order in which the petitions are filed. USCIS will make projections of the number of petitions necessary to achieve the numerical limit of approvals, taking into account historical data related to approvals, denials, revocations, and other relevant factors. USCIS will monitor the number of petitions (including the number of beneficiaries requested when necessary) received and will notify the public of the date that USCIS has received the necessary number of petitions (the ''final receipt date''). The day the news is published will not control the final receipt date. When necessary to ensure the fair and orderly allocation of numbers in a particular classification subject to a numerical limitation or the exemption under section 214(g)(5)(C) of the Act, USCIS may randomly select from among the petitions received on the final receipt date the remaining number of petitions deemed necessary to generate the numerical limit of approvals. This random selection will be made via computer-generated selection as validated by the Office of Immigration Statistics. Petitions subject to a numerical limitation not randomly selected or that were received after the final receipt date will be rejected. Petitions filed on behalf of aliens otherwise eligible for the exemption under section 214(g)(5)(C) of the Act not randomly selected or that were received after the final receipt date will be rejected if the numerical limitation under 214(g)(1) of the Act has been reached for that fiscal year. Petitions indicating that they are exempt from the numerical limitation but that are determined by USCIS after the final receipt date to be subject to the numerical limit will be denied and filing fees will not be returned or refunded. If the final receipt date is any of the first five business days on which petitions subject to the applicable numerical limit may be received (i.e., if the numerical limit is reached on any one of the first five business days that filings can be made), USCIS will randomly apply all of the numbers among the petitions received on any of those five business days, conducting the random selection among the petitions subject to the exemption under section 214(g)(5)(C) of the Act first.

* * * * *

(D) If the total numbers available in a fiscal year are used, new petitions and the accompanying fee shall be rejected and returned with a notice that numbers are unavailable for the particular nonimmigrant classification until the beginning of the next fiscal year. Petitions received after the total numbers available in a fiscal year are used stating that the alien beneficiaries are exempt from the numerical limitation will be denied and filing fees will not be returned or refunded if USCIS later determines that such beneficiaries are subject to the numerical limitation.

* * * * *

Dated: March 18, 2008.

Michael Chertoff,

Secretary.

[FR Doc. E8–5906 Filed 3–21–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28229; Directorate Identifier 2006–SW–23–AD; Amendment 39–15434; AD 2008–06–22]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) Model EC 130 B4 helicopters, with certain twist grip assemblies installed, that requires inspecting the pilot and co-pilot collective levers for proper bonding between the twist grip drive tubes and the control pinions and if debonding is present, replacing the collective levers before further flight. This amendment is prompted by one incident in which the engine remained at idle speed although the twist grip had been turned to the flight position. The actions specified by this AD are intended to detect debonding between the twist grip drive tubes and the control pinions on the pilot and co-pilot collective levers to prevent loss of cockpit throttle control of the engine, and subsequent loss of control of the helicopter.

DATES: Effective April 28, 2008.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 2008.

ADDRESSES: You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527.

Examining the Docket: You may examine the docket that contains this AD, any comments, and other information on the Internet at *http://www.regulations.gov* or at the Docket Operations office, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for the specified model helicopters was published in the **Federal Register** on May 21, 2007 (72 FR 28456). That action proposed to require, within 110 hours time-in-service (TIS) or 4 months, whichever occurs first, or before installing a collective lever with an affected grip assembly on a helicopter, inspecting the bonding between the twist grip drive tube and the control pinion on both the pilot and co-pilot collective lever. If debonding is present, replacing the collective lever before further flight was proposed.

The European Aviation Safety Agency (EASA) notified us that an unsafe condition may exist on Eurocopter Model EC 130 B4 helicopters, with a twist grip assembly, part number (P/N) 350A27520900, 350A27520901, 350A27520902, or 350A27520903, with a serial number below 64, installed on the pilot's side, and a twist grip assembly, P/N 350A27521201, with a serial number below 67, installed on the co-pilot's side. EASA advises that analysis of an incident that occurred during autorotation training revealed a failure of the twist grip drive tube and control pinion bonded attachment. The engine remained at idle speed although the twist grip had been turned back to the flight position. The autorotation procedure continued to the ground without damage to the helicopter. The failure has been attributed to non-compliant surface preparation during manufacture.

Eurocopter, an EADS Company, has issued Alert Service Bulletin EC130 No. 76A001, dated February 10, 2006, which specifies a check by use of a twist grip adjusting gauge of the bonding between the twist grip drive tube and the control pinion on both the pilot and co-pilot collective lever. EASA classified this service bulletin as mandatory and issued AD No. 2006–0079, dated April

3, 2006, to ensure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, France, through the EASA, has kept the FAA informed of the situation described above. The FAA has examined the findings of the EASA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that this AD will affect 73 helicopters of U.S. registry. The debonding inspection will take approximately 0.25 work hours per helicopter and replacing a collective lever will take approximately 2 work hours at an average labor rate of $80 per work hour. If replacement is necessary, required parts will cost approximately:

- $8,651 for a co-pilot twist grip assembly, part number (P/N) 350A27521201;
- $12,542 for a pilot twist grip assembly, P/N 350A27520903;
- $5 for a clamp, P/N ASNA0021;
- $2 for a bolt, P/N 22125BC050014L; and
- $1 for a nut, P/N 22431BC050L.

Based on these figures, we estimate the total cost impact of this AD on U.S. operators to be $10,271, assuming one co-pilot twist grip assembly is replaced in one helicopter, that the twist grip adjusting gage (tool) and spring scale needed are on-site and available, and that the co-pilot twist grip assembly is not covered by warranty, and no pilot twist grip assembly will need to be replaced. The manufacturer has indicated that parts are covered by warranty up to 1,000 hours or 2 years after the purchase of a new helicopter, however, it indicated that labor is not covered by a warranty.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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 to read as follows:

2008–06–22 Eurocopter France: Amendment 39–15434. Docket No. FAA–2007–28229; Directorate Identifier 2006–SW–23–AD.

Applicability: Model EC130 B4 helicopters, with a twist grip assembly, part number (P/N) 350A27520900, 350A27520901, 350A27520902, or 350A27520903, with a serial number below 64, installed on the pilot's side, and a twist grip assembly, P/N 350A27521201, with a serial number below 67, installed on the co-pilot's side, certificated in any category.

Compliance: Required within 110 hours time-in-service (TIS) or 4 months, whichever occurs first, and before installing a replacement collective lever with an affected twist grip assembly on a helicopter, unless accomplished previously.

To detect a reduced bonding strength of the control pinion on the pilot and co-pilot collective lever drive tubes, which could lead to failure of a twist grip drive tube and control pinion bonded attachment, resulting in loss of engine throttle control and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect the pilot and co-pilot collective levers for proper bonding between the twist grip drive tubes and the control pinions in accordance with paragraphs 2.B.1. and 2.B.2. of the Accomplishment Instructions, in Eurocopter, an EADS Company, Alert Service Bulletin EC130 No. 76A001, dated February 10, 2006, except you are neither required to contact the manufacturer nor return a non-compliant collective lever.

(b) If a twist grip turns when applying the 35N load to the twist grip, before further flight, replace the collective lever with an airworthy collective lever that has been inspected in accordance with paragraph (a) of this AD, or a collective lever with a twist grip assembly that is not listed in the Applicability of this AD.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, ATTN: Ed Cuevas, Aviation Safety Engineer, Rotorcraft Directorate, FAA, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961, for information about previously approved alternative methods of compliance.

(d) The inspection and replacement, if necessary, shall be done in accordance with the specified portions of Eurocopter, an EADS Company, Alert Service Bulletin EC130 No. 76A001, dated February 10, 2006. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(e) This amendment becomes effective on April 28, 2008.

Note: The subject of this AD is addressed in EASA (France) AD 2006–0079, dated April 3, 2006.

Issued in Fort Worth, Texas, on March 10, 2008.

Mark R. Schilling,

Acting Manager, Rotocraft Directorate, Aircraft Certification Service.

[FR Doc. E8–5494 Filed 3–21–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0303; Directorate Identifier 2008–NM–047–AD; Amendment 39–15441; AD 2008–06–29]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Boeing Model 737–300, –400, and –500 series airplanes. This AD requires repetitive inspections of the downstop assemblies on the main tracks of the No. 2, 3, 4, and 5 slats and the inboard track of the No. 1 and 6 slats to verify if any parts are missing, damaged, or in the wrong order. This AD also requires other specified actions, and related investigative and corrective actions if necessary. This AD results from reports of fuel leaking from a puncture in the slat track housing (referred to as the ''slat can''). We are issuing this AD to detect and correct loose or missing parts from the main slat track downstop assemblies, which could puncture the slat can and result in a fuel leak and consequent fire.

DATES: This AD is effective April 8, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 8, 2008.

We must receive comments on this AD by May 23, 2008.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6440; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION;

Discussion

Boeing has notified us that it has received numerous reports of fuel leaking from the slat track housing (referred to as the ''slat can'') on Boeing Model 737–300, –400, and –500 series airplanes. In all cases, there were no reports of a fire as a result of the fuel leaks on these airplane models. In some of the reports, the fuel leak was caused by loose or broken parts falling off the downstop assembly into the slat can, which were then subsequently driven into the slat can by the retracting slat track. This condition, if not corrected, could puncture the slat can and result in a fuel leak and consequent fire.

Other Related Rulemaking

On August 28, 2007, we issued emergency AD 2007–18–52, amendment 39–15197, to address the same unsafe condition on all Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. That AD was published in the **Federal Register** on September 21, 2007 (72 FR 53928). That AD requires repetitive detailed inspections of the slat track downstop assemblies to verify that proper hardware is installed, one-time torquing of the nut and bolt, and corrective actions if necessary. That AD resulted from reports of parts coming off the main slat track downstop assemblies and a resultant fire. That AD was issued to detect and correct loose or missing parts from the main slat track downstop assemblies, which could result in a fuel leak and consequent fire.

Because the main slat track downstop assemblies of Model 737 airplanes are similar in design to those of other Boeing airplane models, we have been working with the manufacturer to evaluate its remaining airplane models to determine if a similar unsafe condition exists on them. As a result, we may consider additional rulemaking as those evaluations are completed.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–57A1301, dated February 5, 2008. The service bulletin describes procedures for doing repetitive detailed inspections of the downstop assemblies on the main tracks of the No. 2, 3, 4, and 5 slats and the inboard track of the No. 1 and 6 slats to verify if any parts are missing, damaged, or in the wrong order. The service bulletin specifies that the downstop assembly may be inspected using a borescope. The service bulletin also describes procedures for doing other specified actions, and doing related investigative and corrective actions if necessary. The other specified actions include a one-time torquing of the nut of the downstop assembly and a detailed inspection of the bolt to verify that the entire chamfered portion of the bolt protrudes beyond the outer surface of the nut. The related investigative action is a detailed inspection of the inside of the slat can for loose parts and damage to the wall of the slat can, which is done if any downstop assembly part is missing or damaged. The corrective actions include the following:

- Removing any loose downstop assembly part found in the slat can.
- Replacing any damaged slat can, or contacting Boeing for repair information.
- Replacing any missing or damaged downstop assembly part with a new or serviceable part.
- Removing and reinstalling the downstop assembly if any downstop assembly parts are in the wrong order, or if the entire chamfered portion of the bolt does not protrude beyond the outer surface of the nut after it is torqued.

The service bulletin specifies doing the initial inspection within 90 days and repeating the inspection thereafter at intervals not to exceed 4,500 flight