

Cross-Reference to Subpart H of Part 1201

This amendment also includes a change to 5 CFR 1209.3, "Application of 5 CFR part 1201," to include a statement that requests for attorney fees and consequential damages in connection with appeals under part 1209 are governed by subpart H of part 1201.

Citations

All citations to MSPB decisions are to West Publishing Company's *Merit Systems Protection Board Reporter* (M.S.P.R.). This publication is available in many law libraries and some public libraries. It is also available in the MSPB Library, 1120 Vermont Avenue, NW, 8th Floor, Washington, DC, which is open to the public between 1:00 and 5:00 PM, Monday through Friday (excluding Federal holidays).

The Board is publishing this rule as an interim rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1209

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1209 as follows:

PART 1209—[AMENDED]

1-2. The authority citation for part 1209 continues to read as follows:

Authority: 5 U.S.C. 1204, 1221, 2302(b)(8), and 7701.

3. Section 1209.3 is amended by adding at the end of the existing text the following sentence:

§ 1209.3 Application of 5 CFR part 1201.

* * * The Board will apply the provisions of subpart H of part 1201 regarding awards of attorney fees and consequential damages under 5 U.S.C. 1221(g) to appeals governed by this part.

4. Section 1209.4 is amended by removing "or" at the end of paragraph (a)(9), by redesignating paragraph (a)(10) as (a)(11) and revising it, and by adding a new paragraph (a)(10) to read as follows:

§ 1209.4 Definitions.

(a) * * *

(10) A decision to order psychiatric testing or examination; or

(11) Any other significant change in duties, responsibilities, or working conditions.

* * * * *

5. Part 1209 is amended by adding subpart E to read as follows:

Subpart E—Referrals to the Special Counsel

§ 1209.13 Referral of findings to the Special Counsel.

When the Board determines in a proceeding under this part that there is reason to believe that a current Federal employee may have committed a prohibited personnel practice described at 5 U.S.C. 2302(b)(8), the Board will refer the matter to the Special Counsel to investigate and take appropriate action under 5 U.S.C. 1215.

Dated: April 1, 1997.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 97-8644 Filed 4-8-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service; Executive Office for Immigration Review

8 CFR Part 3

[INS 1788-96; AG Order No. 2071-97]

RIN 1115-AE47

Immigration and Naturalization Service and Executive Office for Immigration Review; Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures; Correction

AGENCY: Immigration and Naturalization Service and Executive Office for Immigration Review.

ACTION: Correction to interim regulation.

SUMMARY: This document contains a correction to the interim regulation, published Thursday, March 6, 1997 (62 FR 10312), relating to inspection and expedited removal of aliens, detention and removal of aliens, conduct of removal proceedings, and asylum procedures.

EFFECTIVE DATE: April 9, 1997.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, (703) 305-0470 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The interim regulation that is the subject of these corrections amends the regulations of the Immigration and Naturalization Service and Executive Office for Immigration Review to implement the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 governing

expedited and regular removal proceedings, handling of asylum claims, and other activities involving the apprehension, determination, hearing of claims and ultimately the removal of inadmissible and deportable aliens. This rule also incorporates a number of changes which are part of the Administration's reinvention and regulation streamlining effort. On April 1, 1997, a correction notice (62 FR 15362, FR Doc. 97-8105) was published correcting those technical errors contained in the interim regulation. This notice corrects an additional technical error contained in the interim regulation.

Need for Correction

As published, the interim regulation contained errors which were in need of clarification.

Correction of Publication

Accordingly, the publication on March 6, 1997, of the interim regulation (INS No. 1788-96; AG Order No. 2071-97), which was the subject of FR Doc. 97-5250, is corrected as follows:

§ 3.23 [Corrected]

1. On page 10333, in the first column, in § 3.23(b)(1), the reference to "§ 208.22(f)" at the end of paragraph (b)(1) introductory text is removed and is replaced with a reference to "§ 208.22(e)".

Rosemary Hart,

Federal Register Liaison Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM-132, Special Conditions No. 25-ANM-124]

Special Conditions: Lockheed Martin Aerospace Corp. Model L382J Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are for the Lockheed Martin Aerospace Corp. Model L382J airplane. This airplane will have a novel or unusual design feature(s) associated with the installation of a dual head up display (HUD) to be used as a primary flight display (PFD) for all regimes of normal operation. The HUD will satisfy the basic requirements of § 25.1321 and serve as the primary source of flight