

(6) Failure of irrigation water supply, if caused by an insured cause of loss ((a)(1) through (5) of this section) that occurs during the insurance period.

(b) In addition to the causes of loss excluded in section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), we will not insure against damage or loss of production due to:

(1) Disease or insect infestation, unless adverse weather;

(i) Prevents the proper application of control measures or causes properly applied control measures to be ineffective; or

(ii) Causes disease or insect infestation for which no effective control mechanism is available;

(2) Phylloxera, regardless of cause; or

(3) Inability to market the table grapes for any reason other than actual physical damage from an insurable cause specified in this section. For example, we will not pay you an indemnity if you are unable to market due to quarantine, boycott, or refusal of any person to accept production.

#### 11. Duties In the Event of Damage or Loss

In addition to the requirements of section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), the following will apply:

(a) You must notify us within 3 days after the date harvest should have started if the crop will not be harvested.

(b) You must notify us at least 15 days before any production from any unit will be sold by direct marketing. We will conduct an appraisal that will be used to determine your production to count for production that is sold by direct marketing. If damage occurs after this appraisal, we will conduct an additional appraisal. These appraisals, and any acceptable records provided by you, will be used to determine your production to count. Failure to give timely notice that production will be sold by direct marketing will result in an appraised amount of production to count of not less than the production guarantee per acre if such failure results in our inability to make the required appraisal.

(c) If the crop has been damaged during the growing season, you must provide notice at least 15 days prior to the beginning of harvest if you intend to claim an indemnity as a result of the damage previously reported. You must not destroy the damaged crop until the earlier of 15 days from the date you gave notice of loss, or our written consent to do so. If you fail to meet the requirements of this section all such production will be considered undamaged and included as production to count.

#### 12. Settlement of Claim

(a) We will determine your loss on a unit basis. In the event you are unable to provide separate acceptable production records:

(1) For any optional unit, we will combine all optional units for which such production records were not provided; or

(2) For any basic unit, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for each unit.

(b) In the event of loss or damage covered by this policy, we will settle your claim by:

(1) Multiplying the insured acreage by its respective production guarantee;

(2) Multiplying the result in section 12(b)(1) by the respective price election for the variety;

(3) Totaling the results in section 12(b)(2);

(4) Multiplying the total production to be counted of the variety (see section 12(c)) by the respective price election;

(5) Totaling the results in section 12(b)(4);

(6) Subtracting the result of section 12(b)(5) from the result in section 12(b)(3); and

(7) Multiplying the result of section 12(b)(6) by your share.

(c) The total production to count (in lugs) from all insurable acreage on the unit will include:

(1) All appraised production as follows:

(i) Not less than the production guarantee per acre for acreage:

(A) That is abandoned;

(B) That is sold by direct marketing if you fail to meet the requirements in section 11(b);

(C) That is damaged solely by uninsured causes; or

(D) For which you fail to provide acceptable production records;

(ii) Production lost due to uninsured causes;

(iii) Unharvested production that meets, or would meet if properly handled, the California Department of Food and Agriculture minimum standards for table grapes; and

(iv) Potential production on insured acreage that you intend to abandon or no longer care for, if you and we agree on the appraised amount of production. Upon such agreement, the insurance period for that acreage will end. If you do not agree with our appraisal, we may defer the claim only if you agree to continue to care for the crop. We will then make another appraisal when you notify us of further damage or that harvest is general in the area unless you harvested the crop, in which case we will use the harvested production. If you do not continue to care for the crop, our appraisal made prior to deferring the claim will be used to determine the production to count; and

(2) All harvested production from insurable acreage regardless of condition or disposition. The quantity of production to count for table grape production damaged by insurable causes within the insurance period that is marketed for any use other than table grapes will be determined by multiplying the greater of (1) the value of the table grapes per ton or (2) \$50, by the number of tons and dividing that result by the highest price election available for the insured unit. This result will be the number of lugs to count.

#### 13. Written Agreement

Terms of this policy which are specifically designated as allowing the use of a written agreement may be altered by written agreement in accordance with the following:

(a) You must apply in writing for each written agreement no later than the sales closing date, except as provided in section 13(e);

(b) The application for a written agreement must contain all variable terms of the contract between you and us that will be in effect if the written agreement is not approved;

(c) If approved, the written agreement will include all variable terms of the contract,

including, but not limited to, crop type or variety, the guarantee, premium rate, and price election;

(d) Each written agreement will only be valid for one year (If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy); and

(e) An application for a written agreement submitted after the sales closing date may be approved if, after a physical inspection of the acreage, it is determined that no loss has occurred and the crop is insurable in accordance with the policy and written agreement provisions.

