

2. In § 920.302, paragraph (a)(4)(ii) is amended by revising the last sentence to read as follows:

**§ 920.302 Grade, size, pack and container regulations.**

(a) \* \* \*

(4) \* \* \*

(ii) \* \* \* Not more than 10 percent, by count of the containers in any lot and not more than 5 percent, by count, of kiwifruit in any container, (except that for Size 42 kiwifruit, the tolerance, by count, in any one container, may not be more than 10 percent and except that for Size 45 kiwifruit, the tolerance, by count, in any one container, may not be more than 25 percent) may fail to meet the requirements of this paragraph.

Dated: September 15, 1997.

**Robert C. Keeney,**

*Director, Fruit and Vegetable Division.*

[FR Doc. 97-24957 Filed 9-18-97; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 316

[INS No. 1861-97]

RIN 1115-AE84

#### **Adding the Missouri Botanical Garden to the Listing of American Institutions of Research**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations by adding the Missouri Botanical Garden (research and educational programs only) to the list of American institutions of research recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization. Persons and their dependents who expect to be continuously absent from the United States for a year or more because of work at one of the American institutions of research recognized by the Attorney General may be given permission to be absent without interrupting continuous residence for naturalization purposes. This change is necessary because such recognized institutions are published in the Service's regulations. Based on the findings of the St. Louis Officer-in-Charge, the Regional Director of the Central Region determined and ordered on May 9, 1997, that the Missouri Botanical Garden (research and

educational programs only) be recognized as an American institution of research recognized by the Attorney General.

**DATES:** This final rule is effective October 20, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jane B. Barker, Senior Adjudications Officer, Benefits Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

**SUPPLEMENTARY INFORMATION:** Pursuant to Service regulations, after an applicant has been admitted for permanent residence, he or she must reside in the United States continuously for at least 5 years before filing an application for naturalization. Under certain circumstances, persons and their dependents who expect to be continuously absent from the United States for a year or more because of work at one of the American institutions of research recognized by the Attorney General may be given permission to be absent without interrupting continuous residence for naturalization purposes. Based on the findings of the St. Louis Officer-in-Charge, the Regional Director of the Central Region determined and ordered on May 9, 1997, that the Missouri botanical Garden (research and education programs only) is an American institution of research for the purpose of preserving residence in the United States for naturalization. Accordingly, § 316.20(a) will be amended by adding that institution to the list of American institutions of research recognized by the Attorney General.

#### **Good Cause Exception**

The Service's implementation of its rule as a final rule is based upon the "good cause" exceptions found at 5 U.S.C. 553 (b)(B) and (d)(3). The reason for immediate implementation of this final rule is as follows: This rule is editorial in nature and merely updates the existing institutional listings currently contained in Title 8 of the Code of Federal Regulations.

#### **Regulatory Flexibility Act**

The Commissioner of the Immigration and Naturalization Service, 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 effect on a substantial number of small entities because of the following factors. This rule is editorial in nature and merely updates the existing institutional

listings currently contained in Title 8 of the Code of Federal Regulations.

#### **Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **Executive Order 12866**

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

#### **Executive Order 12612**

The regulation 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### **Executive Order 12988**

This rule meets the applicable standards set forth in section 3(a) and 3(b)(2) of E.O. 12988.

#### **List of Subjects in 8 CFR Part 316**

Citizenship and Naturalization.

Accordingly, part 3 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

## PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

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

**Authority.** 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR 2.

### § 316.20 [Amended]

2. In § 316.20, paragraph (a) is amended by adding the American institution of research "Missouri Botanical Garden (research and educational programs only)" immediately after "Michigan State University, East Lansing, MI."

Dated: September 5, 1997.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 97-24912 Filed 9-18-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-18-AD; Amendment 39-10026; AD 97-19-06]

RIN 2120-AA64

### Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing priority letter airworthiness directive (AD), applicable to Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V helicopters, that currently requires inspecting certain main rotor blade assemblies (blades) to determine if a blade has a blade trailing edge pocket assembly (pocket assembly) that was anodized by Poly-Metal Company during a specified time period, and if so, replacing it with an airworthy blade. This amendment requires the same actions as the existing AD, but corrects two serial numbers in the list of the applicable blades. This amendment is prompted by the manufacturer's issuance of a service bulletin with a revised list of blade serial numbers. The actions specified by this AD are intended to prevent disbonding and separation of portions of the blade, subsequent excessive vibrations, and loss of control of the helicopter.

**DATES:** Effective October 6, 1997. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 6, 1997.

Comments for inclusion in the Rules Docket must be received on or before November 18, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-SW-18-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Sikorsky Aircraft Corporation, Attn: Mr. Paul Dionne, CAR Office, 6900 Main Street, P.O. Box 9729, Stratford, Connecticut 06497-9129, telephone (203) 386-7860, fax (203) 386-4703. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bob Mann, Aerospace Engineer, Boston Aircraft Certification Office, ANE-150, 12 New England Executive Park, Burlington, MA 01803, telephone (617) 238-7190, fax (617) 238-7199.

**SUPPLEMENTARY INFORMATION:** On April 30, 1997, the FAA issued priority letter AD 97-10-04 to require, before further flight, inspecting certain blades to determine the anodizing date for certain pocket assemblies installed on the blade, and if a blade has a pocket assembly that was anodized by Poly-Metal Company from October 1, 1996 through December 31, 1996, replacing it with an airworthy blade. That action was prompted by the discovery of a manufacturing defect that may cause disbonding and separation of portions of a blade. This defect is the result of an anodizing process, used during the manufacture of the pocket assembly, that did not meet the Type Design specifications. That condition, if not corrected, could result in disbonding and separation of portions of the blade, subsequent excessive vibrations, and loss of control of the helicopter.

Since the issuance of that AD, Sikorsky Aircraft Corporation has issued Sikorsky Alert Service Bulletin (ASB) No. 61B15-29A, Revision A, dated May 9, 1997, which corrects two of the blade serial numbers listed in the ASB that were referenced in the priority letter AD.

Since an unsafe condition has been identified that is likely to exist or develop on other Sikorsky Aircraft

Corporation Model S-61A, D, E, L, N, NM, R, and V helicopters of the same type design, this AD supersedes AD 97-10-04 to require, before further flight, inspecting certain blades to determine the anodizing date for certain pocket assemblies installed on the blade, and if a blade has a pocket assembly that was anodized by Poly-Metal Company during the period of October 1, 1996, through December 31, 1996, replacing it with an airworthy blade. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public 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 flight safety and, thus, was not preceded by notice and an opportunity for public 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 under the caption **ADDRESSES**. 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-SW-18-AD." The postcard will be date stamped and returned to the commenter.