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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 292, 299, 310, 312, 313, 315, 316, 316a, 319, 322, 324, 325, 327, 328, 329, 330, 331, 332, 332a, 332b, 332c, 332d, 333, 334, 334a, 335, 335a, 335c, 336, 337, 338, 339, 340, 343b, 344, and 499

[INS No. 1435–92: AG Order No. 1946–95]

RIN 1115–AC58

Administrative Naturalization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule establishes procedures implementing an administrative naturalization process as provided for by recent changes in the immigration laws. The rule streamlines the administrative naturalization process since the courts are now removed from routing decisions approving applicants for naturalization. As a result of this rule, applications for naturalization will be processed to completion within the immigration and Naturalization Service (the Service), with the role of the courts limited to administration of the oath of allegiance in some circumstances, and judicial review of administrative denials.

EFFECTIVE DATE: February 3, 1995.

FOR FURTHER INFORMATION CONTACT: William Tollifson, Adjudications Officer, Naturalization and Special Projects Branch, Adjudications Division, Immigration and Naturalization Service, room 3214, 425 I Street, NW., Washington, DC 20536, telephone: (202) 514–5014.

SUPPLEMENTARTY INFORMATION: This rule finalizes two previous interim rules published by the Immigration and Naturalization Service to implement procedures for administrative naturalization. Title IV of the Immigration Act of 1990 (Pub. L. 101–649) (IMMACT), effective October 1, 1991, transferred jurisdiction over naturalization from the judiciary to the Attorney General, subject to judicial review, and redefined the naturalization process as an administrative proceeding. On October 7, 1991, the Service published in the **Federal Register** an interim rule to implement the procedures governing administrative naturalization. 56 FR 50475. Before a final rule could be drafted, however, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. L. 102–232) (Technical Amendments), effective January 11, 1992, which significantly changed several statutory provisions relating to administrative naturalization. The Service then published a second interim rule in the **Federal Register** on September 24, 1993, at 58 FR 49905, to implement the changes brought about by the Technical Amendments. That second interim rule also incorporated changes based on public comments received on the first interim rule. This rule adopts as final both the first interim rule (October 7, 1991) and the subsequent changes in the second interim rule (September 24, 1993). This final rule also includes changes based on public comment, and some minor changes resulting from the Service's experience in working with the two interim rules.

As noted above in the two previous interim rules, IMMACT amended the naturalization process so that the judiciary no longer holds exclusive jurisdiction over naturalization applications. It is now the responsibility of the Service not only to receive applications for naturalization and to conduct examinations to determine statutory eligibility for citizenship, but also to render formal determinations on applications for naturalization, to provide for administrative review of such determinations, and to issue naturalization certificates. The judiciary's participation in the naturalization process is limited to administering the oath of allegiance and renunciation for persons whom the Service determines to be admissible to citizenship and to reviewing administrative denials.

The Technical Amendments clarified and revised some changes made by IMMACT in several areas relating to the administrative naturalization process. Most notably, a federal or state court now may elect to exercise exclusive jurisdiction to administer the oath of allegiance to applicants for naturalization under certain circumstances. Also added by the Technical Amendments is the requirement that the Attorney General rather than a court, promptly prepare a naturalization certificate for each person to be administered the oath of allegiance by a court, and then transmit that certificate to the court having jurisdiction to administer the oath. This process reduces administrative costs to the courts while maintaining naturalization as a source of court revenue and also ensures that a certificate of naturalization prepared by the Service can be delivered to the applicant at the time of the administration of the oath, regardless of whether the oath administration ceremony is judicial or administrative. The Technical Amendments also provide a means by which an applicant facing special circumstances may participate in an oath administration ceremony without having to wait until the date of the next public ceremony. The court now has discretion to consider special circumstances in determining whether to administer the oath immediately in a private judicial ceremony, or to refer the person to the Attorney General for immediate administrative naturalization.

Comments on the Interim Rule Published on September 24, 1993

The Service received six comments from the public in response to the September 24, 1993, interim rule. These comments covered 14 specific areas. Only one of the comments addressed issues arising under the Technical Amendments provisions for exclusive jurisdiction of the courts in administering the oath of allegiance. The remaining comments related to issues addressed in both interim rules. The discussion that follows summarizes the issues raised in the comments, provides the Service's position on these issues, and explains the revisions adopted.

Two of the commenters focused on standardized testing of knowledge of the

United States government and history and English literacy, covered in 8 CFR part 312. These two commenters, Educational Testing Services and Comprehensive Adult Student Assessment System, felt that § 312.3(a)(1) as written did not clearly provide that a standardized test of knowledge of United States government and history and English literacy could be taken even after the submission of an application for naturalization, so long as the results were presented as part of the interview process. Both commenters provided suggested language. While the Service agrees that the original language needs clarification, the commenters' suggested language was not accepted because it effectively would restrict the taking of the test to the period before the applicant's first interview. Instead, the Service has modified § 312.3(a)(1) to reflect that the standardized test may be taken and passed up until the date of any examination on the application under 8 CFR part 335, including a retest on the § 312 requirement. The wording in the first sentence also has been changed from ''submits an application'' to ''files an application'' to bring the language into conformity with all other references to receipt of applications by the Service.

One of these commenters also suggested that the Service include specific language in § 312.3(a)(3) to reflect that an applicant's inability to speak English will not be construed as evidence of fraud in the taking of the standardized test. In response to the first interim rule, the Service received a similar request to set forth the exact level of proof required to invalidate test results on the basis of fraud. In this rule, the Service has certified that the inability to speak English may not be used as the sole ground upon which to invalidate test results. However, it should be noted that an applicant's inability to speak English at the interview may provide the officer with a reason to scrutinize more closely the circumstances surrounding the administration of the test. Moreover, while the Service may not invalidate test results as fraudulent solely because an applicant is unable to speak English at the interview, the Service is not precluded from denying an application on the grounds that the applicant is unable to speak English.

The same commenter also requested inclusion of a specific provision stating that persons who have satisfied the educational requirements set forth in section 312 of the Immigration and Nationality Act (the Act) during the legalization program under section 245A of the Act have met the requirements listed in 8 CFR 312.3. The Service points out that such a provision already exists in § 312.3(b). Under that provision, applicants must still demonstrate spoken English skills at the time of the naturalization interview.

One commenter requested clarification of the changes made by the second interim rule to § 312.4. Specifically, the commenter note the requirement that the Service provide an applicant with another interpreter in a timely manner when it disqualifies the applicant's own interpreter. The commenter was concerned that this language could be misconstrued as requiring the Service to obtain an interpreter on the same day as the disqualification. The commenter pointed out that such a requirement would generate a significant cost to the Service and also could lead to violations of the Service's contractual obligations with interpreter firms. The Service has clarified this section to reflect that an interview may be rescheduled within a reasonable time period so long as such rescheduling does not cause undue delay in the adjudication of the application.

The same commenter also noted the removal of the term ''terrorist'' from the definition of ''subversive'' found in § 313.1. As we explained when we published the second interim rule, terrorists are not specifically included among the classes of persons ineligible for naturalization under section 313 of the Act. We note, however, that although section 313 of the Act does not expressly prohibit the naturalization of persons who engage in terrorist activity as defined in section 212(a)(3)(B) of the Act, such persons will be closely scrutinized for lack of good morale character.

Also noted by that commenter were the changes made by the second interim rule in § 316.5(c)(1)(i) regarding the term used to describe the interruption of continuity of residence. The commenter took issue with the use of the phrase ''continuity of residence,'' suggesting that ''continuous residence'' would be a more appropriate term, as the Service uses that term throughout its regulations and particularly in 8 CFR part 245a. It should be noted, however, that § 316.5(c)(l)(i) implements section 316(b) of the Act, which refers to residence as required for admission to citizenship, as opposed to residence in other immigration contexts. Moreover, section 316(b) of the Act uses the term ''continuity of residence.'' Accordingly, § 316.5(c)(1)(i) adheres to the design of the statute by using the Act's terminology and by distinguishing between residence for naturalization purposes and residence as used in other Service regulations.