Signed in Washington, DC, on September 4, 1997.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 97-23906 Filed 9-10-97; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 235

[INS No. 1796-96]

RIN 1115-AE53

#### Canadian Border Boat Landing Program

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

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations to clarify and standardize procedures for the application, issuance, and use of Form I-68, Canadian Border Boat Landing Card. This rule promotes uniformity and clarity in the application requirements, decision-making process, and issuance of entry documents, while enhancing effective and efficient border enforcement within the Canadian Border Boat Landing (I-68) program.

**DATES:** *Effective Date:* This rule is effective September 11, 1997.

*Comment Date:* Written comments must be received on or before November 10, 1997.

**ADDRESSES:** Please submit written comments, in triplicate, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1796-96 on your correspondence. Comments are available for public inspection at this location by calling

(202) 514-3048 to arrange for an appointment.

**FOR FURTHER INFORMATION CONTACT:**

Ronald J. Hays, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW., Room 4060, Washington, DC 20536, Telephone (202) 514-0912.

**SUPPLEMENTARY INFORMATION:**

The Service regulations at 8 CFR 235.1(a) require that in general an application for entry to the United States must be made in person to an immigration officer at a U.S. Port-of-Entry (POE) at a time when the port is open for inspection.

However, 8 CFR 235.1(e) provides an exception to this requirement by providing for participation in the Canadian Border Boat Landing Permit (I-68) program which allows certain persons who enter the United States by small boat to be inspected once per year, and thereafter enter from time to time for recreational purposes without further inspection. Boaters who choose not to obtain Form I-68 must report in person for inspection at a POE upon each entry to the United States. This is often difficult, since the Service lacks sufficient resources to station inspectors along all waterways. Therefore, boaters who have not obtained Form I-68 may report in person to Inspectors of the United States Customs Service, who are cross-designated to perform immigration inspections. Inspection by a Customs officer will satisfy the Service requirement of reporting in person for immigration inspection. However, telephonic inspections, allowed by Customs Service regulations to satisfy their reporting requirement, are not authorized by Service regulations.

Although United States citizens are not generally subject to the immigration laws, the regulations at 8 CFR 235.1(b) require that any person claiming to be a United States citizen must establish that fact to an immigration officer. United States citizens who enter the United States without Form I-68 or without reporting in person for inspection may be subject to fines or criminal sanctions. There is also the potential for some inconvenience to the United States citizen boater not in possession of Form I-68 to demonstrate United States citizenship when encountered by a Service officer. United States citizen boaters who transport aliens not in possession of Form I-68, and who do not report in person for inspection are subject to arrest, fine, imprisonment, and possible seizure of the boat. Non-United States citizens traveling by boat who do not have Form I-68, or who have not presented

themselves for inspection, are subject to arrest and possible fine or deportation.

The I-68 program was established in 1963 to facilitate boating and fishing on boundary waters in Minnesota. It was expanded to other areas in 1967. The program was not implemented nationally until several years ago, when Service districts along the northern border began a publicity campaign to educate boaters as to the proper requirements for entry into the United States by boat and the benefits of participation in the program. Most Service districts make Form I-68 permits easily available by sending inspectors to marinas and boat shows and involving boating organizations in the process. Until October 9, 1995, the Form I-68 was issued without charge.

By a final rule published in the **Federal Register** on August 7, 1995, at 60 FR 40064-9, the Service established a fee for applying to participate in the I-68 program. Effective October 9, 1995, a fee of \$16.00 per individual with a family cap of \$32.00 was established. A family was described in that rule as a husband, wife, unmarried children under 21 years of age, and the parents of either husband or wife residing at the same address. Under the Federal User Fee Statute, 31 U.S.C. 9701, and the Office of Management and Budget Circular A-25, User Charges, reasonable charges should be imposed to recover the full cost to the Federal Government of rendering certain services that provide a specific benefit to the recipient of those services.

During the past several years, members of the boating community and members of Congress have expressed concern regarding the I-68 program. Specifically, they were concerned that the enrollment and enforcement criteria and procedures vary from district office-to-district office and that the permit is sometimes difficult to obtain. The imposition of a fee for the permit has also sparked concern.

In an effort to improve the I-68 program, the Service met with members of the boating community, other Federal inspection and enforcement agencies, congressional staffers, and representatives of the Canadian Government in Alexandria, Virginia, on August 13, 1996. Numerous suggestions for improving the program were received and have been incorporated into this interim regulation. The following is a discussion of those concerns and the Service's response.

