submitted after inspection, the master or agent shall also submit a notarized affidavit with the documents stating under oath the date and port at which the longshore work was performed, the crewmen who performed it, the exception that allowed it, and the reason that the documents were not submitted at inspection. If the reason that the documents were not presented at inspection involves an unanticipated emergency, then a concise description of the emergency shall be included in the affidavit. If the master or agent presents incomplete documentation at the time of inspection that is not completed within 14 days of crewmen doing longshore work, then the vessel is subject to a fine under section 251(d) of the Act. If crewmen on a vessel perform longshore work at a port at which the manifest states they will not perform such work, and the change is not followed up within 14 days of the longshore work being done with complete documentation consisting of an attestation, notice of acceptance of the attestation from the Secretary of Labor, and an affidavit as described in this paragraph, then the vessel is subject to fine under section 251 of the Act. All documents submitted after inspection shall be sent to the Immigration and Naturalization Service seaport office that inspected the vessel.

(iv) Attestations are valid for one year from the date of filing and cover nonimmigrant crewmen landing during that period if the master or agent states on the manifest that the vessel's crew continue to comply with the conditions in the attestation. When the vessel's master or agent intends to use a previously accepted attestation that is still valid, the master or agent will submit a copy with the manifest at each arrival in the United States.

(3) *Use of automated self-unloading conveyor belt or vacuum-actuated system on a vessel.* An automated self-unloading conveyor belt or a vacuum-actuated system may be operated by a nonimmigrant crewman under the prevailing practice exception when no collective bargaining agreement at the local port prevents it. The master or agent is not required to file an attestation for nonimmigrant crewmen to perform such activity in such a circumstance unless the Secretary of Labor has determined that such activity is not the prevailing practice at that port, and has publicized this finding. When invoking this exception, the master or agent of the vessel shall annotate the manifest that the longshore work consists of operating a self-unloading conveyor belt or a vacuum-actuated system on the vessel under the prevailing practice exception.

(4) *Notification by the Secretary of Labor regarding attestations.* If the Attorney General is notified by the Secretary of Labor that an entity has either misrepresented facts in the attestation or failed to meet a condition attested to, the Attorney General will take steps to impose the sanctions stated in section 258(c)(4)(E)(i) of the Act. First time violators of this section of the Act will not be subject to the maximum sanction stated in the section, which is the prohibiting of any vessel owned or chartered by the violating entity from landing at any United States port for one year.

(c) *Reciprocity exception.* Nonimmigrant crewmen may perform longshore work in a United States port under this exception if:

(1) The particular activity to be performed is stated on the manifest;

(2) The vessel on which the crewmen serve is registered in a country that does not prohibit the particular activity by crewmen aboard United States vessels when such vessels land in that country, as determined by the Secretary of State; and

(3) The master or agent presents documentation that shows that a majority of the vessel's owners are nationals of a country or countries that do not prohibit such longshore activity by crewmen aboard United States vessels when they land in those countries.

§ 258.3 Action upon arrival.

(a) The master or agent of the vessel shall state on the manifest at the first port of entry.

(1) The ports of call in the United States at which the vessel will land before departing the United States;

(2) For each port of call, whether or not nonimmigrant crewmen will perform longshore work at that port;

(3) If any nonimmigrant crewmen will perform longshore work, who those crewmen are;

(4) If nonimmigrant crewmen will perform longshore work, under which exception in section 258 of the Act the work will be performed. The master or agent of the vessel shall also submit the supporting documents required by the exception claimed.

(5) The examining immigration officer shall give the master or agent a receipt for the manifest, Form I-410, on which the officer shall note whether or not nonimmigrant crewmen will do longshore work at any port of call, and if so, under which exception. The officer shall also note which documentation supporting the exception claimed accompanied the manifest, and any lack of documentation that must be submitted by the master or agent subsequently.

(b) If an unanticipated emergency arises that precludes reporting the longshore work and submission of documents at the time of inspection, failure to report the change and submit any documentation required within 14 days of the longshore work being performed are subject to fine under section 251 of the Act.

