temporary, or that have resulted from an individual's illegal drug use.

(i) For the purposes of this paragraph (b)(1), the term:

Developmental disability means an impairment, the onset of which precedes an individual's 18th birthday, that causes an individual to show delayed development of a specific cognitive area of maturation, i.e., reading, language or speech, resulting in intellectual functioning so impaired as to render the individual unable to demonstrate the knowledge required by this section or that renders the individual unable to participate in the testing procedures for naturalization, even with reasonable modifications.

Mental impairment means a primary impairment of brain function, generally associated with an organic basis upon which the diagnosis is based, resulting in an impairment of intellectual functions such as memory, orientation, or judgment that renders the individual unable to demonstrate the knowledge required by this section or that renders the individual unable to participate in the testing procedures for naturalization, even with reasonable modifications. This definition does not include a mental impairment that is not the result of a physical disorder.

Physical disability means a physical impairment that substantially limits an individual's major life activities in a way that renders the individual unable to demonstrate the knowledge required by this section or that renders the individual unable to participate in the testing procedures for naturalization, even with reasonable modifications.

(ii) [Reserved]

(2) *Medical certification*. All persons applying for naturalization and seeking an exemption from the requirements of § 312.1(a) and paragraph (a) of this section based on one of the enumerated disability exceptions must submit a certification from a designated civil surgeon (as defined in 42 CFR 34.2) or qualified individuals or entities designated by the Attorney General, attesting to the origin, nature, and extent of the person's medical condition as it relates to the disability exceptions noted under § 312.1(b)(3) and paragraph (b)(1) of this section. The certification shall be a letter-sized one-page document, signed and dated by the civil surgeon or qualified individuals or entities. The civil surgeon, in particular those not experts in diagnosing developmental disabilities or other cognitive impairments, shall consult with other qualified physicians and psychologists prior to providing a certification, and may require the person seeking a disability-based exception to furnish evidence from a medical specialist or psychologist to support the person's claim of a qualifying disability. Any additional medical evidence required by a civil surgeon to assist in the evaluation shall only be for the use of the civil surgeon. The additional evidence shall not be attached to the civil surgeon's certification or filed with the applicant's application for naturalization as background or supporting documentation. An affidavit or attestation by the person, his or her relatives, or guardian on his or her medical condition is not a sufficient medical attestation for purposes of satisfying this requirement. The Service may consult with other Federal agencies in making its determination on whether an individual previously determined to be disabled by another Federal agency has a disability as defined in this section. This consultation may be used in lieu of the individual's medical certification.

* * * * *

Dated: August 23, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–22043 Filed 8–26–96; 11:52 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–145–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100 and –200 series airplanes. This proposal would require replacing the aileron (lateral) control transfer mechanism with a new modified mechanism, or reworking the existing mechanism. This proposal is prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by the proposed AD are intended to prevent unexpected, significant control wheel forces and reduced travel of a control wheel due to mechanical interference within the lateral control system transfer mechanism during a jam override condition.

DATES: Comments must be received by October 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Don Kurle, Senior Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2798; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal 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 96–NM–145–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In October 1994, the FAA organized a team to conduct a Critical Design Review (CDR) of the flight control systems installed on Boeing Model 737 series airplanes in an effort to confirm the continued operational safety of these airplanes. The formation of the CDR team was prompted by questions that arose following an accident involving a Model 737–200 series airplane that occurred near Colorado Springs, Colorado, and one involving a Model 737–300 series airplane that occurred near Pittsburgh, Pennsylvania. The CDR team's analysis of the flight control systems was performed independent of the investigations of these accidents, which are conducted by the National Transportation Safety Board (NTSB). The cause of the accidents has not yet been determined.

The CDR team was composed of representatives from the FAA, the NTSB, other U.S. government organizations, and foreign airworthiness authorities. The team reviewed the service history and the design of the flight control systems of Model 737 series airplanes. The team completed its review in May 1995. The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as correction of certain design deficiencies. This proposed AD is one of nine rulemaking actions being issued by the FAA to address the recommendations of the CDR team.

Report Received by FAA

The FAA has received a report indicating that mechanical interference can occur within the aileron control transfer mechanism on Model 737 series airplanes. The aileron control transfer mechanism (lateral control system transfer mechanism) enables lateral (roll) control of the airplane to be retained through either the captain's control wheel or the first officer's control wheel in the event that a malfunction restricts motion of the other control wheel or its cable system. When control motion is restricted, the captain's control wheel independently controls the aileron system; the first officer's control wheel independently controls the spoiler system. The aileron or spoiler system can be operated when sufficient force to overcome the resistance of a preloaded torsion spring in the aileron transfer mechanism is applied to the control wheel.

If mechanical interference occurs within the lateral control system transfer mechanism and one of the control wheels jams, the travel of the operable (non-jammed) control wheel may be limited to ±100 degrees about the jam position, instead of the intended minimum available travel of ±138 degrees. Additionally, the control wheel forces that are required to override a jam may be above normal. If the airplane is already banked or at a low altitude, or if the flightcrew does not respond rapidly enough to override the jam, such conditions, if not corrected, could result in an unexpected, significant control upset.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 27–1033, dated February 13, 1970, which describes procedures for either replacing the aileron (lateral) control transfer mechanism with a new modified mechanism (specified in the service bulletin as Procedure I), or reworking the existing mechanism (specified in the service bulletin as Procedure II). Accomplishment of the replacement or rework will enable the flightcrew to correct reduced travel of the control wheel or cable system due to a mechanical interference, and will allow increased travel of the operable control wheel in such cases.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require either replacing the aileron control transfer system, transfer mechanism with a new modified mechanism, or reworking the existing mechanism. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Explanation of Proposed Compliance Time

In developing an appropriate compliance time for the proposed actions, the FAA's intent is that it be performed during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. In addition, the FAA considered the availability of necessary parts. The FAA finds that 18 months corresponds closely to the interval representative of most of the affected operators' normal maintenance schedules. The FAA considers that this interval will provide an acceptable level of safety.

Cost Impact

There are approximately 236 Model 737–100 and –200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 157 airplanes of U.S. registry would be affected by this proposed AD.

For operators that elect to accomplish the proposed replacement, it would take approximately 20 work hours per airplane to accomplish it, at an average labor rate of $60 per work hour. Required parts would cost approximately $15,343 per airplane. Based on these figures, the cost impact of the proposed replacement on U.S. operators is estimated to be $16,543 per airplane.

For operators that elect to accomplish the proposed rework by using new components, it would take approximately 40 work hours to accomplish it, at an average labor rate of $60 per work hour. Required parts would cost approximately $6,500. Based on these figures, the cost impact of the proposed rework (by using new components) on U.S. operators is estimated to be $8,900 per airplane.

For operators that elect to accomplish the proposed rework by machine shop rework of the components, it would take approximately 70 work hours to accomplish it, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,450. Based on these figures, the cost impact of the proposed rework (by machine shop rework of the components) on U.S. operators is estimated to be $5,650 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1)

is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

Boeing: Docket 96–NM–145–AD.

Applicability: Model 737–100 and –200 series airplanes; as listed in Boeing Service Bulletin 27–1033, dated February 13, 1970; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) 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 an unexpected, significant control upset due to mechanical interference within the lateral control system transfer mechanism, which could result in reduced travel of a control wheel and above normal control wheel forces during a jam override, accomplish the following:

(a) Within 18 months after the effective date of this AD: Accomplish the requirements of either paragraph (a)(1) or (a)(2) of this AD, in accordance with Boeing Service Bulletin 27–1033, dated February 13, 1970.

(1) Replace the aileron control transfer mechanism, part number (P/N) 65–54200–4 or –5, with a new modified mechanism in accordance with Procedure I of the Accomplishment Instructions of the service bulletin. Or

(2) Rework the existing aileron control transfer mechanism, P/N 65–54200–4 or –5, in accordance with Procedure II of the Accomplishment Instructions of the service bulletin.

(b) As of the effective date of this AD, no person shall install an aileron control transfer mechanism having P/N 65–54200–4 or –5 unless it has been reworked in accordance with the requirements of paragraph (a)(2) of this AD.

(c) 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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 21, 1996.

Ronald T. Wojnar,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–21877 Filed 8–23–96; 9:01 am]

BILLING CODE 4910–13–U

---

14 CFR Part 39

[Docket No. 96–NM–146–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737 series airplanes. This proposal would require replacement of the flow restrictors of the aileron and elevator power control units (PCU's) with new flow restrictors. This proposal is prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by the proposed AD are intended to prevent reduced roll and/or pitch rate control of the airplane and consequent increased pilot workload as a result of fragments from a deteriorated flow restrictor filter screen becoming lodged in the PCU.

DATES: Comments must be received by October 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–146–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Don Kurle, Senior Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2798; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal 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