 274A(h)(3) of the Act while his or her properly filed Form I-485 application is pending final adjudication, if the alien has otherwise obtained permission from the Service pursuant to 8 CFR 274a.12 to engage in employment, or if the alien had been granted employment authorization prior to the filing of the adjustment application and such authorization does not expire during the pendency of the adjustment application. Upon meeting these conditions, the adjustment applicant need not file an application for employment authorization to continue employment during the period described in the preceding sentence;

* * * * *

Dated: June 15, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97-19242 Filed 7-22-97; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-ANE-13; Amendment 39-10084; AD 97-15-10]

RIN 2120-AA64

Airworthiness Directives; AlliedSignal Inc. TPE331 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD),

applicable to AlliedSignal Inc. (formerly Garrett Engine Division and Garrett Turbine Engine Company) TPE331 series turboprop engines equipped with Woodward fuel controls, that requires revising the applicable Emergency Procedures or Abnormal Procedures Section of the applicable Federal Aviation Administration (FAA)-approved Airplane Flight Manual (AFM) or Pilot's Operating Handbook (POH) to include a paragraph relating to a non-responsive power lever. In addition, this AD requires replacing or reworking orifice fittings and restrictors, which would constitute terminating action to the requirement to revise the applicable AFM. This amendment is prompted by reports of occasional icing of the inlet Pt2 sensor, which can produce an erroneous (high) pressure signal to the fuel control, causing little or no response to power lever movement. The actions specified by this AD are intended to prevent a non-responsive power lever and lack of control of engine power.

DATES: Effective September 22, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 22, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from AlliedSignal Aerospace, 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 Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief 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:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to AlliedSignal Inc. TPE331 series turboprop engines equipped with Woodward fuel controls was published in the **Federal Register** on October 3, 1996 (61 FR 51618). That action proposed to require revising the Abnormal Procedures or Emergency Procedures Section of the applicable Federal Aviation Administration (FAA)-approved Airplane Flight Manual

(AFM) or Pilot's Operating Handbook (POH) to include a paragraph relating to a non-responsive power lever. In addition, the notice proposed requiring replacing orifice fittings and reworking restrictors, which would constitute terminating action to the requirement to revise the applicable AFM or POH.

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

The commenter states that the Ayres S2R series aircraft should be removed from the AD applicability. The commenter states that the Ayres aircraft models are certified for Visual Flight Rules (VFR) operations at 12,000 feet or below, and are not normally operated in the altitude and temperature environment described in the AD. In addition, the engine has no anti-ice capability installed in this airplane. Also, the commenter is not aware of any reports of “no response to power lever movement” regarding this airplane. The FAA does not concur. First, the AD will apply to all TPE331-3, -5, -6, -10, -11, and -12 engines equipped with Woodward fuel controls, regardless of what aircraft those engines are installed on. The list of aircraft is provided for informational purposes only and is not an exclusive listing of aircraft on which operators might find the affected engines. In addition, the FAA is aware that some aircraft may be configured without anti-ice capability, and, therefore, no action would be required under paragraph (a), which addresses engines installed on aircraft with engine inlet ice protection. However, the FAA considers engines without engine anti-ice capability within the scope of the unsafe condition described in this AD and therefore, must be modified in accordance with paragraph (b) or (c) of the AD.

Also, the FAA has considered that no reports were submitted regarding “no response to power lever movement” for the Ayres series aircraft and that the maximum operating altitude for these aircraft is 12,000 feet. Even though ice blockage of the PT2 sensor and pressure signal increase is an infrequent phenomena and may be influenced by engine installation, flight operation, and environmental factors, the FAA has decided to implement the engine orifice fitting and restrictor modifications based on engine design similarity and the possibility that the sensor can ice up at lower altitudes in clear air given the right combination of temperature, relative humidity and airspeed. Therefore, the Ayres series aircraft will remain in the AD applicability.

The FAA has determined that the paragraphs (b) and (c) of the compliance section might be read ambiguously and that both paragraphs would have to be complied with when the intent is that engines affected by AlliedSignal Aerospace Service Bulletin (SB) No. TPE331-73-0235, dated July 28, 1995, must comply with paragraph (b) and engines affected by AlliedSignal Aerospace SB No. TPE331-73-0236, dated July 28, 1995, must comply with paragraph (c). The FAA has revised the compliance section of this final rule accordingly to clear up the possible ambiguity.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 9,438 engines of the affected design in the worldwide fleet. The FAA estimates that 4,700 engines installed on aircraft of U.S. registry will be affected by this AD. The FAA estimates that 2,760 engines will need modification in accordance with AlliedSignal Aerospace SB No. TPE331-73-0236, dated July 28, 1995, that it will take approximately 2 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$80 per engine.

In addition, the FAA estimates that 1,240 engines will need modification in accordance with AlliedSignal Aerospace SB No. TPE331-73-0235, dated July 28, 1995, that it will take approximately 3 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$80 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$874,400.

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.

For the reasons discussed above, I certify that this action (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 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

97-15-10 AlliedSignal Inc.: Amendment 39-10084. Docket 96-ANE-13.

Applicability: AlliedSignal Inc. (formerly Garrett Engine Division and Garrett Turbine Engine Company) TPE331-3, -5, -6, -10, -11, -12 series turboprop engines equipped with Woodward fuel controls, installed on but not limited to the following aircraft: Ayres S2R-G5, S2R-G6, and S2R-G10; Beech Model B100; Construcciones Aeronauticas, S.A. (CASA) C-212 series; Dornier 228 series; Fairchild SA226 and SA227 series; Jetstream 3101 and 3201 series; Mitsubishi MU-2B series (MU-2 series); Short Brothers plc Model SC-7 Skyvan Series 3; Twin Commander Aircraft Corp. 680, 690 and 695 series.

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 (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 as indicated, unless accomplished previously.

To prevent a non-responsive power lever and lack of control of engine power, accomplish the following:

(a) Within 30 days after the effective date of this AD, for aircraft equipped with engine inlet ice protection, revise the applicable Emergency Procedures or Abnormal Procedures Section of the applicable Federal Aviation Administration (FAA)-approved Airplane Flight Manual (AFM) or Pilot's Operating Handbook (POH) to include the following paragraph relating to a non-responsive power lever. This may be accomplished by inserting a copy of this AD in the AFM or POH:

"NON-RESPONSIVE POWER LEVER: If a lack of response to the power lever is observed, turn ON the ignition and engine anti-ice for both engines. After the condition has cleared and normal operation is observed, which occurs in approximately three minutes, anti-ice and ignition can be turned OFF."

(b) For engine models TPE331-3U-303G, -3UW-303G, -3U-304G, and engine series TPE331-10U, -10UA, -10UF, -10UG, -10UGR, -10UR, -11U, -12UA, -12UAR, and -12UHR, within 120 days after the effective date of this AD, or at next removal of the Pt2 sensor, whichever occurs first, replace orifice fittings and replace or rework restrictors in accordance with the Accomplishment Instructions of AlliedSignal Aerospace Service Bulletin (SB) No. TPE331-73-0235, dated July 28, 1995. Replacing the orifice fittings and replacing or reworking the inlet sensor Ps3 restrictor, constitutes terminating action to the AFM or POH revision requirement stated in paragraph (a) of this AD.

(c) For engine model TPE331-3U-303V and engine series TPE331-5, -5A, -5AB, -5B, -6, -6A, -10, -10GP, -10GT, -10P, -10R, and -10T, within 120 days after the effective date of this AD, or at next removal of the Pt2 sensor, whichever occurs first, replace orifice fittings in accordance with the Accomplishment Instructions of AlliedSignal Aerospace SB No. TPE331-73-0236, dated July 28, 1995. Replacing the orifice fittings constitutes terminating action to the AFM or POH revision requirement stated in paragraph (a) of this AD.

(d) 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.

(e) Special flight permits may be issued in accordance with §§ 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.

(f) The actions required by this AD shall be done in accordance with the following AlliedSignal Aerospace SBs:

Document No.	Pages	Date
TPE331-73-0235.	1-10	July 28, 1995.
Total	10	
TPE331-73-0236.	1-8	July 28, 1995.
Total	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, 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 Assistant Chief 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.

(g) This amendment becomes effective on September 22, 1997.

Issued in Burlington, Massachusetts, on July 10, 1997.

Ronald L. Vavruska,

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

[FR Doc. 97-19267 Filed 7-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-03-AD; Amendment 39-10086; AD 97-15-12]

RIN 2120-AA64

Airworthiness Directives; Burkhart Grob, Luft- und Raumfahrt, Model G 109 Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Burkhart Grob, Luft- und Raumfahrt (Grob) Model G 109 sailplanes. This action requires installing a damper and new bell crank lever on the rudder, in addition to adjusting the weight and balance of the sailplane, to correct the tendency of flutter at specific excitation frequencies. For those Grob Model G 109 sailplanes that have previously accomplished this installation, a modification to the

damper and bell crank lever, and adjustment to the weight and balance is required. These actions are prompted by the discovery of rudder vibration problems during testing of two Grob Model G 109 sailplanes. The actions specified by this AD are intended to prevent vibration of the rudder, which could result in structural damage and eventual loss of control of the sailplane.

DATES: Effective September 19, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Burkhart Grob Luft- und Raumfahrt, D-86874 Mattsies, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-03-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. J. Mike Kiesov, Project Officer, Sailplanes, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri, 64106, telephone (816) 426-6932, and 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 certain Grob Model G 109 sailplanes was published in the **Federal Register** on August 30, 1996 (61 FR 45912). The action proposed to require installing a rudder damper and a new rudder bell crank lever in the controls and adjusting the weight and balance; or modifying the rudder damper and bell crank lever, in addition to adjusting the weight and balance of the sailplane.

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.

Related Service Information

Accomplishment of the proposed actions would be in accordance with Grob Service Bulletin (SB) TM 817-38, dated July 8, 1993, Grob SB 817-38/2, dated March 31, 1995, Grob Installation Instructions No. 817-38/1 for Service Bulletin 817-38/2, dated March 31,

1995, Grob Installation Instructions 817-38/2 for Service Bulletin/2, dated March 31, 1995.

The FAA's Determination

After careful review of all available information related to the subject presented above, including the above referenced service information, 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.

Determination of Compliance Time

The compliance time of this AD is in calendar time instead of hours time-in-service (TIS). The average monthly usage of the affected sailplanes ranges throughout the fleet. For example, one owner may operate the sailplane 25 hours TIS in one week, while another operator may operate the sailplane 25 hours TIS in one year. In order to ensure that all of the affected sailplanes have a rudder damper and a new rudder bell crank lever installed within a reasonable amount of time, the FAA is requiring a compliance time of 6 calendar months.

Cost Impact

The FAA estimates that 34 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 8 workhours per sailplane to accomplish these actions, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$1,000 per sailplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$50,320. Grob has informed the FAA that no parts have been distributed to equip any sailplane in the United States. The FAA has no way of determining how many owners/operators may have incorporated these actions on their sailplanes.

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.

For the reasons discussed above, I certify that this action (1) is not a