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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

[INS No. 1681-94]

RIN 1115-AD85

Contracts With Transportation Lines; Signatory Authority

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends Immigration and Naturalization Service (Service) regulations regarding the listing of preinspection stations and airlines who have entered into agreements with the Service. This rule is necessary so that air carriers, who become signatory to preinspection agreements with the Service, are listed in Service regulations.

EFFECTIVE DATE: June 9, 1995.

FOR FURTHER INFORMATION CONTACT: Una Brien, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, telephone (202) 514-2681.

SUPPLEMENTARY INFORMATION: Under the current regulations, air carriers are required to enter into contracts with the Service in order to participate in the preinspection program. Contracts have been signed using Forms I-425 (Agreement for Preinspection) and I-426 (Immediate and Continuous Transit Agreement) under the purview of section 238 of the Immigration and Naturalization Act (Act). This rule also adds Dublin, Ireland, to the list of preinspection stations. Accordingly, 8 CFR 238.3 and 8 CFR 238.4 are being amended to include these changes.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities, as the revisions are administrative in nature and merely update the current listing of preinspection stations and airlines who have entered into agreements with the Service.

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

Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive order 12606 and has determined that this regulation will not have an impact on family well-being.

List of Subjects in 8 CFR Part 238

Administrative practice and procedures, Air carriers, Aliens, Government contracts, Travel.

Accordingly, part 238 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for part 238 continues to read as follows:

Authority: 8 U.S.C. 1103, 1228; 8 CFR part 2.

§ 238.3 [Amended]

2. In § 238.3, paragraph (b) is amended by removing "Aeroflot—Soviet Airlines.", "Aeronaves de Mexico, S.A.", "Eastern Airlines, Inc.", "LAP-Lineas Aereas Paraguayas.", "Pan Am Express", and "Pan American World Airways, Inc." from the list of carriers.

3. Section 238.3 paragraph (b) is further amended by adding the following airline carriers in alphabetical sequence to read as follows:

§ 238.3 Aliens in immediate and continuous transit.

* * * * *

(b) * * *

Aero Costa Rica

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Aeroflot Russian International Airlines

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Aerovias de Mexico, S.A. de C.V.

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Gulf Air

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Lineas Aereas de Paraguay Sociedad Anonima

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North American

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Pacific Islands Airways, Inc.

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Turks and Caicos

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USAfrica Airways, Inc.

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4. Section 238.4 is amended by removing "Eastern Airlines, Inc.", and "Pan American World Airways, Inc." at each location that any of these air carriers are listed as signatory to a preinspection agreement.

5. Section 238.4 is further amended by adding the following preinspection stations and airline carriers in alphabetical sequence within each location, to read as follows:

§ 238.4 Preinspection outside the United States.

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At Aruba

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American Trans Air, Inc.

AvAtlantic

Carnival Airlines

Express One International, Inc.

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