(c) If some activity of longshore work is performed at a port in an emergency situation to prevent the imminent destruction of property or possible injury or death to a person, a report of the incident shall be made to the Immigration and Naturalization Service (INS) seaport office that performed the inspection. No further documentation is required whether or not the activity was covered by an exception listed in section 258 of the Act.

(d) Changes to statements on the manifest regarding longshore work shall be reported to the INS office that performed the inspection.

(e) Using a nonimmigrant crewman to perform longshore work not included in the normal operation and service on board the vessel and not covered by an exception will result in fine proceedings against the owner, agent, consignee, master, or commanding officer under section 251 of the Act.

(f) Failure to deliver complete, true, and correct information on the manifest will result in fine proceedings against the owner, agent, consignee, master, or commanding officer under section 251 of the Act.

Dated: March 18, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-12891 Filed 6-5-91; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 280

[INS Number: 1437-91]

Imposition of Collection of Fines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: Section 280 of the Immigration and Nationality Act and the

regulations relating to section 280 consists of the authority to impose fines, bonds, procedures, etc. The Immigration Act of 1990 (IMMACT 1990) Public Law No. 101–649, 104 Stat. 4978, amended the Immigration and Nationality Act (INA) by revising and adding various sections including fine amounts. This action amends title 8 of the Code of Federal Regulations Part 280 to conform with the changes enacted by IMMACT 1990.

DATES: This interim rule is effective June 6, 1991. Written comments must be submitted on or before July 8, 1991.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., room 5304, Washington, DC 20536. To ensure proper handling please reference the INS number on your correspondence.

FOR FURTHER INFORMATION CONTACT: Kathryn Sheehan, Director, Enforcement Implementation Team, Immigration and Naturalization Service, 425 I St., NW., room 2108, Washington, DC 20536, telephone (202) 514–9612.

SUPPLEMENTARY INFORMATION: Section 542 of IMMACT 1990 directed that the increase in penalties collected resulting from the amendments made by sections 203(b) (increasing penalties on the performance of certain longshore work by alien crewmen), 543(a) (increasing certain penalties), and 544 (establishing civil penalties for document fraud) of IMMACT 1990 be credited to the Immigration and Naturalization Service appropriation for activities that enhance enforcement including the identification, investigation, and apprehension of criminal aliens, the implementation of the system described in section 242(a)(3)(A), and the repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, of structures to deter illegal entry into the United States; and the Executive Office for Immigration Review appropriation for the purpose of removing the backlogs in the transcripts of deportation proceedings.

The amendments made by sections 2403(b), 543(a) and 544 of IMMACT 1990 not only changed or created fine amounts, but with the exception of the amendments made to sections 231(d), 237(b), 254(a), 257, 271(a), 273(b) and 274C of the INA, also authorized the Commissioner of the Immigration and Naturalization Service to receive bonds pending determination of the question of liability to the payment of any fine, or while the fine remains unpaid. The Service is amending the pertinent sections to reflect this change in authority.

The Service is also amending the Regulation as it pertains to the payment, collection and deposit of fines and penalties under sections 280 and 286 of the Act. These changes will bring this Regulation into conformity with the statute as revised.

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reason and these changes have been mandated by the passage of Public Law 101–649 and became effective on January 1, 1991.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have significant adverse economic impact on a substantial number of small entities. This rule is not a major rule as defined in section 1(b) of E.O. 12991, nor does this rule have Federalism implications warranting the preparation of the Federalism Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 280

Administrative practice and procedure, Immigration, Penalties.

Accordingly, part 280 chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 280—IMPOSITION AND COLLECTION OF FINES

1. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, and 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221, 223, 226, 227, 230.

§ 280.2 [Amended]

2. Section 280.2 is amended by removing at the end of the first sentence the phrase "district director of customs" and adding in its place "Commissioner".

§ 280.7 [Amended]

3. Section 280.7 is amended by removing the "." at the end of the paragraph and by adding to the end of the paragraph the text "with the exception of sections 239, 251(d), 255, 256, 272, and 273(d) in which the Commissioner of the Immigration and Naturalization Service is authorized to approve the bond or accept the sum of money which is being offered for deposit."

