

private sector, of \$100 million or more in any 1 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.

#### List of Subjects in 8 CFR Part 274a

Administrative practice and procedures, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

Accordingly, part 274a of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

1. The authority citation for part 274a continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

2. Section 274a.2 is amended by revising paragraphs (b)(1)(vi)(B) and (b)(1)(vi)(C) to read as follows:

##### § 274a.2 Verification of employment eligibility.

\* \* \* \* \*

- (b) \* \* \*
- (1) \* \* \*
- (vi) \* \* \*

(B) *Form I-94 indicating temporary evidence of permanent resident status.* The individual indicates in section 1 of the Form I-9 that he or she is a lawful permanent resident and the individual:

(1) Presents the arrival portion of Form I-94 containing an unexpired "Temporary I-551" stamp and photograph of the individual, which is designated for purposes of this section as a receipt for Form I-551; and

(2) Presents the Form I-551 by the expiration date of the "Temporary Form I-551" stamp or, if the stamp has no expiration date, within 1 year from the issuance date of the arrival portion of Form I-94; or

(C) *Form I-94 indicating refugee status.* The individual indicates in

section 1 of the Form I-9 that he or she is an alien authorized to work and the individual:

(1) Presents the departure portion of the Form I-94 containing an unexpired refugee admission stamp, which is designated for purposes of this section as a receipt for the Form I-766, Form I-688B, or a social security account number card that contains no employment restrictions; and

(2) Presents, within 90 days of the hire or, in the case of reverification, the date employment authorization expires, either an unexpired Form I-766 or Form I-688B, or a social security account number card that contains no employment restrictions, and a document described under paragraph (b)(1)(v)(B) of this section.

\* \* \* \* \*

Dated: November 25, 1998.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 99-3021 Filed 2-8-99; 8:45 am]

BILLING CODE 4410-10-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-144-AD; Amendment 39-11025; AD 99-04-01]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires repetitive inspections of the outboard nacelle struts to detect fatigue cracking of the strut skin and spring beam support fittings, and to detect cracked or loose fasteners of the support fittings; and corrective actions, if necessary. This amendment also provides for optional terminating action for the repetitive inspection requirements. This amendment is prompted by reports indicating that several cracked or broken spring beam support fittings were found on the outboard nacelle struts. The actions specified by this AD are intended to detect and correct such fatigue cracking and loose fasteners, which could result in failure of the outboard nacelle struts and consequent separation of the engine.

**DATES:** Effective March 16, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1999.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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:

Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2771; fax (425) 227-1181.

#### 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 Boeing Model 747 series airplanes was published in the **Federal Register** on November 24, 1998 (63 FR 64913). That action proposed to require repetitive inspections of the outboard nacelle struts to detect fatigue cracking of the strut skin and spring beam support fittings, and to detect cracked or loose fasteners of the support fittings; and corrective actions, if necessary. That action also proposed to provide for optional terminating action for the repetitive inspection requirements.

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 AD.

#### 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

There are approximately 145 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 9 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact

of the AD on U.S. operators is estimated to be \$8,640, or \$960 per airplane, per inspection cycle.

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.

Should an operator elect to accomplish the fastener hole inspection and modification, it would take approximately 20 work hours (excluding removal of the strut and spring beam) to accomplish it, at an average labor rate of \$60 per hour. Based on these figures, the cost impact of this optional terminating action is estimated to be \$1,200 per strut.

Should an operator elect to accomplish the replacement of the spring beam support fittings with new support fittings, it would take approximately 108 work hours (excluding removal of the strut and spring beam) to accomplish it, at an average labor rate of \$60 per hour. Based on these figures, the cost impact of this optional terminating action is estimated to be \$6,480 per support fitting.

### 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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 the following new airworthiness directive:

**99-04-01 Boeing:** Amendment 39-11025. Docket 98-NM-144-AD.

**Applicability:** Model 747 series airplanes, line numbers 202 through 886 inclusive, equipped with General Electric Model CF6-45/50 and Pratt & Whitney Model JT9D-70 series engines; on which the strut/wing modification has not been accomplished in accordance with AD 95-13-07, amendment 39-9287; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (h) 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, unless accomplished previously.

To detect and correct fatigue cracking of the strut skin and spring beam support fittings on the outboard nacelle struts, and cracked or loose fasteners of the support fittings, which could result in failure of the outboard nacelle struts and consequent separation of the engine, accomplish the following:

(a) Prior to the accumulation of 13,000 total flight cycles, or within 6 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the outboard nacelle struts, as specified by paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD, in accordance with Boeing Alert Service Bulletin 747-54A2172, dated February 23, 1995, or Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996.

(1) Inspect the spring beam support fittings to detect cracks of the support fittings.

(2) Inspect the spring beam support fittings at the fasteners, using a borescope to detect cracks of the support fittings.

(3) Inspect the fasteners of the outer spring beam support fittings to detect cracked or loose fasteners.

(4) Inspect the strut skin to detect cracks.

(b) If no discrepancy is found during any inspection required by paragraph (a) of this AD, perform detailed visual inspections of the outboard nacelle struts to detect any discrepancies specified in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD, in accordance with Boeing Alert Service Bulletin 747-54A2172, dated February 23, 1995; or Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996. Perform the inspection at the times specified in paragraph (c) or (d) of this AD, as applicable.

(1) Perform a detailed visual inspection, using a borescope, of only the outer spring beam support fittings at the fasteners through the horizontal flange to detect cracks of the support fittings.

(2) Perform a detailed visual inspection, using a borescope, of the fasteners through the vertical flange of only the outer spring beam support fittings to detect loose collars.

(3) Perform an external detailed visual inspection of only the outer spring beam support fittings to detect cracked or loose fastener heads.

(4) Perform a detailed visual inspection of the strut skin to detect cracks.

(c) For Model 747-SR series airplanes equipped with General Electric Model CF6-45 series engines, on which no discrepancy is found during any inspection required by paragraph (a) of this AD: Perform the inspection required by paragraph (b) of this AD within 1,600 flight cycles following the accomplishment of the inspection required by paragraph (a) of this AD; and thereafter at intervals not to exceed 1,600 flight cycles until accomplishment of the optional terminating action specified in paragraph (g) of this AD.

(d) For Model 747 series airplanes other than those identified in paragraph (c) of this AD, on which no discrepancy is found during any inspection required by paragraph (a) of this AD: Perform the inspection required by paragraph (b) of this AD within 1,000 flight cycles following the accomplishment of the inspection required by paragraph (a) of this AD; and thereafter at intervals not to exceed 1,000 flight cycles until accomplishment of the optional terminating action specified in paragraph (g) of this AD.

(e) If any cracking is found in the spring beam support fittings during any inspection required by this AD, prior to further flight, replace the support fitting with a new support fitting, in accordance with the Accomplishment Instructions in Part IV. of Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996. Accomplishment of this replacement constitutes terminating action for the repetitive inspection requirements of this AD for only the new support fitting. Continue the repetitive inspections required by paragraph (b) of this AD for the other support fitting locations until accomplishment of the terminating action specified by paragraph (g)(1) or (g)(2) of this AD, as applicable.

(f) If any crack is found on the strut skin, or if any cracked or loose fastener or collar

is found during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

(g) Accomplishment of an open-hole high frequency eddy current (HFEC) inspection, in accordance with Boeing Alert Service Bulletin 747-54A2172, dated February 23, 1995, or Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996; and either paragraph (g)(1) or (g)(2) of this AD, as applicable; constitutes terminating action for the requirements of this AD.

(1) If no discrepancy is found during the HFEC inspection, prior to further flight, rework the fastener holes and install new fasteners, in accordance with Figures 6 and 7 of Boeing Alert Service Bulletin 747-54A2172, dated February 23, 1995, or Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996.

(2) If any cracking is found during the HFEC inspection, prior to further flight, replace any cracked spring beam support fitting with a new support fitting, in accordance with Part IV. of the Accomplishment Instructions specified by Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(i) 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.

(j) Except as provided by paragraph (f), (g), (g)(1), and (g)(2) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747-54A2172, dated February 23, 1995, and Boeing Service Bulletin 747-54A2172, Revision 1, dated January 4, 1996, as applicable. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on March 16, 1999.

Issued in Renton, Washington, on February 1, 1999.

**Dorenda D. Baker,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 99-2723 Filed 2-8-99; 8:45 am]

BILLING CODE 4910-13-P

## UNITED STATES INFORMATION AGENCY

### 22 CFR Part 514

#### Exchange Visitor Program

**AGENCY:** United States Information Agency.

**ACTION:** Final rule.

**SUMMARY:** By interim rule published June 26, 1998 (63 FR 34808), the Agency adopted a fee sufficient for it to recover the full cost of its administrative processing of requests for waiver of the two-year return to the home country requirement set forth in section 212(e) of the Immigration and Naturalization Act (8 U.S.C. 1182(e)). Such interim rule is hereby adopted as final without change.

**EFFECTIVE DATE:** March 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street, SW., Washington, DC 20547; telephone, (202) 619-6531.

**SUPPLEMENTARY INFORMATION:** The Agency has determined that its review of and recommendation regarding requests for the waiver of the two-year return to the home country requirement imposed by 8 U.S.C. 1182(e) confers a specific benefit to the requesting individual. Accordingly, a fee sufficient to recoup the costs of conferring this specific benefit is appropriate. The Agency identified all administrative tasks associated with the administrative processing of a waiver application and determined that the per unit cost of processing a waiver application is \$136.

In publishing its interim rule the Agency provided a thirty day public comment period and received four comments. All comments were well reasoned and suggested that the fee should vary according to the statutory basis upon which the application was presented. The assumption underlying these comments was that significantly more or less work is involved in the review and recommendation of waiver cases depending upon the basis of the application. The Agency has examined this suggestion and determines that all waiver review and recommendations require that the Agency receive the

waiver application, record the fee, input the application data, manage assorted records, adjudicate the application, prepare outgoing correspondence, and respond to various inquiries regarding the application. Accordingly, the administrative cost associated with the processing of these various requests varies little if at all and the \$136 unit cost is the appropriate fee for all waiver applications.

A second common theme to the comments received regarded the segregation of the fee monies collected for use by the administrative processing unit responsible for waiver applications. As explained in the interim rule, the Government may recoup the full cost of administrative processing, but not more. Pursuant to statute and Executive Branch directive, the fee collected must be used to pay the costs of the administrative unit responsible for the processing of the applications.

Finally, the comments suggested that the Agency clarify that no fee is required for an advisory opinion request. The Agency does not anticipate imposing a fee for advisory opinions and does not consider an advisory opinion to confer a specific and identifiable benefit upon an individual for which a fee may be lawfully imposed.

### List of Subjects in 22 CFR Part 514

Cultural Exchange Programs.

**Les Jin,**

*General Counsel.*

Accordingly, the interim rule amending 22 CFR Part 514, published at 63 FR 34808 on June 26, 1998 is adopted as a final rule without change.

[FR Doc. 99-3013 Filed 2-8-99; 8:45 am]

BILLING CODE 8230-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 913

[SPATS No. IL-094-FOR]

#### Illinois Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving amendments to the Illinois regulatory program (Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The