3.12 The Carrier agrees to expeditiously respond to written requests from the appropriate INS official(s) for information pertaining to the identity, itinerary, and seating arrangements of individual passengers. The Carrier also agrees to provide manifests and other information, required to identify passengers, information and evidence regarding the identity and method of concealment of a stowaway, and information regarding any organized alien smuggling activity.

3.13 Upon arrival at a Port-of-Entry (POE) and prior to inspection, the Carrier agrees to notify INS personnel at the POE of any unusual circumstances, incidents, or problems at the port of embarkation involving the transportation of improperly documented aliens to the United States.

3.14 The Carrier agrees to notify the Assistant Commissioner of Inspections, in writing, if it is unable to comply with any section of the MOU because of local law or local competent authority. The Carrier shall list the specific section of the MOU with which it is unable to comply and, to be in compliance with the MOU, shall notify the Service within ten (10) days after becoming cognizant of this prohibition to comply. Further, in such instances the Carrier shall propose alternative means for meeting the objective sought by the paragraph in question. For instance, where review of foreign boarding procedures cannot be performed by INS personnel, the Carrier could provide that an audit of its operation be performed by local authorities or by private auditors.

4. INS Agreement

4.1 The Director of the National Fines Office will serve as a coordinator for all issues arising from the implementation of this MOU. The INS shall provide the carrier with the coordinator's name, address, telephone number, and facsimile number.

4.2 The INS agrees to develop an Information Guide to be used by Carrier personnel at all ports of embarkation prior to boarding passengers destined to the United States. The Information Guide will function as a resource to assist Carrier personnel in determining proper documentary requirements and detecting fraud.

4.3 The INS agrees to develop a formal, continuing training program to assist carriers in their screening of passengers. Carriers may provide input to the INS concerning specific training needs that they have identified. Initial and annual refresher training will be conducted by the INS or Carrier representatives trained by the INS.

4.4 To the extent possible, INS and State Department Consular officials will consult, support, and assist the Carrier's efforts to screen passengers prior to boarding.

4.5 The INS shall determine each Carrier's Performance Level (PL) based on statistical analysis of the Carrier's performance, as a means of evaluation whether the Carrier has successfully screened all of its passengers in accordance with 8 CFR 273.3 and this MOU. The PL is determined by taking the number of each Carrier's violations of section 273 of the Act for a fiscal year 1/ and dividing this by the number of documented nonimmigrants (i.e., those nonimmigrants that submit an Arrival/Departure Record, Form I–94, I–94T, or I–94W) transported by the Carrier and multiplying the result by 1,000.

4.6 The INS shall establish an Acceptable Performance Level (APL), based on statistical analysis of the performance of all carriers, as a means of evaluating whether the Carrier has successfully screened all of its passengers in accordance with 8 CFR 273.3 and this MOU. The APL shall be determined by taking the total number of all carrier violations of section 273 of the Act for a fiscal year 1/ and dividing this by the total number of documented nonimmigrants (i.e., those nonimmigrants that submit an Arrival/Departure Record, Form I–94, I–94T, or I–94W) transported by all carriers for a fiscal year and multiplying the result by 1,000.

4.7 The INS shall establish a Second Acceptable Performance Level (APL2), based on statistical analysis of the performance of all carriers at or better than the APL, as a means of further evaluating carrier success in screening its passengers in accordance with 8 CFR 273.3 and this MOU. Using carrier statistics for only those carriers which are at or better than the APL, the APL2 shall be determined by taking the total number of these carrier violations of section 273 of the Act for a fiscal year [1] and dividing by the total number of documented nonimmigrants (i.e., those nonimmigrants that submit an Arrival/Departure Record, Form I–94, I–94T, or I–94W) transported by these carriers and multiplying the result by 1,000.

4.8 The PL, APL, and APL2 may be recalculated periodically as deemed necessary, based on Carrier performance during the previous period(s).

4.9 Carriers whose PL is at or better than the APL are eligible to receive an automatic 25 percent reduction, if signatory to and in compliance with this MOU, on fines imposed under section 273 of the Act for periods determined by the INS.

4.10 Carriers whose PL is at or better than the APL2 are eligible to receive an automatic 50 percent reduction, if signatory to and in compliance with this MOU, on fines imposed under section 273 of the Act for periods determined by the INS.

4.11 If the Carrier's PL is not at or better than the APL, the Carrier may receive an automatic 25 percent reduction in fines, if it meets certain conditions, including being signatory to and in compliance with the MOU, and the carrier submits evidence that it has taken extensive measures to prevent the transport of improperly documented passengers to the United States. This evidence shall be submitted to the Assistant Commissioner for Inspections for consideration. Evidence may include, but is not limited to, the following: (1) Information regarding the Carrier's training program, including participation of the Carrier's personnel in any INS, Department of State (DOS), or other training programs and the number of employees trained: (2) information regarding the date and number of improperly documented aliens intercepted by the Carrier at the port(s) of embarkation, including, but not limited to, the aliens' name, date of birth, passport nationality, passport number or other travel document information, and reason boarding was refused, if otherwise permitted under local law; and, (3) other evidence, including screening procedure enhancements, technological or otherwise, to demonstrate the Carrier's good faith efforts to properly screen passengers destined to the United States.

4.12 The Carrier may defend against imposition or seek further reduction of an administrative fine if the case is timely defended pursuant to 8 CFR part 280, in response to the Form I–79, Notice of Intent to Find, and the Carrier establishes that mitigating or extenuating circumstances existed at the time of the violation.

4.13 Nothing in this MOU precludes a carrier from seeking fine reduction, refund, or waiver under 8 CFR 273.4.

_____
(Representative's Signature)

_____
(Title)

_____
(Carrier Name)

Dated: _____

_____
Assistant Commissioner, Office of Inspection, United States Immigration and Naturalization Service.

Dated: _____

[FR Doc. 98–11481 Filed 4–29–98; 8:45 am]

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[1] The total number of carrier violations of section 273 of the Act for a fiscal year is determined by taking the total number of violations minus violations for the transportation of improperly documented lawful permanent residents and rejected cases. Rejected cases include those cases where the INS has determined that either: (1) no violation occurred; or, (2) sufficient evidence was not submitted to support the imposition of a fine.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–134–AD; Amendment 39–10505; AD 98–09–24]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries Models H–36 ''Dimona'' and HK 36 R ''Super Dimona'' Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Diamond Aircraft Industries (Diamond) Models H–36 ''Dimona'' and HK 36 R ''Super Dimona'' sailplanes. This AD requires: inspecting the elevator rib area for damage on certain Models H–36 ''Dimona'' and HK 36 R ''Super

Dimona'' sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on certain Model HK 36 R ''Super Dimona'' sailplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H–36 ''Dimona'' sailplanes, and repairing any harness with an improper bond. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by this AD are intended to prevent failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws.

DATES: Effective June 15, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 15, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–134–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. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; 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 certain Diamond Models H–36 ''Dimona'', and HK 36 R ''Super Dimona'' sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 13, 1998 (63 FR 7324). The NPRM proposed to require inspecting the elevator rib area for damage on certain Models H–36 ''Dimona'' and HK 36 R ''Super Dimona'' sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on all of the affected airplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H–36 ''Dimona'' sailplanes, and repairing any harness with an improper bond. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996; Hoffman Work Instruction No. 10, dated May 29, 1991, as referenced in Hoffman Service Bulletin No. 27, dated May 31, 1991; and Hoffman Service Bulletin 17, dated January 20, 1987.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria.

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 inadvertently included the Model H–36 ''Dimona'' sailplanes in the wheel to axle support screw replacement requirement of the NPRM. This requirement should only apply to certain Model HK 36 R ''Super Dimona'' airplanes. The final rule has been changed accordingly.

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 the applicability change in the wheel to axle support screw replacement requirement and minor editorial corrections. The FAA has determined that this change and the minor corrections will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 15 sailplanes in the U.S. registry will be affected by the elevator portion of this AD, that it will take approximately 10 workhours per sailplane to accomplish the elevator portion of this AD, and that the average labor rate is approximately $60 an hour. Kits cost approximately $100 per sailplane. Based on these figures, the total cost impact of the elevator portion of this AD on U.S. operators is estimated to be $10,500, or $700 per sailplane.

The FAA estimates that 2 sailplanes in the U.S. registry will be affected by the wheel axle screws portion of this AD, that it will take approximately 6 workhours per sailplane to accomplish the wheel axle screws portion of this AD, and that the average labor rate is approximately $60 an hour. Kits cost approximately $165 per sailplane. Based on these figures, the total cost impact of the wheel axle screws portion of this AD on U.S. operators is estimated to be $1,050, or $525 per sailplane.

The FAA estimates that 8 sailplanes in the U.S. registry will be affected by the shoulder harness fittings portion of this AD, that it will take approximately 6 workhours per sailplane to accomplish the shoulder harness fittings portion of this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $10 per sailplane. Based on these figures, the total cost impact of the shoulder harness fittings portion of this AD on U.S. operators is estimated to be $2,960, or $370 per sailplane.

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 ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final 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, 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:

98–09–24 Diamond Aircraft Industries: Amendment 39–10505; Docket No. 97–CE–134–AD.

Applicability: The following sailplane models and serial numbers, certificated in any category:

Model H–36 ''Dimona'' sailplanes, all serial numbers; and

Model H 36 R ''Super Dimona'' sailplanes, serial numbers 36301 through 36414.

Note 1: This AD applies to each sailplane 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 sailplanes 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 (e) 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 in the body of this AD, unless already accomplished.

To prevent failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, accomplish the following:

(1) For the Model H–36 ''Dimona'' sailplanes, all serial numbers; and the Model HK 36 R ''Super Dimona'' sailplanes, serial numbers 36301 through 36414, inspect the elevator rib area for damage. Accomplish this inspection in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(2) For the Model HK 36 R ''Super Dimona'' sailplanes, serial numbers 36301 through 36327, replace the M6 screws that attach the wheel axle to steel support with M8 screws. Accomplish this replacement in accordance with Hoffman Work Instruction No. 10, dated May 29, 1991, as referenced in Hoffman Service Bulletin No. 27, dated May 31, 1991.

(3) For the Model H–36 ''Dimona'' sailplanes, serial numbers 3501 through 3539 and 3601 through 36143, inspect the shoulder harness fittings for improper bonding. Accomplish this inspection in accordance with Hoffman Service Bulletin 17, dated January 20, 1987.

(b) Prior to further flight after the inspections required by paragraphs (a)(1) and (a)(3) of this AD, accomplish the following:

(1) If any damage is found in the elevator rib area on any sailplane affected by paragraph (a)(1) of this AD, replace the elevator ribs in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(2) If an improper bonding is found on the shoulder harness fittings on any sailplane affected by paragraph (a)(3) of this AD, repair the shoulder harness fittings in accordance with Hoffman Service Bulletin 17, dated January 20, 1987.

(c) For the Model H–36 ''Dimona'' sailplanes, all serial numbers; and the Model HK 36 R ''Super Dimona'' sailplanes, serial numbers 36301 through 36414, within the next 3,000 hours time-in-service (TIS) after the effective date of this AD, replace the elevator ribs, unless already accomplished as required by paragraph (b)(1) of this AD. Accomplish this replacement in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(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 sailplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 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.

(f) Questions or technical information related to the service information referenced in this AD should be directed to Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) The inspections, replacements, and repair required by this AD shall be done in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996; Hoffman Work Instruction No. 10, dated May 29, 1991, as referenced in Hoffman Service Bulletin No. 27, dated May 31, 1991; and Hoffman Service Bulletin 17, dated January 20, 1987. 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 Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. 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.

Note 3: The subject of this AD is addressed in Austrian AD No. 85, dated May 29, 1996, for the elevator condition; Austrian AD No. 63, not dated, for the wheel axle screws condition; and Austrian AD No. 54, not dated, for the shoulder harness fittings condition.

(h) This amendment becomes effective on June 15, 1998.

Issued in Kansas City, Missouri, on April 21, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–11162 Filed 4–29–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–130–AD; Amendment 39–10507; AD 98–09–26]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 2000 Series 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 certain Dassault Model Falcon 2000 series airplanes. This action requires revising the Airplane Flight Manual (AFM) to provide the flightcrew with procedures for monitoring and properly setting the fuel booster pump pressure; and repetitive visual inspections of the fuel lines to detect fatigue cracking and fuel leakage. This action also requires a one-time inspection of the fuel lines to detect cracking, replacement of any discrepant part with a new part, and installation of new brackets between the pressure