#### **Geographical Limitations**

One of the concerns the Service received relates to the geographical limitations on travel by those permit

holders who are not United States citizens or permanent residents. The current regulation allows for visits for pleasure which do not involve travel beyond the immediate shoreline area to include nearby neighborhoods and shopping centers. This lack of specificity in the regulation has led to varying enforcement of the program. The Service has determined to eliminate this problem by specifying the area within which permit holders may travel. The Service currently has a program on the southern border, similar in some respects to the I-68 program, which allows Mexican citizens who are in possession of a Mexican Border Crossing Card to enter the United States for brief visits for pleasure which do not exceed 72 hours in duration or travel more than 25 miles from the border. Since these programs are comparable, the Service has determined that it is equitable to afford I-68 program participants a similar privilege of travel as is accorded to Mexican visitors in possession of a Mexican Border Crossing Card. In addition, as two large bodies of water along the border, Puget Sound and Lake Michigan, lie almost wholly within the United States, the Service will also permit travel by program participants within 25 miles of the shoreline area of these bodies of water as well.

#### **Obtaining the Form I-68**

Another concern related to the difficulty in obtaining a permit. Currently, persons who wish to enroll in the program must travel, yearly, to a staffed Service office and apply in person. The Service proposes to reduce this burden by allowing persons who are renewing a valid permit to do so by mail. This means that a person who maintains his or her membership in the program will only have to report in person to obtain his or her first permit, unless the district director determines, on a case-by-case basis to require the applicant to report in person. The Service will evaluate the eligibility of any person to participate in the program by an examination of any records available to the Service. Application forms will also be made available by mail to the public.

The Service will also reduce the burden on the public by considering those persons who are enrolled in one of the Service's Alternative Inspections programs such as the Immigration and Naturalization Service's Passenger Accelerated Service System (INSPASS), the Dedicated Commuter Lane (DCL), or an Automated Permit Port (APP) program to be automatically included in the I-68 program without requiring an

additional application or fee. These alternative Inspections programs currently allow program participants the privilege of entering the United States by air or car without having to report for immigration inspection each time they do so. Since only the means of entry differs from the I-68 program, it is logical to include participants in other Alternative Inspections programs in the I-68 program.

#### Fee

The Service received several complaints concerning the charging of a fee for participation in the I-68 program. As previously stated in the August 7, 1995, final rule, the Federal User Fee Statute (31 U.S.C. 9701) and regulations require that recipients of special benefits bear the cost of providing these services. The Office of Management and Budget (OMB) Circular A-25, User Charges, states as a general policy that reasonable charges should be imposed to recover the full cost to the Federal Government of rendering such services. In July 1993, the Office of the Inspector General completed an audit of services performed and special benefits provided by the Service. The audit concluded that the Service was not in compliance with OMB directives with regard to these services, including the Canadian Border Boat Landing Permit, Form I-68, and that failure to collect fees for services resulted in the cost being paid by the general public out of the general fund appropriation. Accordingly, in 1995 the Service established a fee of \$16.00 to cover the costs associated with adjudicating an application to participant in the program. This rule will not change the fee.

The Service has also been requested by the Government of Canada to include within the program landed immigrants to Canada who are not citizens of British Commonwealth Countries. At present, for example, a French citizen who is a landed immigrant in Canada is not eligible to participate in the I-68 Program. Upon consideration, the Service has decided to include such persons within the program provided they are nationals of a country designated for participation in the Visa Waiver Pilot Program and are in possession of a valid unexpired passport issued by their country of nationality, an unexpired, United States visa, and a valid I-94 marked for multiple entries to the United States at both the time they make application for inclusion within the program and each time they take advantage of the program to enter the United States.

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based upon the "good cause" exceptions found at 5 U.S.C. 553 (b)(B) and (d)(3). The reasons and the necessity for immediate implementation of this interim rule without prior notice and comment are as follows: this interim rule relieves a restriction, does not impose a new burden, and is beneficial to the traveling public and United States businesses which are patronized by persons benefiting from this rule.

#### 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 impact on a substantial number of small entities because of the following factors: the Form I-68 is applied for by individuals, not small entities, and the rule simply codifies policies and procedures that have been in place for many years, imposing no additional burden on applicants or small entities.

#### 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 regulations proposed 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 Civil Justice Reform

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

#### 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 Fairness 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.

#### Paperwork Reduction Act

This interim rule does not impose any new reporting or recordkeeping requirements. The information collection (Form I-68) was previously approved for use by the Office of Management and Budget (OMB) under the OMB control number 1115-0065.

#### List of Subjects in 8 CFR Part 235

Administrative practice and procedure, Aliens, Immigration, Passports and visas.

Accordingly, part 235 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

2. In § 235.1, paragraph (e) is revised to read as follows:

##### § 235.1 Scope of examination.

\* \* \* \* \*

(e) *U.S. citizens, lawful permanent residents of the United States, and other aliens, entering the United States along the northern border, other than at a Port-of-Entry.* A citizen or lawful permanent resident of the United States, a Canadian national or landed immigrant of Canada having a common nationality with nationals of Canada, or a landed immigrant of Canada who is a national of a country listed in § 217.2(a), may, if in possession of a valid, unexpired, Canadian Border Boat Landing Permit (Form I-68) or evidence

of enrollment in any other Service Alternative Inspections program (e.g., the Immigration and Naturalization Service Passenger Accelerated Service System (INSPASS) or the Port Passenger Accelerated Service System (PORTPASS)), enter the United States by means of a pleasure craft along the northern border of the United States from time-to-time without further inspection. No persons other than those described in this paragraph may participate in this program. Landed immigrants of Canada who do not share a common nationality with nationals of Canada but whose country of nationality is listed in § 217.2(a) must also be in possession of a valid, unexpired, passport issued by their country of nationality, a valid, unexpired, United States visa, and a valid, unexpired Form I-94 marked for multiple entries to the United States. When an entry to the United States is made by a person who is a Canadian citizen or a landed immigrant of Canada, entry may be made under this program only for a purpose as described in section 101(a)(15)(B)(ii) of the Act. Persons seeking to enter the United States for any other purpose must do so at a staffed Port-of-Entry. Persons aboard a vessel which has crossed the international boundary between the United States and Canada and who do not intend to land in the United States, other than at a staffed Port-of-Entry, are not required to be in possession of Form I-68 or evidence of enrollment in an Alternative Inspections program merely because they have crossed the international boundary. However, the Service retains the right to conduct inspections or examinations of all persons applying for admission or readmission to or seeking transit through the United States in accordance with the Act.

(1) *Application.* An eligible applicant may apply for a Canadian Border Boat Landing Permit by completing the Form I-68 in triplicate. Application forms will be made readily available through the Internet, from a Service office, or by mail. A family may apply on a single application. For the purposes of this paragraph, a family is defined as a husband, wife, unmarried children under the age of 21, and the parents of either husband or wife, who reside at the same address. In order for the I-68 application to be considered complete, it must be accompanied by the following:

(i) For each person included on the application, evidence of citizenship, and, if not a citizen of the United States or Canada, evidence of legal permanent resident status in either the United

States or Canada. Evidence of residency must be submitted by all applicants. It is not required that all persons on the application be of the same nationality; however, they must all be individually eligible to participate in this program.

(ii) If multiple members of a family, as defined in paragraph (e)(1) of this section, are included on a single application, evidence of the familial relationship.

(iii) A fee as prescribed in § 103.7(b)(1) of this chapter.

(iv) A copy of any previously approved Form I-68.

(v) A landed immigrant of Canada who does not have a common nationality with nationals of Canada must also present a valid, unexpired, Form I-94 endorsed for multiple entries to the United States, his or her passport, and United States visa.

(2) *Submission of Form I-68.* Except as indicated in this paragraph, Form I-68 shall be properly completed and submitted in person, along with the documentary evidence and the required fee as specified in § 103.7(b)(1) of this chapter, to a United States immigration officer at a Canadian border Port-of-Entry located within the district having jurisdiction over the applicant's residence or intended place of landing. Persons previously granted Form I-68 approval may apply by mail to the issuing Service office for renewal if a copy of the previous Form I-68 is included in the application. At the discretion of the district director concerned, any applicant for renewal of Form I-68 may be required to appear for an interview in person if the applicant does not appear to be clearly eligible for renewal.

(3) *Denial of Form I-68.* If the applicant has committed a violation of any immigration or customs regulation or, in the case of an alien, is inadmissible to the United States, approval of the Form I-68 shall be denied. However, if, in the exercise of discretion, the district director waives under section 212(d)(3) of the Act all applicable grounds of inadmissibility, the I-68 application may be approved for such non-citizens. If the Form I-68 application is denied, the applicant shall be given written notice of and the reasons for the denial by letter from the district director. There is no appeal from the denial of the Form I-68 application, but the denial is without prejudice to a subsequent application for this program or any other Service benefit, except that the applicant may not submit a subsequent Form I-68 application for 90 days after the date of the last denial.

(4) *Validity.* Form I-68 shall be valid for 1 year from the date of issuance, or

until revoked or voided by the Service, except that in the case of a Form I-68 issued to a landed immigrant of Canada who does not have a common nationality with nationals of Canada, such Form I-68 shall not be valid for longer than the validity of the applicant's Form I-94.

(5) *Conditions for participation in the I-68 program.* Upon being inspected and positively identified by an immigration officer and found admissible and eligible for participation in the I-68 program, a participant must agree to abide by the following conditions:

(i) Form I-68 may be used only when entering the United States by means of a vessel exclusively used for pleasure, including chartered vessels when such vessel has been chartered by an approved Form I-68 holder. When used by a person who is not a citizen or a lawful permanent resident of the United States, admission shall be for a period not to exceed 72 hours to visit within 25 miles of the shore line along the northern border of the United States, including the shore line of Lake Michigan and Puget Sound.

(ii) Participants must be in possession of any authorization documents issued for participation in this program or another Service Alternative Inspections program (INSPASS or PORTPASS). Participants over the age of 15 years and who are not in possession of an INSPASS or PORTPASS enrollment card must also be in possession of a photographic identification document issued by a governmental agency. Participants who are landed immigrants of Canada and do not have a common nationality with nationals of Canada must also be in possession of a valid, unexpired, Form I-94 endorsed for multiple entries to the United States, a valid passport, and United States visa.

(iii) Participants may not import merchandise or transport controlled or restricted items while entering the United States under this program. The entry of any merchandise or goods must be in accordance with the laws and regulations of all Federal Inspection Services.

(iv) Participants must agree to random checks or inspections that may be conducted by the Service, at any time and at any location, to ensure compliance.

(v) Participants must abide by all Federal, state, and local laws regarding the importation of alcohol or agricultural products or the importation or possession of controlled substances as defined in section 101 of the Controlled Substance Act (21 U.S.C. 802).

(vi) Participants acknowledge that all devices, decals, cards, or other Federal Government supplied identification or technology used to identify or inspect persons or vessels seeking entry via this program remain the property of the United States Government at all times, and must be surrendered upon request by a Border Patrol Agent or any other officer of a Federal Inspection Service.

(vii) The captain, charterer, master, or owner (if aboard) of each vessel bringing persons into the United States is responsible for determining that all persons aboard the vessel are in possession of a valid, unexpired Form I-68 or other evidence of participation in a Service Alternative Inspections program (INSPASS or PORTPASS) prior to entry into the territorial waters of the United States. If any person on board is not in possession of such evidence, the captain, charterer, master, or owner must transport such person to a staffed United States Port-of-Entry for an in-person immigration inspection.

(6) *Revocation.* The district director, the chief patrol agent, or their designated representatives may revoke the designation of any participant who violates any condition of this program, as contained in paragraph (e)(5) of this section, or who has violated any immigration law or regulation, or a law or regulation of the United States Customs Service or other Federal Inspection Service, has abandoned his or her residence in the United States or Canada, is inadmissible to the United States, or who is otherwise determined by an immigration officer to be ineligible for continued participation in this program. Such persons may be subject to other applicable sanctions, such as criminal and/or administrative prosecution or deportation, as well as possible seizure of goods and/or vessels. If permission to participate is revoked, a written request to the district director for restoration of permission to participate may be made. The district director will notify the person of his or her decision and the reasons therefore in writing.

(7) *Compliance checking.* Participation in this program does not relieve the holder from responsibility to comply with all other aspects of United States Immigration, Customs, or other Federal inspection service laws or regulations. To prevent abuse, the United States Immigration and Naturalization Service retains the right to conduct inspections or examinations of all persons applying for admission or readmission to or seeking transit through the United States in accordance

with the Immigration and Nationality Act.

\* \* \* \* \*

Dated: July 30, 1997.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 97-24124 Filed 9-10-97; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-220-AD; Amendment 39-10121; AD 97-19-01]

RIN 2120-AA64

#### Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that requires a one-time inspection of the hydraulic tubes and electrical harness wires of the wing rear access door for chafing, leakage, or wear damage; repair of any discrepancy found; and modification of the wing rear access door. This amendment is prompted by reports of interference between the wing rear access door and the hydraulic tubes and electrical harnesses, and chafing damage to the hydraulic tubes. The actions specified by this AD are intended to prevent such interference or chafing damage, which could lead to failure of the number 2 hydraulic system or loss of certain electrical and landing systems, and resultant reduced controllability of the airplane.

**DATES:** Effective October 16, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 16, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Ruth Harder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1721; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes was published in the **Federal Register** on June 24, 1997 (62 FR 34024). That action proposed to require a one-time visual inspection of the hydraulic tubes and electrical harness wires of the wing rear access door for chafing, leakage, or wear damage; repair of any discrepancy found; and modification of the wing rear access door.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 3 Saab Model SAAB 2000 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to operators.

Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$720, or \$240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### 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