

the regulatory criteria for defining FWS wage areas, FPRAC considered this issue carefully before making its recommendation to OPM. Should agencies experience recruitment or retention problems in particular occupations at an installation, OPM would consider the approval of requests for special rates to address those problems.

Commenters stated that Lakehurst Naval Air Station is conducting cost comparisons with private industry to consider contracting out certain work, and that certain FWS employees at the installation will be placed at a competitive disadvantage during these studies if paid from the higher New York wage schedule. Although not among the regulatory criteria for defining FWS wage areas, FPRAC considered this issue carefully before making its recommendation to OPM. OPM finds that it is not appropriate to preclude the appropriate redefinition of an FWS wage area on the basis that the redefinition may increase the likelihood that it may be possible for private sector companies to more easily win contracts to provide services to Federal agencies.

Commenters requested that OPM redefine Ocean County to the New York wage area, while leaving both the Fort Dix Military Reservation and Lakehurst Naval Air Station portions of Ocean County in the Philadelphia wage area. Under the regulatory criteria for defining FWS wage areas, a county may not be split between two wage areas except in unusual circumstances and as an exception to the regulatory criteria. The Fort Dix Military Reservation portion of Ocean County will continue to be defined to the Philadelphia wage area because the activity would otherwise be split between two wage areas. With most of the Fort Dix Military Reservation in Burlington County, and a lesser portion of the installation in Ocean County, we believe this represents an example of an appropriate exception to the regulatory criteria. OPM defines several counties in a similar manner, using exceptions to the regulatory criteria in certain wage areas to avoid splitting individual installations among two or more wage areas. Although Lakehurst Naval Air Station is adjacent to the Fort Dix Military Reservation portion of Ocean County, Lakehurst Naval Air Station is a separate installation. We do not believe it is appropriate to recognize that Ocean County is linked more closely to New York than to Philadelphia under the regulatory criteria for defining FWS wage areas, but then refuse to acknowledge that the major FWS employer in the county

should be treated in accordance with the appropriate wage area definition of the county.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management,

Janice R. Lachance,
Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix C to Subpart B of Part 532 [Amended]

2. Appendix C to subpart B is amended by revising the wage area listings for the New York, New York, and Philadelphia, Pennsylvania, wage areas to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

New York

* * * * *

New York

Survey Area

- New York:
 - Bronx
 - Kings
 - Nassau
 - New York
 - Queens
 - Suffolk
 - Westchester
- New Jersey:
 - Bergen
 - Essex
 - Hudson
 - Middlesex
 - Morris
 - Passaic
 - Somerset
 - Union

Area of Application. Survey area plus:

- New York:
 - Putnam
 - Richmond
 - Rockland
- New Jersey:

Monmouth
Ocean (excluding the Fort Dix Military Reservation)
Sussex

* * * * *

Pennsylvania

* * * * *

Philadelphia

Survey Area:

- Pennsylvania:
 - Bucks
 - Chester
 - Delaware
 - Montgomery
 - Philadelphia

New Jersey:

- Burlington
- Camden
- Gloucester

Area of Application. Survey area plus:

Pennsylvania:

- Lehigh
- Northampton

New Jersey:

- Atlantic
- Cape May
- Cumberland
- Hunterdon
- Mercer
- Ocean (Fort Dix Military Reservation only)
- Warren

* * * * *

[FR Doc. 98-30511 Filed 11-13-98; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 244, 274a, and 299

[INS No. 1608-93]

RIN 1115-AC30

Temporary Protected Status, Exception to Registration Deadlines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by providing additional exceptions to the deadlines for initial registration for Temporary Protected Status (TPS). Eligible persons who did not register for TPS because they are or were in a status or a condition that made it unnecessary or discouraged registration during the initial registration period may now apply for late registration. This rule also makes conforming changes to reflect the redesignation by the Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) of section 240 of

the Immigration and Nationality Act (Act) as section 244, and makes other minor conforming changes to reflect current Service procedures.

DATES: This rule is effective November 16, 1998.

FOR FURTHER INFORMATION CONTACT:

Pearl Chang, Chief, Residence and Status, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington DC 20536, Telephone: (202) 514-5014.

SUPPLEMENTARY INFORMATION:

Temporary Protected Status (TPS), as provided for by section 244 of the Act, affords temporary protection in the United States to persons of designated foreign states that are experiencing ongoing civil strife, environmental disaster, or certain other extraordinary and temporary conditions. As originally promulgated in 1991, the regulations at 8 CFR part 240 limited TPS registration to aliens who applied during the registration period established by **Federal Register** notice initially designating a particular country for TPS. This formulation left otherwise eligible aliens who, for one reason or another, failed to register for TPS with the prospect of having to return to their home countries while the conditions precipitating the TPS designation remained. Many such aliens were maintaining an immigration status or pursuing a pending immigration application which they hoped or assumed would allow them to remain legally in the United States permanently or at least until the conditions in their home countries improved.

On November 5, 1993, the Service published an interim rule in the **Federal Register** at 58 FR 58935 which addressed this problem with respect to nonimmigrants and immigrants by creating an exception to the initial registration deadlines for TPS. This final rule broadens that exception to persons otherwise eligible for TPS who are or were in a status or a condition that made it unnecessary or discouraged registration during the initial registration period, including parolees and pending asylum applicants.

Specifically, the exception in the interim rule was limited to otherwise eligible aliens who are or were in any valid nonimmigrant or immigrant status on the date their country was designated for TPS, and who did not register during the initial registration period (usually comprising the entire first period of designation). Pursuant to the interim rule, such persons may apply for TPS during any extension of the designation, provided the application is submitted

within 30 days of the expiration of the previous nonimmigrant or immigrant status, or by February 3, 1994, (90 days after the effective date of that rule), whichever is later. The interim rule also provided a finding of lawful status as a nonimmigrant for those persons who fell out of status between the end of the first period of registration and the effective date of that rule. 8 CFR 244.10(f)(2)(v). (N.B. IIRIRA amended section 212(a)(9)(B) of the Act as of April 1, 1997, to define "unlawfully present" such that an alien is present in the United States after the expiration of a period of stay authorized by the Attorney General or present in the United States without being admitted or paroled). This definition applies only for purposes of 212(a)(9)(B)(i) and 212(a)(9)(C)(i)(I) of the Act. Nevertheless, those aliens who file for TPS after April 1, 1997, and within 30 days of the expiration of their previous status will not accrue time in unlawful presence after their previous status expires and before they register for TPS. This finding of nonimmigrant status will continue in effect until such time as the Service may issue a final (or interim) regulation implementing a comprehensive definition of unlawful presence.)

Discussion of Comments

The comment period for the interim rule closed on December 6, 1993. The following is a discussion of those comments and the Service's response.

The Service received five comments to the interim rule. All commenters were supportive of allowing late initial TPS registration under certain circumstances. Several commenters, however, urged that the eligibility for late registration be extended to other groups. The Service agrees with the majority of those commenters that applicants for asylum and minors whose parents registered for TPS, but did not register any or all of their children, should be eligible for such late initial registration. In addition, the Service believes that the following groups should also be eligible: (1) Those with an application for nonimmigrant status, resident status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal; and (2) those present subsequent to parole under section 212(d)(5) of the Act.

The Service does not, however, agree with the commenter who requested that DED Salvadorans should be eligible for late registration because TPS for El Salvador has already been terminated.

The Service does not agree with the request that those who do not meet the

basic eligibility requirements, including physical presence in the United States by the date specified in the TPS **Federal Register** notice, should be eligible for initial late registration.

Finally, the Service agrees with both commenters who suggested that the application period for initial late registration be extended beyond the 30 days specified in the interim rule to provide additional time for the distribution of information regarding TPS to the affected aliens. This final rule extends the late initial registration period to 60 days from the date of the TPS notice's publication in the **Federal Register** for all grandfathered (otherwise ineligible) applicants. The final rule also provides 60 days to register for TPS for those who become eligible for late registration.

In addition, the final rule provides that those persons who would otherwise have been eligible for TPS during the first period of registration who: (1) Were in a valid status during that period of registration; (2) fell out of valid status during any subsequent period of registration; and (3) were prevented from registering for TPS by the regulation in effect at the time, will be held to have maintained a valid status during that period.

Persons covered by this exception must meet all other requirements of TPS including presence in the United States at the time the foreign state in question was designated for TPS. This rule is not intended to extend protection to persons who arrived in the United States, whether legally or illegally, after the designation was made, nor is it intended to cover persons who were not in valid immigrant or nonimmigrant status during the initial registration period.

Technical Amendments

This rule also changes all references to section 240 of the Act to section 244 as required by IIRIRA. Finally, this rule modifies several definitions within section 244 to better comport with the rest of 8 CFR. Specifically, the definition of *Act* is removed because it duplicates the definition at 8 CFR 1.1(b) which controls. The term *state* is changed to *foreign state* (although the definition remains the same) for clarity. The definition of *charging document* is revised to comport with the definition of that term in § 3.13.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This rule allows certain aliens to apply for TPS; it has no effect on small entities as that term is defined in 5 U.S.C. 601(6).

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 regulation 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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.

Executive Order 12988 Civil Justice Reform

This final 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 1 year, and 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.

Lists of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations

(Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 244

Administrative practice and procedure, Immigration, Aliens, Reporting and recordkeeping requirements.

8 CFR Part 274a

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

8 CFR Part 299

Immigration.

Accordingly, the interim rule amending 8 CFR parts 103, 240, and 299 (part 240 at the time of the interim rule has since been redesignated as part 244) which was published at 58 FR 58935 on November 5, 1993, is adopted as a final rule with the following changes and part 274a is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

§ 103.1 [Amended]

2. Section 103.1(f)(3)(iii)(HH) is amended by revising the reference to "part 240" to read "part 244."

§ 103.7 [Amended]

3. In § 103.7(b)(1), the entry for "Form EOIR-40" is amended by revising the reference to "section 244 of the Act" to read "section 244 of the Act as it existed prior to April 1, 1997." Further, in § 103.7(b)(1), the entry for "Form I-821" is amended by revising the reference to "section 244A of the Act" to read "section 244 of the Act as amended by section 308(a)(7) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996".

§ 103.12 [Amended]

4. In § 103.12 paragraph (a)(4)(ii) is amended by revising the reference to "section 244A of the Act" to read "section 244 of the Act".

PART 244—TEMPORARY PROTECTED STATUS FOR NATIONALS OF DESIGNATED FOREIGN STATES

5. The authority citation for part 244 continues to read as follows:

Authority: 8 U.S.C. 1103, 1254, 1254a note, 8 CFR part 2.

6. Section 244.1 is amended by removing the definitions of the terms *Act* and *State*, revising the definition of *Charging document*, and adding the definition of *Foreign state* immediately after the definition of *Felony*, to read as follows:

§ 244.1 Definitions.

* * * * *

Charging document means the written instrument which initiates a proceeding before an Immigration Judge. For proceedings initiated prior to April 1, 1997, these documents include an Order to Show Cause, a Notice to Applicant for Admission Detained for Hearing before Immigration Judge, and a Notice of Intention to Rescind and Request for Hearing by Alien. For proceedings initiated after April 1, 1997, these documents include a Notice to Appear, a Notice of Referral to Immigration Judge, and a Notice of Intention to Rescind and Request for Hearing by Alien.

* * * * *

Foreign state means any foreign country or part thereof as designated by the Attorney General pursuant to section 244 of the Act.

* * * * *

§ 244.1 [Amended]

7. Section 244.1 is amended by:

- Revising the reference to "section 244A" to read "section 244" in the definition for *Felony*;
- Revising the reference to "section 244A(c)" to read "section 244" in the definition for *Prima Facie*; and by
- Revising the reference to "section 244A(b)" to read "section 244(b)" in the definition for *Register*.

8. Section 244.2 is revised to read as follows:

§ 244.2 Eligibility.