4. Section 280.52 is revised to read as follows:

§ 280.52 Payment of fines.

(a) All fines assessed pursuant to sections 231(d); 237(b); 239; 251(d); 254(a); 255; 256; 271(a); 272, 273 and 274(c) of the Act shall be made payable to and collected by the Service.

(b) All fines collected pursuant to sections 271(a) and 273 of the Act shall be deposited in the Immigration User Fee Account established in accordance with the provisions of section 286 of the Act.

(c) From the amounts collected under paragraphs (a) and (b) of this section, the increase in penalties collected resulting from the amendments made by sections 203(b), 543(a), and 544 of the Immigration Act of 1990, shall be credited to the appropriation for activities authorized under section 280(b) of the Act.

Dated: April 25, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-13363 Filed 6-5-91; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-09-AD; Amendment 39-7023; AD 91-12-12]

Airworthiness Directives; Beech 90, 99, and 100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Beech 90, 99, and 100 series airplanes. This action requires a one-time inspection of the rudder trim tab drainage area. Improper drainage provisions have caused water to become trapped in the rudder trim tabs on several of the affected airplanes. This condition, if not detected and corrected, could cause structural damage or imbalance to the rudder. The actions specified in this AD are intended to assure proper drainage of water from the rudder trim tab.

DATES: Effective July 15, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1991.

ADDRESSES: Beech Service Bulletin No. 2365, dated January 1991, that is discussed in this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4409.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Beech 90, 99, and 100 series airplanes was published in the Federal Register on March 7, 1991 (56 FR 9661). The action proposed a one-time inspection of the drainage area of the rudder trim tab in accordance with the instructions in Beech Service Bulletin No. 2365, dated January 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The economic analysis paragraph that is discussed below, has been revised to increase the specified hourly labor rate from $40 an hour (as was cited in the preamble of the notice of proposed rulemaking (NPRM)) to $55 an hour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD action to account for various inflationary costs in the aviation industry.

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the economic analysis and minor editorial corrections. These minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

It is estimated that 2,032 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 hour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $111,760.

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 "major rule" under Executive Order 12291; (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 copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

AD 91–12–12 Beech: Amendment 39–7023; Docket No. 91–CE–09–AD.

Applicability: Models 65–90, 65–A90, 65–A90–1; 65–A90–2, 65–A90–3, 65–A90–4, B90, and C90 airplanes (all serial numbers (S/N)); Model C90A airplanes (S/N LJ–1063 through LJ–1244); Models E90, H90, 99, 99A, A99A, B99, C99, 100, A100, and B100 airplanes (all S/N), certificated in any category.

Compliance: Required within the next 150 hours time-in-service after the effective date of this AD, unless already accomplished.

To assure proper water drainage from the rudder trim tab and prevent the structural damage and the unbalanced condition that could occur from trapped water, accomplish the following:

(a) Inspect the rudder trim tab for proper moisture drainage provisions in accordance with the instructions in Beech Service Bulletin (SB) No. 2365, dated January 1991. If the correct drainage provisions do not exist, prior to further flight, modify the tab in accordance with the instructions in the referenced SB.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(d) The inspection and possible modification required by this AD shall be done in accordance with Beech Service Bulletin No. 2365, dated January 1991. 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 the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC.

This amendment becomes effective on July 15, 1991.

Issued in Kansas City, Missouri, on May 21, 1991.

Herman C. Belderok,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13315 Filed 6–5–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–CE–57–AD; Amendment 39–7021; AD 91–12–10]

Airworthiness Directives; Beech Models B200, B200C, B200T, 300, and 300LW Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Beech Models B200, B200C, B200T, 300, and 300LW airplanes. This action establishes more restrictive life limits for the lower forward wing attach fittings unless the wing spar attachment is modified. A test article equipped with an unmodified spar bushing of the same type design of the affected airplanes failed prior to the published 15,000-hour time-in-service (TIS) interim life limit. The actions specified by this AD are intended to prevent in-service fatigue failures and to allow continued operation of the interim safe life limit of 15,000 hours TIS for the lower forward wing attach fittings.

EFFECTIVE DATE: July 15, 1991.