One commenter asserted that the provision in § 316.10 specifying that a conviction for an aggravated felony be a permanent bar to naturalization only if the conviction occurred after November 29, 1990, contradicts a General Counsel legal opinion dated February 22, 1991 (on file with the Office of General Counsel, INS). The legal opinion discusses when a conviction can be classified as an aggravated felony. However, as the legal opinion also discusses, section 509 of IMMACT, which replaces ''murder'' with ''aggravated felony'' in section 101(f)(8) of the Act, is applicable only to convictions occurring on or after November 29, 1990. Accordingly, an applicant is permanently barred from showing good moral character, and hence from eligibility for naturalization, by a conviction for an aggravated felony only when the conviction occurred on or after that date. As noted in the supplementary information accompanying the second interim rule, however, nothing in the regulations prevents the Service from using a pre-November 29, 1990, aggravated felony conviction as an impediment to establishing good moral character under § 316.10(b) (2) or (3).

One commenter suggested that the provision in § 335.2(a) allowing for the presence of an applicant's attorney or representative at the examination should refer only to § 292.3, rather than to the filing of an appearance in accordance with part 292 generally. However, the broader reference to part 292 was designed to encompass § 292.3 as well as the other guidelines for representation before the Service listed in that part. That commenter also asserted that the Service seems to have expanded the legal representative's participation in the in the naturalization process. As explained in the supplementary information accompanying the second interim rule, prior to the change to administrative naturalization, all applicants were subject to a preliminary investigation, where limited representation was allowed, and to a preliminary examination and final hearing, where full representation was allowed. As applicants are now subject to only one examination, the rights to representation at that examination have been expanded to be consistent with all other adjudications before the Service.

One commenter requested that the Service provide further guidance in § 335.2 to adjudications officers concerning the conduct of naturalization examinations, as

discrepancies sometimes exist in the level of difficulty of questions asked of applicants. Although we recognize the need to provide guidelines for adjudications officers, such guidelines are more properly provided in the Service's Operations Instructions.

That commenter also suggested that the Service amend § 335.6 to allow applicants to make verbal requests for rescheduling of missed interviews at the field office. For reasons of administrative efficiency, the Service must require that all requests be submitted in writing. However, the written request need not take any specific form, but rather may be a brief, informal notation for the adjudications officer to insert in the applicant's file.

One commenter questioned the portion of § 335.7 that allows the Service to deny applications on the merits where applicants fail to explain adequately absences from appearances required after their initial examinations or to provide the Service with additional requested evidence. The commenter suggested that dismissal is more appropriate than denial in cases where the Service does not have sufficient evidence upon which to make a determination. Section 335(e) of the Act provides that, where the applicant fails to prosecute an application, the Service may either decide the application on the merits or dismiss it for lack of prosecution. The Service agrees with the commenter that cases may be more appropriately ''dismissed'' than adjudicated on the merits where no record exists. The Service therefore has made a distinction between cases where the applicant has not appeared for the examination, provided for in § 335.6, and cases where the applicant has already appeared for an examination but the Service requires further testimony or documentary evidence to support the application, provided for in § 335.7. This rule further clarifies the Service's position that when the applicant fails to appear for the examination, leaving the Service without sufficient evidence upon which to render a determination, the case will be dismissed for lack of prosecution after the passage of one year from the date the application was closed. However, when the applicant appears for examination but the Service requests additional testimony or documentation, and the applicant then fails to prosecute the application, the Service will adjudicate the case on the merits, as sufficient evidence should exist to render a decision.

One commenter expressed concern over the process for reviewing completed Forms N–445 prior to the oath administration ceremony, provided for in § 337.2(c). The commenter requested assurance that when further questioning is warranted after review of the completed form, the applicant will be given the opportunity to respond to an officer's questions in a quiet, private setting so as to allow for a meaningful exchange with the officer. The Service believes that completion of the Form N–445 is a necessary part of the naturalization process. Although Service adjudications officers will be provided with guidance on the treatment of applicants whose answers warrant further investigation, such guidelines are provided more properly in the Services Operations Instructions.

That commenter also had concerns that the procedure for requesting expedited administration of the oath of allegiance set forth in § 337.3(c) may cause undue delay, because the Service would be required in some cases to first pass upon the merits of each request and then send a recommendation to the court. The Service has addressed this concern by revising § 337.3(c) to eliminate the recommendation process. The commenter also expressed concern over the requirement that requests for expedition be in writing, and suggested that the Service implement a more flexible approach. While the Service recognizes the need to provide the public with an efficient process, the Service is concerned that many applicants, especially those without legal representation, may have difficulty in communicating with judges or clerks of court to request expedited ceremonies. The Service, therefore, has revised § 337.3(c) to provide that applicants seeking expedited ceremonies may submit their requests to either the court or to the Service.

The same commenter also suggested that the Service attempt to reallocate its resources to rectify discrepancies in waiting times for adjudications. While this regulation is not the proper forum in which to address such concerns, the Service assures the commenter that it is working constantly to improve the efficiency of the administrative naturalization process.

Service Initiated Changes

As a result of working under the interim rules since 1991, the Service discovered some errors or areas where further clarification is needed.

At § 316.2(a)(3), which lists one of the requirements for naturalization, the rule stated only that the applicant must have resided continuously in the United States for 5 years after lawful admission. Section 316(a) of the Act, however, requires that the applicant has resided in the United States for 5 years after lawful admission for permanent residence. In order to bring the regulation into conformity with the statute, the Service has inserted the phrase ''for permanent residence'' at the end of § 316.2(a)(3).

At § 316.5(c)(2), the Service clarified language regarding relinquishment of permanent resident status by aliens who claim nonresident alien status for income tax purposes. The rebuttable presumption of relinquishment of lawful permanent resident status extends not only to persons who ''voluntarily'' claim nonresident alien status for income tax purposes, but also to persons who fail to file income tax returns based on their claims to nonresident alien status.

At § 329.4, the Service had referred erroneously to an inappropriate section of the regulations. This citation has been corrected in § 329.4(b), which formerly referred to ''§ 329.2(a), (c)(1), or (c)(2)'' and now reads ''§ 329.2 (a), (b), or (c)(2).''

At § 339.2, the Service added a provision to clarify the purpose of the courts' submission of monthly reports prepared on Form N–4. As approved in a notice published on October 25, 1993, at 58 FR 55084, 55085, Form N–4, in addition to serving its recordkeeping purpose, will be treated by the Service as a billing document submitted by the courts. Use of Form N–4 in this manner will enable the Service to process more efficiently requests for reimbursement from courts for performance of oath administration ceremonies. The added paragraph also explains that reimbursements for state courts will be determined under the same standards set for the Federal courts.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, § 1(b). The Attorney General has determined that this rule is not a significant regulatory action under Executive Order 12866, § 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

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 section 6 of Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12606

The Attorney General has reviewed this rule under Executive Order 12606 and has determined that this rule will not have an impact on family formation, maintenance, or general well-being.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Archives and records, Authority delegations (Government agencies), Fees, Forms, Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 292

Administrative practice and procedure, Hearing and appeal procedures, Immigration.

8 CFR Part 299

Citizenship and naturalization, Immigration and Nationality Act, Reporting and recordkeeping requirements.

8 CFR Part 310

Citizenship and naturalization, Courts.

8 CFR Part 312

Citizenship and naturalization, Education.

8 CFR Part 313

Citizenship and naturalization.

8 CFR Part 315

Armed forces, Citizenship and naturalization, Selective service system, Treaties.

8 CFR Part 316

Citizenship and naturalization, International organizations, Reporting and recordkeeping requirements.