Except as provided in §§ 244.3 and 244.4, an alien may in the discretion of the director be granted Temporary Protected Status if the alien establishes that he or she:

- Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- Has continuously resided in the United States since such date as the Attorney General may designate;
- Is admissible as an immigrant except as provided under § 244.3;
- Is not ineligible under § 244.4; and

(f)(1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the **Federal Register**, or

(2) During any subsequent extension of such designation if at the time of the initial registration period:

(i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;

(ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;

(iii) The applicant is a parolee or has a pending request for reparole; or

(iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

(3) Eligibility for late initial registration in a currently designated foreign state shall also continue until January 15, 1999, for any applicant who would have been eligible to apply previously if paragraph (f)(2) of this section as revised had been in effect before November 16, 1998.

(g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

§ 244.4 [Amended]

9. In § 244.4, paragraph (a) is amended by revising the reference to “§ 240.1” to read “§ 244.1”.

§ 244.5 [Amended]

10. In § 244.5, paragraph (a) is amended in the first sentence by revising the term “state” to read “foreign state”, and by revising the reference to “section 244A” to read “section 244”. Paragraph (a) is further amended by revising the reference to “§ 240.13” to read “§ 244.13” in the next to last sentence.

11. In § 244.5, paragraph (b) is amended in the last sentence by revising the reference to “§ 240.13” to read “§ 244.13”.

§ 244.6 [Amended]

12. Section 244.6 is amended in the last sentence by revising the reference to “§ 240.9” to read “§ 244.9”.

13. Section 244.7 is revised to read as follows:

§ 244.7 Filing the application.

(a) An application for Temporary Protected Status shall be filed with the director having jurisdiction over the applicant's place of residence.

(b) An application for Temporary Protected Status must be filed during

the registration period established by the Attorney General, except in the case of an alien described in § 244.2(f)(2).

(c) Each applicant must pay a fee, as determined at the time of the designation of the foreign state, except as provided in § 244.5(a).

(d) If the alien has a pending deportation or exclusion proceeding before the immigration judge or Board of Immigration Appeals at the time a foreign state is designated under section 244(b) of the Act, the alien shall be given written notice concerning Temporary Protected Status. Such alien shall have the opportunity to submit an application for Temporary Protected Status to the director under paragraph (a) of this section during the published registration period unless the basis of the charging document, if established, would render the alien ineligible for Temporary Protected Status under § 244.3(c) or § 244.4. Eligibility for Temporary Protected Status in the latter instance shall be decided by the Executive Office for Immigration Review during such proceedings.

§ 244.8 [Amended]

14. Section 244.8 is amended in the last sentence by revising the term “district director” to read “director”.

§ 244.9 [Amended]

15. Section 244.9 is amended by:

a. Revising the term “designated state” to read “designated foreign state” in paragraph (a)(1) second sentence of the introductory text;

b. Revising the reference to *section 244A(c)(2)* to read *section 244(c)(2)* in paragraph (a)(3) heading; and by

c. Revising the reference to “§ 240.2(f)(2)” to read “§ 244.2(f)(2)” in paragraph (a)(4).

§ 244.10 [Amended]

16. In § 244.10, paragraph (a) is amended by revising the reference to “§ 240.5” to read “§ 244.5”.

17. In § 244.10, paragraph (b) is amended by revising the reference to “§§ 240.2, 240.3, and 240.4” to read “§§ 244.2, 244.3, and 244.4”.

18. Section 244.10 is further amended by:

a. Revising the term *district director* to read *director*, in the heading for paragraph (c);

b. Revising the term “district director” to read “director” wherever that term appears in paragraph (c) introductory text;

c. Revising the phrase “under § 240.4 or inadmissible under § 240.3(c)” to read “under § 244.4 or inadmissible under § 244.3(c)” in paragraph (c)(1);

d. Revising the term “district director's” to read “director's” in paragraph (c)(2);

e. Revising the reference to “240.11 and 240.18” to read “240.11, and 244.18” in paragraph (c)(2);

f. Revising the term “designated state” to read “designated foreign state” in the last sentence of paragraph (e)(1) introductory text;

g. Revising the reference to “§ 240.13” to read “§ 244.13” in paragraph (e)(2);

h. Revising the term “designated state” to read “designated foreign state” in paragraph (f)(2) introductory text;

i. Revising the reference to “§ 240.15” to read “§ 244.15” in paragraph (f)(2)(iii); and by

j. Revising the reference to “§ 240.2(f)(2)” to read “§ 244.2(f)(2)” in paragraph (f)(2)(v).

