Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule. However, red seedless grapefruit must meet the requirements as specified in the U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.760 through 51.784) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

Further, the Committee's October meeting was widely publicized throughout the citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the October 14, 1997, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

An interim final rule concerning this action was published in the **Federal Register** on January 22, 1998. Copies of the rule were mailed by the Committee staff to all Committee members and grapefruit handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended March 23, 1998. No comments were received.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (63 FR 3247, January 22, 1998) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

PART 944—FRUITS; IMPORT REGULATIONS

Accordingly, the interim final rule amending 7 CFR parts 905 and 944 which was published at 63 FR 3247 on January 22, 1998, is adopted as a final rule without change.

Dated: April 14, 1998.

Sharon Bomer Lauritsen,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–10259 Filed 4–17–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 1

[INS Order No. 1868–97]

RIN 1115–AE87

Amendment of the Regulatory Definition of Arriving Alien

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act (Act), which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving alien includes parolees whose parole is terminated, without regard to the date of parole or the circumstances under which parole was granted. As a matter of policy, the Service has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1, 1997, as well as aliens who, either before or after April 1, 1997, return to the United States pursuant to a grant of advance parole that they applied for and obtained while physically present in and prior to their departure from the United States. This rule clarifies that these two types of parolees will not be subjected to expedited removal.

DATES: *Effective Dates:* The interim rule is effective April 20, 1998.

Comment Date: Written comments must be received on or before June 19, 1998.

ADDRESSES: Please submit written comments in triplicate to the: Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS number 1868–97 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Linda Loveless, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536, telephone number (202) 616–7489.

SUPPLEMENTARY INFORMATION: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104–208, which was enacted on September 30, 1996, created new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation or without proper documents. This provision was effective on April 1, 1997, and is applicable to aliens who are ''arriving in the United States'' as contained in section 235(b)(1)(A)(i) of the Act.

The existing regulatory definition of arriving alien includes parolees, starting that ''[a]n arriving alien remains such even if paroled pursuant to section 212(d)(5) of the Act.'' Including certain parolees in the definition of arriving aliens is consistent with section 212(d)(5) of the Act, which states that ''* * * such parole of such alien shall not be regarded as an admission of the alien and when the purpose of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.'' Existing regulations on the termination of parole are also consistent with the classification of certain paroled aliens as arriving aliens, stating that ''* * * he or she shall be restored to the status that he or she had at the time of parole.'' 8 CFR 212.5(d)(2)(i).

The definition as currently in effect, though consistent with the Act and prior regulations, encompasses certain groups not best regarded as arriving aliens for purposes of the applicability of expedited removal, such as aliens initially paroled before (often well before) the effective date of the expedited removal provisions, and aliens previously present in the United States (in some cases for long periods) who departed from and returned to the United States pursuant to advance parole. Because the Act does not contain a definition of ''arriving alien,'' it is left to the Attorney General to define the term in a manner that conforms with

congressional intent as embodied in the Act. This rule clarifies that aliens who were paroled before April 1, 1997, and aliens who return to the United States pursuant to advance parole that they applied for and obtained while physically present in and prior to their departure from the United States, will not be subject to expedited removal when their parole is terminated. This exception does not alter the legal status of these parolees; these paroled aliens remain applicants for admission as in the past.

This rule also amends the arriving alien definition by replacing the reference to an alien who ''seeks admission to or transit through the United States'' with a reference to an ''applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry.'' The new language better conveys the intent of the definition, which is to delineate a particular segment of those aliens described in section 235(a)(1) of the Act, which defines aliens deemed to be applicants for admission. The term ''applicant for admission'' is a term of art under the Act as revised by IIRIRA. Section 235(a)(1) of the Act makes clear that an alien coming from abroad to a port in the United States may be considered an applicant for admission regardless of whether he or she subjectively desires admission. To the extent that the word ''seeks'' in the existing § 1.1(q) suggests that an alien must have a subjective intent to gain admission in order to be an arriving alien, it may be susceptible to interpretations that are not consistent with the statute. Replacing the term ''seeks'' in the arriving aliens definition with the term ''coming or attempting to come'' prevents the possibility of such confusion.

Finally, the rule removes the reference to 8 CFR part 235, which deals with inspection of persons applying for admission. This reference is not necessary and its removal will streamline the definition of arriving alien.

Good Cause Exception

This interim rule is effective on publication in the **Federal Register**, although the Service invites post-promulgation comments within a 60-day comment period and will address any such comments in a final rule. For the following reasons, the Service finds that good cause exists under 5 U.S.C. 553(b)(B) and (d)(3) for implementing this rule as an interim rule without the prior notice and comment period ordinarily required under that provision. First, in certain respects, this rule simply clarifies issues that may appear ambiguous in the existing regulation defining arriving aliens. Second, to the extent that this rule substantively changes Service regulations, it simply provides more advantageous treatment for the limited number of parolees involved by exempting them from expedited removal procedures. Early implementation will be advantageous to the intended beneficiaries of this rule. Therefore, it is unnecessary and contrary to the public interest to delay the implementation of this rule until after a notice and comment period.

Regulatory Flexibility Act

The Attorney General, in accordance with 5 U.S.C. 605(b) has reviewed this regulation and, by approving it, certifies that this rule will not have a significant impact on a substantial number of small entities because of the following factors: This rule makes two changes to the existing § 1.1(q). First, by changing the arriving alien definition to provide that the expedited removal provisions will not apply to aliens paroled into the United States prior to April 1 or pursuant to advance parole which the aliens applied for and obtained in the United States, this rule simply provides that, where appropriate, a finite number of aliens will be subject to removal proceedings under section 240 of the Act, rather than to expedited removal under section 235(b)(1)(A)(i) of the Act. This change will not affect small entities. Second, this rule also changes the arriving alien definition to use language that is clearer and more consistent with the Act. This change does not alter the meaning of the regulation and does not affect small entities.

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 one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

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.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 1

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

Accordingly, part 1 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 1—DEFINITIONS

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

Authority: 8 U.S.C. 1101, 8 CFR part 2.

2. Section 1.1 is amended by revising paragraph (q) to read as follows:

§ 1.1 Definitions.

* * * * *

(q) The term *arriving alien* means an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and

regardless of the means of transport. An arriving alien remains such even if paroled pursuant to section 212(d)(5) of the Act, except that an alien who was paroled before April 1, 1997, or an alien who was granted advance parole which the alien applied for and obtained in the United States prior to the alien's departure from and return to the United States, shall not be considered an arriving alien for purposes of section 235(b)(1)(A)(i) of the Act.

* * * * *

Dated: February 13, 1998.

Doris Meissner,

Commissioner of the Immigration and Naturalization Service.

[FR Doc. 98–10354 Filed 4–17–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–42–AD; Amendment 39–10476; AD 98–08–27]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain SOCATA—Groupe AEROSPATIALE (Socata) Model TBM 700 airplanes. This AD requires modifying the airplane's left-hand (LH) front side lower panel. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent interference between the side trim of the LH front side lower panel and the roll control compass on the LH wheel assembly, which could result in loss of directional control of the airplane.

DATES: Effective May 31, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from SOCATA—Groupe AEROSPATIALE, Support Client/Customer Support, Aerodrome Tarbes-Ossun-Lourdes, B P 930, F65009 Tarbes Cedex, France; telephone: (33) 62.41.73.00; facsimile: (33) 62.41.76.54, or the Product Support Manager, SOCATA-Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 964–6877; facsimile: (954) 964–1668. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–42–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Socata Model TBM 700 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 5, 1998 (63 FR 5898). The NPRM proposed to require modifying the airplane's left-hand (LH) front side lower panel. Accomplishment of the proposed action as specified in the NPRM would be in accordance with SOCATA Service Bulletin No. SB 70–061–25, dated June, 1995.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

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 FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 40 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $15 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $10,200 or $255 per airplane.

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 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 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 (AD) to read as follows:

98–08–27 Socata—Groupe Aerospatiale: Amendment 39–10476; Docket No. 97–CE–42–AD.

Applicability: Model TBM 700 airplanes, serial numbers 24, 26, 27, 29 through 32, 34,