8 CFR Part 316a

Citizenship and naturalization, Immigration, Residence.

8 CFR Part 319

Citizenship and naturalization. Reporting and recordkeeping requirements.

8 CFR Part 322

Citizenship and naturalization, Infants and children, Reporting and recordkeeping requirements.

8 CFR Part 324

Citizenship and naturalization, Reporting and recordkeeping requirements, Women.

8 CFR Part 325

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 327

Citizenship and naturalization, Military personnel, Reporting and recordkeeping requirements.

8 CFR Part 328

Citizenship and naturalization, Military personnel, Reporting and recordkeeping requirements.

8 CFR Part 329

Citizenship and naturalization, Military personnel, Reporting and recordkeeping requirements, Veterans.

8 CFR Part 330

Citizenship and naturalization, Reporting and recordkeeping requirements, Seamen.

8 CFR Part 331

Aliens, Citizenship and naturalization.

8 CFR Part 332

Citizenship and naturalization, Education, Reporting and recordkeeping requirements.

8 CFR Part 332a

Citizenship and naturalization, Courts.

8 CFR Part 332b

Citizenship and naturalization, Education.

8 CFR Part 332c

Citizenship and naturalization.

8 CFR Part 332d

Authority delegations (Government agencies), Citizenship and naturalization.

8 CFR Part 333

Citizenship and naturalization.

8 CFR Part 334

Administrative practice and procedure, Citizenship and naturalization, Courts, Reporting and recordkeeping requirements.

8 CFR Part 334a

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 335

Administrative practice and procedure, Authority delegations (Government agencies), Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 335a

Citizenship and naturalization.

8 CFR Part 335c

Citizenship and naturalization.

8 CFR Part 336

Citizenship and naturalization, Courts, Hearing and appeal procedures, Reporting and recordkeeping requirements.

8 CFR Part 337

Citizenship and naturalization.

8 CFR Part 338

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 339

Citizenship and naturalization, Courts, Reporting and recordkeeping requirements.

8 CFR Part 340

Citizenship and naturalization, Law enforcement.

8 CFR Part 343b

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 344

Citizenship and naturalization, Courts.

8 CFR Part 499

Citizenship and naturalization, Reporting and Recordkeeping requirements.

Accordingly, the interim rule published at 56 FR 50475 on October 7, 1991, amdnding 8 CFR parts 103, 299, 310, 312, 313, 315, 316, 316a, 319, 322, 324, 325, 327, 328, 329, 330, 331, 332, 332a, 332b, 332c, 332d, 333, 334, 334a 335, 335a, 335c, 336, 337, 338, 339, 340, 343b, 344, and 499, and the interim rule published at 58 FR 49905 on September 24, 1993, amending 8 CFR parts 292, 299, 310, 312, 313, 316, 322, 329, 334, 335, 336, 337, 338, 339, 343b, and 499, are adopted as a final rule with the following changes:

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

1. The authority citation for part 312 continues to read as follows:

Authority: 8 U.S.C. 1103, 1423, 1443, 1447, 1448.

2. Section 312.3 is amended by:

a. Revising paragraph (a)(1); and by

b. Revising paragraph (a)(3), to read as follows:

§ 312.3 Standardized citizenship testing.

(a)(1) An applicant for naturalization may satisfy the reading and writing requirements of § 312.1 and the knowledge requirements of § 312.2 by passing, within one (1) year preceding the date on which he or she files an application for naturalization, or at any time subsequent to filing an application but prior to a final determination on the application, a standardized citizenship test given by an entity authorized by the Service to conduct such a test.

* * * * *

(3) An applicant who passes a standardized citizenship test as provided in paragraph (a)(1) of this section for naturalization shall not be reexamined at the Service naturalization interview on his or her ability to read and write English or on his or her knowledge of the history and form of government of the United States, unless the examining officer has reasonable cause to believe, subsequent to verification of the applicant's test results with the authorized testing entity, that the applicant's test results were obtained English may not be the sole reason for finding that the test results were obtained through fraud or misrepresentation. The Applicant's inability to speak English may not be the sole reason for finding that the test results were botained through fraud or misrepresentation. A written record of the officer's determination shall be made in the record of the application including the response from the testing entity concerning the applicant's test.

* * * * *

3. Section 312.4 is revised to read as follows:

§ 312.4 Selection of interpreter.

An interpreter to be used under § 312.2 may be selected either by the applicant or by the Service. However, the Service reserves the right to disqualify an interpreter provided by the applicant in order to ensure the integrity of the examination. Where the Service disqualifies an interpreter, the Service must provide another interpreter for the applicant in a timely manner. If rescheduling of the interview is required, then a new date shall be set as soon as practicable so as not to delay unduly the adjudication of the application. The officer who disqualifies an interpreter shall make a written record of the reason(s) for disqualification as part of the record of the application.

PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

4. The authority citation for part 316 continues to read as follows:

Authority: 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR 2.1.

5. Section 316.2 is amended by revising paragraph (a)(3) to read as follows:

§ 316.2 Eligibility.

(a) * * *

(3) Has resided continuously within the United States, as defined under § 316.5, for a period of at least five years after having been lawfully admitted for permanent residence;

* * * * *

6. Section 316.5 is amended by revising paragraph (c)(2) to read as follows:

§ 316.5 Residence in the United States.

* * * * *

(c) * * *

(2) *Claim of nonresident alien status for income tax purposes after lawful admission as a permanent resident.* An applicant who is a lawfully admitted permanent resident of the United States, but who voluntarily claims nonresident alien status to qualify for special exemptions from income tax liability, or fails to file either federal or state income tax returns because he or she considers himself or herself to be a nonresident alien, raises a rebuttable presumption that the applicant has relinquished the privileges of permanent resident status in the United States.

* * * * *

PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATURALIZATION BASED UPON ACTIVE DUTY SERVICE IN THE UNITED STATES ARMED FORCES DURING SPECIFIED PERIODS OF HOSTILITIES

7. The authority citation for part 329 continues to read as follows:

Authority: 8 U.S.C. 1103, 1440, 1443.

8. Section 329.4 is amended by revising paragraph (b) to read as follows:

§ 329.4 Application and evidence.

* * * * *

(b) *Evidence.* The applicant's eligibility for naturalization under § 329.2(a), (b), or (c)(2) shall be established only by the certification of the executive department under which the applicant served or is serving.

PART 335—EXAMINATION ON APPLICATION FOR NATURALIZATION

9. The authority citation for part 335 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1447.

10. In § 335.6, a new paragraph (c) is added to read as follows:

§ 335.6 Failure to appear for examination.

* * * * *

(c) If the applicant does not request reopening of an administratively closed application within one year from the date the application was closed, the Service will consider that application to have been abandoned, and shall dismiss the application without further notice to the applicant.

11. Section 335.7 is amended by revising the last sentence to read as follows:

§ 335.7 Failure to prosecute application after initial examination.

* * * In the event that the applicant fails to respond within 30 days of the date of notification, the Service shall adjudicate the application on the merits pursuant to § 336.1 of this chapter.

PART 337—OATH OF ALLEGIANCE

12. The authority citation for part 337 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1448.

13. Section 337.3 is amended by revising paragraph (c) to read as follows:

§ 337.3 Expedited administration of oath of allegiance.

* * * * *

(c) All requests for expedited administration of the oath of allegiance shall be made in writing to either the court or the Service. Such requests shall contain sufficient information to substantiate the claim of special circumstances to permit either the court or the Service to properly exercise the discretionary authority to grant the relief sought. The court or the Service may seek verification of the validity of the information provided in the request. If the applicant submits a written request to the Service but is awaiting an oath administration ceremony by a court pursuant to § 337.8, the Service promptly shall provide the court with a copy of the request without reaching a

decision on whether to grant or deny the request.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF COURT REGARDING NATURALIZATION PROCEEDINGS

14. The authority citation for part 339 continues to read as follows:

Authority: 8 U.S.C. 1103, 1433, 1448.

15. Section 339.2 is amended by adding a new paragraph (e) to read as follows:

§ 339.2 Monthly reports.

* * * * *

(e) *Use of reports for accounting purposes.* Form N–4 shall be used by state and federal courts as a monthly billing document, submitted to the Service for reimbursement in accordance with section 344(f)(1) of the Act. The Service shall use the information submitted on this form to calculate costs incurred by courts in performing their naturalization functions. State and federal courts will be reimbursed pursuant to terms set forth in annual agreements entered into between the Service and the Administrative Office of United States Courts.

Dated: January 26, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–2645 Filed 2–2–95; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–41–AD; Amendment 39–9136; AD 95–02–18]

Airworthiness Directives; Beech Aircraft Corporation Models 1900, 1900C, and 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 92–06–09, which currently requires repetitively inspecting the engine trusses for cracks on Beech Aircraft Corporation (Beech) Model 1900 and certain Model 1900C airplanes, repairing or replacing any cracked engine truss, and installing reinforcement doublers. That AD also provides the option of installing an engine truss of improved design as terminating action for the repetitive inspections. Since issuing that AD, the Federal Aviation Administration (FAA) has received several reports of these improved design trusses cracking in Area A (as specified in the service information) of the engine truss. This action retains the currently required repetitive inspections, but shortens the repetitive inspection interval in Area A and eliminates the inspection-terminating replacement option; and also incorporates the Beech Models 1900C and 1900D airplanes that have engine trusses of this same type design installed at manufacture. The actions specified by this AD are intended to prevent failure of the engine truss assembly caused by a cracked engine truss.

DATES: Effective March 25, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 25, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, 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. Steven E. Potter, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4124; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Beech Model 1900 and certain Model 1900C airplanes was published in the **Federal Register** on December 1, 1993 (58 FR 63305). The action proposed to supersede AD 92–06–09 with a new AD that would (1) retain the repetitive inspection requirements of AD 92–06–09, extend the applicability to include Beech Models 1900C and 1900D airplanes that have a part number 129–910032–79 engine truss installed, and shorten the repetitive inspection interval of Area A (as specified in the service information) of the engine truss to 100 hours TIS; and (2) eliminate the option of terminating the repetitive inspections on the Beech Model 1900 and 1900C airplanes if an improved design engine truss, 129–910032–79, is installed. The inspections were proposed to be accomplished in accordance with Beech Service Bulletin (SB) No. 2255, Revision V, dated October 1993.

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

One commenter concurs with the proposal as written.

The other commenter concurs with the actions specified in the proposal, but states that the engine trusses on the Beech Model 1900 airplanes are hard to identify. This commenter states that Beechcraft 1900 Airliner Communique No. 27, dated February 1993, presents information that helps identify the older engine trusses, and recommends that the FAA reference this document in the proposal. The FAA concurs that the Beech Model 1900 airplane engine trusses are hard to identify, and that Beechcraft 1900 Airliner Communique No. 27, dated February 1993, helps identify these trusses. A NOTE has been added in the proposal that references this service communique as a document that could be used in identifying engine trusses.

In addition, Beech has revised SB 2255 to the Revision VI level (dated August 1994). This document revises the inspection schedule for airplanes having engine truss part number 129–910032–79. Implementation of this schedule would be a reduction from that already proposed. The FAA has determined that this SB should be incorporated into the proposal.

After careful review of all available information including the comments referenced above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the addition of the NOTE, the incorporation of Beech SB No. 2255, Revision VI, dated August 1994, and minor editorial corrections. The FAA has determined that this minor addition, the SB incorporation, and the editorial corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

The FAA estimates that 279 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 16 workhours per airplane to accomplish the required inspection (one-time in all applicable areas), and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $267,840. The only additional cost impact on U.S. operators by the required action over that which is currently required by AD 92–06–09 is the