§ 244.11 [Amended]

19. Section 244.11 is amended in the last sentence by revising the reference to “§ 240.19” to read “§ 244.19” and by revising the term “state's” to read “foreign state's”.

§ 244.12 [Amended]

20. Section 244.12 is amended by:

a. Revising the term “state's” to read “foreign state's” in paragraph (a);

b. Revising the reference to “§ 240.14” to read “§ 244.14” in paragraph (b); and by

c. Revising the reference to “§ 240.18(b)” to read “§ 244.18(b)” in paragraph (d).

§ 244.13 [Amended]

21. In § 244.13, paragraph (b) is amended by revising the term “state's” to read “foreign state's”, and by revising the reference to “section 244A(b)(3)” to read “section 244(b)(3)”.

§ 244.14 [Amended]

22. Section 244.14 is amended by:

a. Revising the term *district director* to read *director* in the heading in paragraph (a), revising the term “district director” to read “director”, and by revising the reference to “section 244A” to read “section 244” in paragraph (a) introductory text;

b. Revising the reference to “§ 240.15” to read “§ 244.15” in the last sentence in paragraph (a)(2);

c. Revising the term *district director* to read *director* in the heading of paragraph (b);

d. Revising the phrase “section 236 or section 242 of the Act” to read “sections 235, 236, 237, 238, 240, or 241 of the Act” in paragraph (b)(2);

e. Revising the phrase “§ 240.4 or inadmissible under § 240.3(c)” to read “§ 244.4 or inadmissible under

§ 244.3(c)" in the first sentence in paragraph (b)(3); and by

f. Revising the reference to "§ 240.10(d)" to read "§ 244.10(d)" in paragraph (c).

§ 244.15 [Amended]

23. In § 244.15, paragraph (a) is amended in the first sentence by revising the reference to "section 244A(c)(3)(B)" to read "section 244(c)(3)(B)".

§ 244.17 [Amended]

24. In § 244.17, paragraph (a) is amended in the second sentence by revising the term "countries" to read "foreign states" and by revising the reference to "section 244A(b)" to read "section 244(b)".

§ 244.18 [Amended]

25. Section 244.18 is amended by:

a. Revising the reference to §§ 240.3(c) and 240.4" to read "§§ 244.3(c) and 244.4" in the first sentence of paragraph (a); and by

b. Revising the reference to "district director" to read "director" wherever it appears in paragraph (c).

§ 244.19 [Amended]

26. Section 244.19 is amended in the first sentence by revising the term "state" to read "foreign state", and by changing the term "state's" to read "foreign state's" in the last sentence.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

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

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

§ 274a.12 [Amended]

28. In § 274a.12 paragraph (c)(19) is amended by revising the reference to "section 244A" to read "section 244" and by revising the reference to "part 240" to read "part 244".

Dated: June 15, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-234-AD; Amendment 39-10885; AD 98-23-17]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 series airplanes, that requires modification of the emergency evacuation slide/raft system. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the container release cable of the emergency evacuation slide/raft system from jamming, which could result in the inability to open the emergency exit doors or to correctly deploy the emergency evacuation slide/rafts, and consequent delay or impedance of passengers exiting the airplane during an emergency.

DATES: Effective December 21, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 21, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; 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 Airbus Model A300 series airplanes was published in the **Federal Register** on

September 17, 1998 (63 FR 49677). That action proposed to require modification of the emergency evacuation slide/raft system.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

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 24 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required modification, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$1,200 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$37,440, or \$1,560 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 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.