

approved Form I-854 to allow an S nonimmigrant to adjust status, the Assistant Attorney General, Criminal Division, and the relevant LEA shall be notified in writing to that effect. The Assistant Attorney General, Criminal Division, shall concur in or object to that decision. Unless the Assistant Attorney General, Criminal Division, objects within 7 days, he or she shall be deemed to have concurred in the decision. In the event of an objection by the Assistant Attorney General, Criminal Division, the matter will be expeditiously referred to the Deputy Attorney General for a final resolution. In no circumstances shall the alien or the relevant LEA have a right of appeal from any decision to deny. A denial of an adjustment application under this paragraph may not be renewed in subsequent deportation proceedings.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

19. The authority citation for part 248 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1187, 1258; 8 CFR part 2.

§ 248.2 [Amended]

20. In § 248.2, paragraph (b) is amended by removing the term “or (K)” and adding in lieu thereof the term “(K), or (S)”.

21. Section 248.3 is amended by adding a new paragraph (h) to read as follows:

§ 248.3 Application.

* * * * *

(h) *Change to S nonimmigrant classification.* An eligible state or federal law enforcement agency (“LEA”), which shall include a state or federal court or a United States Attorney’s Office, may seek to change the nonimmigrant classification of a nonimmigrant lawfully admitted to the United States, except those enumerated in § 248.2 of this chapter, to that of an alien witness or informant pursuant to section 101(a)(15)(S) of the Act by filing with the Assistant Attorney General, Criminal Division, Form I-539, Application to Extend/Change Nonimmigrant Status, with the appropriate fee, and Form I-854, Inter-Agency Alien Witness and Informant Record, with attachments establishing eligibility for the change of nonimmigrant classification.

(1) If the Assistant Attorney General, Criminal Division, certifies the request for S nonimmigrant classification in accordance with the procedures set forth in 8 CFR 214.2(t), the Assistant Attorney General shall forward the

LEA’s request on Form I-854 with Form I-539 to the Commissioner. No request for change of nonimmigrant classification to S classification may proceed to the Commissioner unless it has first been certified by the Assistant Attorney General, Criminal Division.

(2) In the event the Commissioner decides to deny an application to change nonimmigrant classification to S nonimmigrant classification, the Assistant Attorney General, Criminal Division, and the relevant LEA shall be notified in writing to that effect. The Assistant Attorney General, Criminal Division, shall concur in or object to that decision. Unless the Assistant Attorney General, Criminal Division, objects within 7 days, he or she shall be deemed to have concurred in the decision. In the event of an objection by the Assistant Attorney General, Criminal Division, the matter will be expeditiously referred to the Deputy Attorney General for a final resolution. In no circumstances shall the alien or the relevant LEA have a right of appeal from any decision to deny.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

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

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

23. Section 274a.12 is amended by adding a new paragraph (c)(21) to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) * * *

(21) A principal nonimmigrant witness or informant in S classification, and qualified dependent family members.

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PART 299—IMMIGRATION FORMS

24. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

25. Section 299.1 is amended by adding the entry for “Form I-854” to the listing of forms, in proper numerical sequence, to read as follows:

§ 299.1 Prescribed forms.

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Form No.	Edition date	Title
I-854	June 20, 1995.	Inter-Agency Alien Witness and Informant Record.
* * * * *		
INS form No.	INS form title	Currently assigned OMB control No.
I-854	Inter-Agency Alien Witness and Informant Record.	1115-0196
* * * * *		

26. Section 299.5 is amended by adding the entry for “Form I-854”, to the listing of forms, in proper numerical sequence, to read as follows:

§ 299.5 Display of control numbers.

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Dated: August 18, 1995.
Janet Reno,
Attorney General.
 [FR Doc. 95-21113 Filed 8-24-95; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

[FHWA Docket 95-21]

RIN 2125-AD61

General Material Requirements; Warranty Clauses

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: The FHWA is revising its regulation that generally prohibits the use of guaranty and warranty clauses on Federal-aid highway construction contracts. This action will permit greater use of warranties in Federal-aid highway construction contracts within prescribed limits.

DATES: This interim final rule is effective August 25, 1995. Written comments must be received on or before October 24, 1995.

ADDRESSES: Submit signed, written comments to FHWA Docket No. 95-21, Federal Highway Administration, Room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments