

section, every alien must meet certain English language requirements in order to obtain a certificate. The Secretary of Health and Human Services has determined that an alien must have a passing score on one of the two tests listed in paragraph (g)(3) of this section before he or she can be granted a certificate.

(2) Aliens exempt from the English language requirement. Aliens who have graduated from a college, university, or professional training school located in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, and the United States are exempt from the English language requirement.

(3) Approved testing services.

(i) Michigan English Language Assessment Battery (MELAB).

(ii) Test of English as a Foreign Language, Educational Testing Service (ETS).

(4) Passing scores for various occupations. (i) *Occupational therapists*. An alien seeking to perform labor in the United States as an occupational therapist must obtain the following scores on the English tests administered by ETS: Test Of English as a Foreign Language (TOEFL), Paper-Based 560, Computer-Based 220; Test of Written English (TWE): 4.5; Test of Spoken English (TSE): 50. Certifying organizations shall not accept the results of the MELAB for the occupation of occupational therapists. Aliens seeking to obtain a certificate to work as an occupational therapist must take the test offered by the ETS. MELAB scores are not acceptable for these occupations.

(ii) *Registered nurses*. An alien coming to the United States to perform labor as a registered nurse must obtain the following scores to obtain a certificate: ETS: TOEFL: Paper-Based 540, Computer-Based 207; TWE: 4.0; TSE: 50; MELAB: Final Score 79; Oral Interview: 3+.

(iii) *Licensed practical nurses and licensed vocational nurses*. An alien coming to the United States to perform labor as a licensed practical nurse or licensed vocational nurse must have the following scores to be issued a certificate: ETS: TOEFL: Paper-Based 530, Computer-Based 197; TWE: 4.0; TSE: 50; MELAB: Final Score 77; Oral Interview: 3+.

#### **PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE**

3. The authority citation for part 245 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1255; 8 CFR part 2.

4. Section 245.14 is added to read as follows:

#### **§ 245.14. Adjustment of status of certain health care workers.**

An alien applying for adjustment of status to perform labor in a health care occupation as described in 8 CFR 212.15(c) must present evidence at the time he or she applies for adjustment of status, and, if applicable, at the time of the interview on the application, that he or she has a valid certificate issued by the Commission on Graduates of Foreign Nursing Schools or the National Board of Certification in Occupational Therapy.

Dated: October 6, 1998.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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#### **DEPARTMENT OF AGRICULTURE**

##### **Animal and Plant Health Inspection Service**

##### **9 CFR Part 3**

[Docket No. 93-076-12]

RIN 0579-AA59

##### **Animal Welfare; Marine Mammals, Swim-With-the-Dolphin Programs**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Applicability of regulations.

**SUMMARY:** We are announcing that, until further notice, the Animal and Plant Health Inspection Service will not apply to wading programs the standards in the "swim-with-the-dolphin" regulations pertaining to participant/attendant ratio and space for the interactive area.

**EFFECTIVE DATE:** October 5, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1228, (301) 734-7833.

**SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 4, 1998, the Animal and Plant Health Inspection Service published a final rule in the **Federal Register** (63 FR 47128-47151, Docket No. 93-076-10) that amended the Animal Welfare regulations in 9 CFR, part 3, subpart E (referred to below as the regulations), to establish standards for "swim-with-the-dolphin" (SWTD) programs. The rule became effective October 5, 1998. The regulations

include standards for space (see § 3.111(a)) and standards for the ratio of human participants to attendants or other authorized SWTD personnel (i.e., head trainer/behaviorist or trainer/supervising attendant) (see § 3.111(e)(4)).

This document announces that, as of October 5, 1998, and until further notice, we are not applying to wading programs the standards in § 3.111(a) for space for the interactive area or the standards in § 3.111(e)(4) for human participant/attendant ratio. For the purposes of this action, wading programs are those in which human participants interact with dolphins by remaining stationary and non-buoyant. We will more fully examine the issue of interactive space requirements and human participant/attendant ratios for programs in which contact between humans and cetaceans is limited and controlled, with negligible movement of humans within the enclosure, and in the near future will publish a document in the **Federal Register** requesting information from the public concerning such programs.

**Authority:** 7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.2(g).

Done in Washington DC, this 6th day of October 1998.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98-27368 Filed 10-13-98; 8:45 am]

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#### **DEPARTMENT OF TRANSPORTATION**

##### **Federal Aviation Administration**

##### **14 CFR Part 23**

[Docket No. CE148, Special Condition 23-98-04-SC]

##### **Special Conditions; Raytheon Aircraft Company Model 300 Airplane; Protection of Systems for High Intensity Radiated Fields (HIRF)**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued to California Microwave, Inc., 701 Wilson Point Road, Martin State Airport, Box 4, Baltimore, Maryland 21220, for a Supplemental Type Certificate on the Raytheon Model 300 airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel