

(d) If, in making a determination pursuant to paragraph (b) or (c) of this section, the Attorney General also determines that the situation involves an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, which presents urgent circumstances requiring an immediate Federal response, the Attorney General, pursuant to 8 U.S.C. 1103(a)(8), may authorize any State or local law enforcement officer to perform or exercise any of the powers, privileges, or duties conferred or imposed by the INA, or regulations issued thereunder, upon officers or employees of the INS. Such authorization must be with the consent of the head of the department, agency, or establishment under whose jurisdiction the officer is serving.

5. In § 65.84, paragraph (a) is revised to read as follows:

§ 65.84 Procedures for the Attorney General seeking State or local assistance.

(a)(1) When the Attorney General determines to seek assistance from a State or local government under § 65.83, or when the President has determined that an immigration emergency exists, the Attorney General shall negotiate the terms and conditions of that assistance with the State or local government. The Attorney General shall then execute a written agreement with appropriate State or local officials, which sets forth the terms and conditions of the assistance, including funding. Such written agreements can be reimbursement agreements, grants, or cooperative agreements.

(2) The Commissioner of INS may execute written contingency agreements regarding assistance under § 65.83(d) in advance of the Attorney General's determination pursuant to that section. However, such advance agreements shall not authorize State or local law enforcement officers to perform any functions of INS officers or employees under 8 U.S.C. 1103(a)(8) until the Attorney General has made the necessary determinations and authorizes such performance. Any such advance agreements shall contain precise activation procedures.

(3) Written agreements regarding assistance under § 65.83(d), including contingency agreements, shall include the following minimum requirements:

(i) The powers, privileges, or duties that State or local law enforcement officers will be authorized to perform or exercise and the conditions under which they may be performed or exercised;

(ii) The types of assistance by State and local law enforcement officers for

which the Attorney General shall be responsible for reimbursing the relevant parties in accordance with the procedures set forth in paragraph (b) of this section;

(iii) A statement that the relevant State or local law enforcement officers are not authorized to perform any functions of INS officers or employees under 8 U.S.C. 1103(a)(8) until the Attorney General has made a determination pursuant to that section and authorizes such performance;

(iv) A requirement that State or local law enforcement officers cannot perform any authorized functions of INS officers or employees under 8 U.S.C. 1103(a)(8) until they have successfully completed an INS prescribed course of instruction in basic immigration law, enforcement fundamentals, civil rights law, and sensitivity and cultural awareness issues;

(v) A description of the duration of both the written agreement, and the authority the Attorney General will confer upon State or local law enforcement officers pursuant to 8 U.S.C. 1103(a)(8), along with a mechanism for amending, terminating, or extending the duration of authority and/or the written agreement;

(vi) A requirement that the performance of any INS officer functions by State or local law enforcement officers pursuant to 8 U.S.C. 1103(a)(8) be at the direction of the INS;

(vii) A requirement that any State or local law enforcement officer performing INS officer or employee functions pursuant to 8 U.S.C. 1103(a)(8) must adhere to the policies and standards set forth during the training, including applicable enforcement standards, civil rights law, and sensitivity and cultural awareness issues;

(viii) A listing by position (title and name when available) of the INS officers authorized to provide operational direction to State or local law enforcement officers assisting in a Federal response pursuant to 8 U.S.C. 1103(a)(8);

(ix) Provisions concerning State or local law enforcement officer use of Federal property or facilities, if any;

(x) A requirement that any department, agency, or establishment whose State or local law enforcement officer is performing INS officer or employee functions shall cooperate fully in any Federal investigation related to the written agreement; and

(xi) A procedure by which the appropriate law enforcement department, agency, or establishment will be notified that the Attorney

General has made a determination under 8 U.S.C. 1103(a)(8) to delegate authority for State/local law enforcement officers to enforce immigration law under the provisions of the respective agreements.

* * * * *

6. In § 65.85, paragraph (e) is revised to read as follows:

§ 65.85 Procedures for State or local government applying for funding.

* * * * *

(e) The Attorney General will consider all applications from State or local governments until the Attorney General has expended the maximum amount available in the Immigration Emergency Fund. The Attorney General will make a decision with respect to any application submitted under this section, subject to the necessary notifications within the Administration or Congress, and containing the information described in paragraph (c) of this section, within 15 calendar days of such application.

* * * * *

Dated: April 1, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99-8773 Filed 4-7-99; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-275-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 777 series airplanes, that would have required repetitive inspections of the safety spring wear plate doublers attached to the auxiliary power unit (APU) firewall, measurement of wear of the doublers, and follow-on actions, if necessary. That proposed AD also would have provided for optional terminating action for the repetitive inspections. That proposal was prompted by reports indicating that excessive wear was found on the safety spring wear plate doublers on the APU

firewall of Boeing Model 777 series airplanes. This new action revises the proposed rule by extending the compliance time for a certain action and referencing a new service bulletin. For certain airplanes, this new action also adds a one-time inspection to detect improper clearance between the safety spring wear plate doubler and the APU firewall, and corrective action, if necessary. The actions specified by this new proposed AD are intended to detect and correct wear of the safety spring wear plate doublers on the APU firewall, which could result in a hole in the APU firewall, and consequent decreased fire protection capability.

DATES: Comments must be received by May 3, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-275-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ed Hormel, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2681; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-275-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-275-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 777 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on November 23, 1998 (63 FR 64659). That NPRM would have required repetitive inspections of the safety spring wear plate doublers attached to the auxiliary power unit (APU) firewall, measurement of wear of the doublers, and follow-on actions, if necessary. That proposed AD also would have provided for optional terminating action for the repetitive inspections. That NPRM was prompted by reports indicating that excessive wear was found on the safety spring wear plate doublers on the APU firewall of Boeing Model 777 series airplanes. That condition, if not corrected, could result in a hole in the APU firewall, and consequent decreased fire protection capability.

Explanation of New Service Information

Since the issuance of that NPRM, the FAA has reviewed and approved Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999. That service bulletin describes procedures for repetitive inspections of the safety spring wear plate doublers attached to the APU firewall, measurement of wear of the doublers, and follow-on actions, if necessary. Those procedures are essentially identical to the procedures described in Boeing Alert Service Bulletin 777-53A0018, dated June 29, 1998 (which was referenced as the

appropriate source of service information for the actions proposed in the NPRM). However, among other things, Revision 1 of the service bulletin adds procedures for a one-time visual inspection to detect improper clearance between the safety spring wear plate doubler and the APU firewall, and installation of shims, if necessary, on certain airplanes that were modified previously in accordance with the original issue of the service bulletin. Improper clearance is defined in the service bulletin as the wear plate doubler being in contact with a chemically milled pocket in the APU firewall. Revision 1 of the service bulletin also describes procedures for an optional installation of wear sleeves on the ends of the APU door safety springs to provide additional protection against doubler wear. The new service bulletin revision also adds airplanes to the effectivity listing of the service bulletin.

This supplemental NPRM would require accomplishment of the actions specified in Revision 1 of the service bulletin described previously, except as discussed below.

Differences Between the Service Bulletin and the Supplemental NPRM

Operators should note that, although Revision 1 of the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

Operators also should note that, as described previously, Revision 1 of the service bulletin describes procedures for an optional installation of wear sleeves on the ends of the APU door safety springs to provide additional protection against doubler wear. The FAA finds that installation of such wear sleeves does not eliminate the need for repetitive inspection of the existing wear plate doublers or replacement of the existing wear plate doublers with new stainless steel doublers. Therefore, the supplemental NPRM does not propose a requirement for the installation of such wear sleeves.

Related to the optional installation, operators should note that this AD is applicable to Boeing Model 777 series airplanes, having line numbers 001 through 156 inclusive. Though Boeing Model 777 series airplanes after line number 156 have stainless steel wear plate doublers installed prior to delivery, Model 777 series airplanes having line numbers 157 through 183 inclusive have been included in the effectivity listing of the service bulletin to allow operators of these airplanes the

option of installing wear sleeves on the ends of the APU door safety springs. Because the FAA is not requiring installation of such wear sleeves, Model 777 series airplanes having line numbers 157 through 183 inclusive would not be subject to this AD. Therefore, no change to the applicability of the supplemental NPRM is necessary.

Comments

Due consideration has been given to the comments received in response to the NPRM. One comment that has prompted a change in the proposal is explained below.

Request To Revise Proposed AD To Parallel the Service Bulletin

One commenter, the manufacturer, requests that the proposal be revised to parallel the Accomplishment Instructions specified in Boeing Alert Service Bulletin 777-53A0018, dated June 29, 1998. The commenter states that the AD, as proposed, would require repair of any damage to the APU firewall within 20 days after detection of wear. The service bulletin, however, recommends that, if any wear is through either doubler and into or through the firewall, temporary stainless steel patches should be installed within 20 days and the firewall should be repaired within 4,000 flight cycles after installation of the temporary patches. The commenter also points out that paragraph (e) of the proposed rule, which requires the repair of wear into or through the APU firewall within 20 days after detection, contradicts statements in the "Explanation of Requirements of the Proposed Rule" in the proposal, which reflects the recommendations of the service bulletin (repair with temporary patches within 20 days and permanent repair of the firewall within 4,000 flight cycles after installation of the temporary patches).

The FAA concurs with the commenter's request to revise the proposed AD to parallel the service bulletin. The FAA has reviewed the Accomplishment Instructions in the original issue of the alert service bulletin, and has determined that, in converting the instructions in the alert service bulletin into the proposed corrective actions stated in the NPRM, the FAA erroneously stated the compliance time for accomplishment of repairs if any wear penetrates into or through the APU firewall. Therefore, the FAA has revised paragraph (c) of this supplemental NPRM to clarify that the paragraph applies to conditions in which wear does not extend into the APU firewall. In addition, the FAA has revised paragraphs (d) and (e) of this

supplemental NPRM to reflect the compliance times recommended in the service bulletin.

Conclusion

Since the changes described previously expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 152 airplanes of the affected design in the worldwide fleet. The FAA estimates that 35 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed inspection to detect wear of the safety spring wear plate doublers, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be \$4,200, or \$120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 be required to accomplish the temporary repair, it would take approximately 2 work hours per airplane to accomplish the repair, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the temporary repair action is estimated to be \$120 per airplane.

Should an operator be required to accomplish the inspection to detect improper clearance between the safety spring wear plate doubler and the APU firewall, it would take approximately 1 work hour per airplane to accomplish the inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD is estimated to be \$60 per airplane.

Should an operator be required or elect to accomplish the replacement of the wear plate doublers, it would take approximately 3 work hours per airplane to accomplish the replacement, at an average labor rate of \$60 per work hour. Required parts, if acquired from the manufacturer, would cost approximately \$193 per airplane. Based on these figures, the cost impact of replacement of the wear plate doublers is estimated to be \$373 per airplane.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory 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, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

Boeing: Docket 98-NM-275-AD.

Applicability: Model 777 series airplanes, line numbers (L/N) 001 through 156 inclusive, certificated in any category.

Note 1: This AD applies to each airplane 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 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 wear of the safety spring wear plate doublers on the auxiliary power unit (APU) firewall, which could result in a hole in the APU firewall, and consequent decreased fire protection capability, accomplish the following:

Initial Inspection

(a) Perform a visual inspection of the two safety spring wear plate doublers on the APU firewall, and measure any wear of the doublers, in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) For airplanes that have accumulated 6,000 total flight hours or less as of the effective date of this AD: Inspect and measure prior to the accumulation of 6,300 total flight hours.

(2) For airplanes that have accumulated between 6,001 and 10,000 total flight hours as of the effective date of this AD: Inspect and measure within 30 days after the effective date of this AD.

(3) For airplanes that have accumulated 10,001 total flight hours or more as of the effective date of this AD: Inspect and measure within 10 days after the effective date of this AD.

Note 2: Inspections, repairs, and modifications accomplished prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 777-53A0018, dated June 29, 1998, are considered acceptable for compliance with this AD, provided that the actions required by paragraph (f) of this AD, as applicable, are accomplished in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999.

Repetitive Inspections

(b) If, during the inspection required by paragraph (a) of this AD, the wear on each doubler measures less than 0.045 inch, repeat the inspection and measurement required by paragraph (a) of this AD thereafter at intervals not to exceed 60 days, in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999; until paragraph (g) of this AD has been accomplished.

(c) If, during the inspection required by paragraph (a) of this AD, the wear on either doubler measures greater than or equal to 0.045 inch, but does not penetrate into or through the APU firewall: Repeat the inspection and measurement required by paragraph (a) of this AD thereafter at intervals not to exceed 30 days, in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999; until paragraph (g) of this AD has been accomplished.

Corrective Actions

(d) If, during the inspection required by paragraph (a) of this AD, any wear penetrates through either doubler and into or through the APU firewall: Within 20 days after detection of the wear, accomplish either paragraph (d)(1) or (d)(2) of this AD in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999.

(1) Install a temporary stainless steel patch on both doublers, and within 4,000 flight cycles after installation of the temporary patch, accomplish the requirements of paragraph (e) of this AD.

(2) Accomplish the requirements of paragraph (e) of this AD.

(e) For airplanes on which wear is detected that penetrates through either doubler and into or through the APU firewall: Accomplish the requirements of paragraphs (e)(1) and (e)(2) of this AD at the time specified in paragraph (d) of this AD, as applicable.

(1) Repair the damage to the APU firewall in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) Replace both existing wear plate doublers of the APU firewall with new stainless steel wear plate doublers in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999. Such replacement constitutes terminating action for the repetitive inspection requirements of paragraphs (b) and (c) of this AD.

One-Time Inspection

(f) For airplanes having L/N 001 through 037 inclusive that have been modified prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 777-53A0018, dated June 29, 1998: Within 4 years after the effective date of this AD, perform a one-time visual inspection to detect improper clearance between the safety spring wear plate doublers and the APU firewall, in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999.

(1) If the doublers are not in contact with the chemically milled pocket of the APU firewall, no further action is required by this paragraph.

(2) If the doublers are in contact with the chemically milled pocket of the APU firewall, prior to further flight, install shims between the safety spring wear plate doublers and the APU firewall, in accordance with Part 6 of the Accomplishment Instructions of the service bulletin.

Optional Terminating Action

(g) Replacement of the existing wear plate doublers of the APU firewall with new stainless steel wear plate doublers, in accordance with Boeing Service Bulletin 777-53A0018, Revision 1, dated February 11, 1999, constitutes terminating action for the repetitive inspection requirements of paragraphs (b) and (c) of this AD.

Alternative Methods of Compliance

(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 ACO. 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(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.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-8687 Filed 4-7-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AGL-22]

Proposed Modification of Class E Airspace; Juneau, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify Class E airspace at Juneau, WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 20 has been developed for Dodge County Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the radius of the existing controlled airspace for this airport.

DATES: Comments must be received on or before May 31, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 99-AGL-22, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined