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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 2144-01]

RIN 1115-AG27

Removing Russia from the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233(c) of the Immigration and Nationality Act (Act). This interim rule removes Russia from the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

DATES: *Effective date:* This interim rule is effective June 15, 2001.

Comment date: Written comments must be submitted on or before August 14, 2001.

ADDRESSES: Please submit written comments to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 4034, Washington, DC 20536. Please include INS number 2144-01 on your correspondence to ensure proper and timely handling. You may also submit comments to the Service electronically

at <http://www.ins.usdoj.gov>. When submitting comments electronically, please include INS No. 2144-01 in the subject line. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

Robert F. Hutnick, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 4064, Washington, DC 20536, telephone number (202) 616-7499.

SUPPLEMENTARY INFORMATION:

What Is the Authority for Participation in the TWOV Program?

Section 212(d)(4)(C) of the Act provides authority for the Attorney General acting jointly with the Secretary of State (see Department of State regulation published elsewhere in this issue of the **Federal Register**) to waive nonimmigrant visa requirements for aliens who are proceeding in immediate and continuous transit through the United States and are using a carrier which has entered into a contract with the Service authorized under section 233(c) of the Act, in this case an Immediate and Continuous Transit Agreement on Form I-426, also known as a TWOV Agreement.

How Does This Interim Rule Amend the Regulations?

This rule amends § 212.1(f)(2) by removing Russia from the list of countries whose citizens are ineligible for TWOV privileges.

Why Is Russia Being Removed From the Ineligibility List in § 212.1(f)(2)?

Upon further review by the Service, and in consultation with the Department of State, the Service now has determined that Russia should be granted TWOV privileges. This determination has been made, in light of the factors that the Service has adopted, for determining which countries' citizens and nationals are ineligible to apply for TWOV privileges. The Service therefore is removing Russia from the listing of countries whose citizens are ineligible for TWOV privileges.

Good Cause Exception

The implementation of this rule as an interim rule, with a 60-day provision for post-promulgation public comments, is

based on the "good cause" exception found at 5 U.S.C. 553(b)(B) and 553(d)(3). Since the Service is removing a country from the list of ineligible countries, the Service finds that "good cause" exists under 5 U.S.C. 553(d)(3) to make this rule effective upon date of publication. Delaying the effective date of this interim rule is impractical and contrary to the public interest because it would prevent the Service and the Secretary of State from reinstating TWOV privileges on a timely basis. Accordingly, there is "good cause" under 5 U.S.C. 553 to make this rule effective upon the date of publication in the **Federal Register**.

Regulatory Flexibility Act

The Acting 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, although this rule may have an economic impact on small entities (air carriers), this rule is intended to encourage travel by Russian nationals and thus would have a positive impact on the air carrier and port-of-entry revenues.

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 cost 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. Accordingly, the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988—Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Passports and visas.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

§ 212.1 [Amended]

2. Section 212.1(f)(2) is amended by removing the country "Russia," from the list of countries whose citizens and nationals are ineligible for TWOV privileges.

Dated: June 12, 2001.

Kevin D. Rooney,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 01-15133 Filed 6-12-01; 3:47 pm]

BILLING CODE 4410-10-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000-NM-303-AD; Amendment 39-12265; AD 2001-12-10]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 777-200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777-200 series airplanes, that requires repetitive detailed visual and ultrasonic inspections of the lower flange of the flaperon inboard support to find cracking, and corrective actions, if necessary. This AD also requires a modification, which terminates the repetitive inspections. The actions specified by this AD are intended to prevent fracture of the inboard support structure, which could result in an in-flight loss of the inboard flaperon, structural damage, and consequent reduced controllability of the airplane.

DATES: Effective July 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 20, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Stan Wood, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2772; fax (425) 227-1181.

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 Boeing Model 777-200 series airplanes was published in the **Federal Register** on January 16, 2001 (66 FR 3521). That action proposed to require repetitive

detailed visual and ultrasonic inspections of the lower flange of the flaperon inboard support to find cracking; corrective actions, if necessary; and a modification, which terminates the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Support for the Proposed Rule

One commenter supports the proposed rule. The second commenter, an airline, states that the proposed rule does not apply to its fleet and offers no further comment.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 9 Boeing Model 777-200 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 1 airplane of U.S. registry will be affected by this AD. It will take approximately 3 work hours per airplane to accomplish the required inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be \$180 per airplane, per inspection cycle.

It will take approximately 6 work hours per airplane to accomplish the required terminating action, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$2,932 per airplane. Based on these figures, the cost impact of the terminating action required by this AD on U.S. operators is estimated to be \$3,292 per airplane.

The cost impact figures discussed above are 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.