

of this time period, the Service will accept the application and base filing fee, as set forth in § 103.7(b)(1) of this chapter, return the additional sum of \$1,000 to the alien, and either the Service or the Executive Office for Immigration Review will adjudicate the application pursuant to section 245(a) of the Act. If the alien, in such a case, is not eligible for adjustment of status, either the Service will issue a written notice advising the alien of the denial of the application for adjustment of status, or the Executive Office for Immigration Review will deny the application for adjustment of status.

(d) *Adjustment application filed on or after October 1, 1994, dated before October 23, 1997 or any other such date as Congress may determine in an extension of this provision, without Supplement A to Form I-485 and additional sum.* An adjustment of status applicant will be allowed the opportunity to amend an adjustment of status application filed in accordance with § 103.2 of this chapter on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i) of the Act, in order to request consideration under the provisions of section 245(i), if it appears that the alien is not otherwise ineligible for adjustment of status. If the application for adjustment of status is pending before the Service, the Service shall notify the applicant in writing of the Service's intent to deny the adjustment of status application, and any other requests for benefits that derive from the adjustment application, unless Supplement A to Form I-485 and any required additional sum is filed within 30 days of the date of the notice. If the application for adjustment of status is pending before the Executive Office for Immigration Review, the Executive Office for Immigration Review will deny the application and permit the applicant to file a motion to reopen in accordance with §§ 3.2(c) and 3.23 of this chapter along with proof of payment to the Immigration and Naturalization Service of the additional sum within 30 days of the denial.

* * * * *

(f) *Completion of processing of pending applications.* (1) An application for adjustment of status filed on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i) of the Act, shall be adjudicated to completion by an officer of the Service or by the Executive Office for Immigration Review, regardless of whether the final decision

is made after the termination of this program. The provisions of paragraph (d) of this section regarding amended applications shall apply to all such applications. The Service or the Executive Office for Immigration Review may consider a motion to open or reconsider an application for adjustment of status on the basis of section 245(i) if the applicant submitted a copy of the application for adjustment of status, a copy of Supplement A to Form I-485, and any other required documentation on or after October 1, 1994, and before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i). However, in order to receive the benefit of a motion to reopen or reconsider that has been granted, the applicant must have remitted to the Immigration and Naturalization Service before October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i), any additional sum required by section 245(i). Even if a motion to reopen or reconsider is granted, failure to pay the additional sum to the Immigration and Naturalization Service before October 23, 1997 or any other such date as Congress may determine in an extension of 245(i) will result in the ultimate denial of the application for adjustment of status.

(2) Any application for adjustment of status submitted pursuant to section 245(i) and considered in deportation or removal proceedings must be filed between October 1, 1994, and October 23, 1997 or any other such date as Congress may determine in an extension of section 245(i).

* * * * *

Dated: October 18, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97-28147 Filed 10-20-97; 4:16 pm]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-80-AD; Amendment 39-10174; AD 97-22-03]

RIN 2120-AA64

Airworthiness Directives; Extra Flugzeugbau, GmbH. Model EA-300/200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Extra Flugzeugbau, GmbH. (Extra) Model EA-300/200 airplanes. This action requires installing a seat belt safety cover. A recent report of an Extra Model EA-300/200 airplane seat belt falling into the rear rudder pedal controls, interfering with the rudder pedals, and causing loss of directional control prompted this action. The action specified by this AD is intended to prevent a loss of directional control caused by seat belt interference with the rear rudder pedal controls, which could cause loss of control of the airplane.

DATES: Effective November 24, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1997.

Comments for inclusion in the Rules Docket must be received on or before December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 97-CE-80-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Extra Flugzeugbau, GmbH, Schwarze Heide 21, 46569 Hünxe, Germany; telephone 49-2858-9137-0; facsimile 49-2858-9137-30. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 97-CE-80-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: Karl Schletzbaum, Project Officer, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-3962; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition could exist on Extra Model EA-300/200 airplanes. The LBA advises that the pilot's seat belt may fall into the rear rudder pedal controls, hampering rudder control and possibly causing loss of directional control. This occurred on one of the affected airplanes in Germany.

Relevant Service Information

Extra has issued Service Bulletin (SB) No. 300-1-97, Issue B, dated June 11, 1997, which specifies procedures for installing a seat belt safety cover. The LBA classified this service bulletin as mandatory and issued AD No. 97-203, dated July 3, 1997, in order to assure the continued airworthiness of these airplanes in Germany.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above including that received from the LBA, the FAA has determined that AD action should be taken in order to prevent loss of directional control caused by seat belt interference with the rear rudder pedal controls, which could cause possible loss of control of the airplane.

This airplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other Extra Model EA-300/200 airplanes of the same type design that are registered for operation in the United States, this AD requires installing a seat belt safety cover (Extra part number (P/N) 77205.1 and P/N 77205.2 or FAA-approved equivalent part). This action is to be done in accordance with the instructions in Extra SB No. 300-1-97, Issue B, dated June 11, 1997.

Determination of the Effective Date of the AD

Since a situation exists (loss of directional control) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or

arguments as they may desire. Communications should 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-80-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

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 a new airworthiness directive (AD) to read as follows:

97-22-03 Extra Flugzeugbau GMBH:

Amendment 39-10174; Docket No. 97-CE-80-AD.

Applicability: Model EA-300/200 airplanes (serial numbers 01 through 15), certificated in any category.

Note 1: This AD applies to each airplane 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 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 within the next 5 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent loss of directional control caused by seat belt interference with the rear rudder pedal controls, accomplish the following:

(a) Install a seat belt safety cover (Extra part number 77205.1 and 77205.2 or FAA-approved equivalent part) in accordance with the INSTRUCTIONS in Extra Flugzeugbau GmbH. Service Bulletin (SB) No. 300-1-97, Issue B, dated June 11, 1997.

(b) 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 provided the airplane is flown single seated with the front seat belts properly stowed.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service,

1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) The installation required by this AD shall be done in accordance with Extra Flugzeugbau, GmbH, EA-300 Service Bulletin No. 300-1-97, Issue B, dated June 11, 1997. 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 Flugzeugbau, GmbH., Schwarze Heide 21, 46569 Hünxe, Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-10174) becomes effective on November 24, 1997.

Issued in Kansas City, Missouri, on October 16, 1997.

Mary Ellen A. Schutt,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-27933 Filed 10-22-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-CE-18-AD; Amendment 39-10172; AD 84-23-06 R1]

RIN 2120-AA64

Airworthiness Directives; Pilatus Britten-Norman Ltd. Models BN-2, BN-2A, BN-2B, BN-2T, and BN-2A MK. 111 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises airworthiness directive (AD) 84-23-06, which currently requires repetitively inspecting the upper mounting brackets, bolts, and bushings on wing mounted engines for cracks, wear, and insufficient fit on certain Pilatus Britten-Norman Ltd. (Pilatus) Models BN-2, BN-2A, BN-2B, BN-2T, and BN-2A MK. 111 series airplanes, and replacing any cracked, worn, or ill-fitting part. This action retains the same action required in AD 84-23-06, except the action is only applicable to the BN-2A

MK. 111 series airplanes. This action is the result of a terminating modification, now available to the Pilatus Models BN-2, BN-2A, BN-2B, BN-2T airplanes, which removes them from the applicability of AD 84-23-06. The actions specified by this AD are intended to prevent failure of the upper mounting brackets on wing mounted engines, which could possibly cause structural failure of the airplane.

DATES: Effective November 24, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-19-83-872511; facsimile 44-19-83-873246. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 84-CE-18-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, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; 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 Pilatus BN-2, BN-2A, BN-2B, BN-2T, and BN-2A MK. 111 series was published in the **Federal Register** on March 10, 1997 (62 FR 10756). The proposed AD would revise AD 84-23-06 by deleting the Pilatus BN-2, BN-2A, BN-2B, BN-2T series airplanes from the AD, and by retaining the following for the Pilatus BN-2A MK. 111 series airplanes:

- (1) Visually inspecting the upper engine mounting bracket lugs for cracks extending radially from the bolt holes in the doubler;
- (2) Inspecting for elongation of the bolt holes, distortion, delamination, cracks, flaking, and corrosion;
- (3) Inspecting the bolts for correct bearing length, and loose and fretted bushings; and
- (4) Correcting any discrepancies found.

Accomplishment of this action will be in accordance with Pilatus Britten-Norman Ltd. Service Bulletin (SB) BN-2/SB.61, Issue 5, dated December 9, 1981, which is also referenced in the Notice of Proposed Rulemaking (NPRM) Docket 96-CE-17-AD for a terminating action applicable to the Pilatus BN-2, BN-2A, BN-2B and BN-2T series airplanes.

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.

Cost Impact

The FAA estimates that 9 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish this action and the average labor rate is approximately \$60 an hour. There are no parts required for the initial inspection. Based on these figures, the total cost impact for the initial inspection of this AD on U.S. operators is estimated to be \$1,080 or \$120 per airplane. This figure is based on the initial inspection cost and does not include workhours for repetitive inspections because the FAA does not have the information to determine the number of repetitive inspections that would be incurred over the life of the 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 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