

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracks on the wing/fuselage joint cruciform fittings, which could result in reduced structural integrity of the wing/fuselage, accomplish the following:

(a) Prior to the accumulation of 28,000 total landings, or within 60 days after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection to detect fatigue cracking in the wing/fuselage joint cruciform fittings, in accordance with Airbus Service Bulletin A320-57-1051, Revision 01, dated March 21, 1996.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected, prior to further flight, repair it in accordance with the service bulletin. Thereafter, repeat the inspection at the times specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) If the crack that was detected and repaired was greater than 2.5 mm: Repeat the inspection prior to the accumulation of 32,000 landings since accomplishment of the repair; and thereafter at intervals not to exceed 32,000 landings.

(ii) If the crack that was detected and repaired was less than or equal to 2.5 mm: Repeat the inspection prior to the accumulation of 28,000 landings since accomplishment of the repair; and thereafter at intervals not to exceed 20,000 landings.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 96-299-094(B), dated December 18, 1996.

Issued in Renton, Washington, on November 21, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF STATE

22 CFR Parts 22, 51, and 53

[Public Notice 2653]

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates

AGENCY: Bureau of Consular Affairs, State Department.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth the fees for consular services that are proposed to take effect on February 1, 1998, and makes appropriate implementing and other related changes in affected portions of title 22 of the Code of Federal Regulations.

Specifically, the rule makes changes in the Schedule of Fees for Consular Services ("Schedule of Fees" or "Schedule") published in 22 CFR section 22.1 and makes technical changes to 22 CFR Part 51 (concerning passport fees) and 22 CFR Part 53. The changes to the Schedule of Fees include adjustments to existing fees and a new processing fee for diversity visa applicants (see 22 CFR 42.33(i)), for which the proposed rule was published in the **Federal Register** on June 16, 1997. The primary objective of the proposed adjustments to the Schedule of Fees is to ensure that the Department recovers the costs of consular services through user fees to the maximum extent appropriate and permitted by law. As a result of new data on the cost of services, the passport fee is being lowered while most other fees are being increased. In addition, the proposed Schedule of Fees is being restructured and streamlined. Fees for antiquated services no longer performed are being removed and fees for other services are being consolidated or more appropriately located, making the proposed Schedule easier to read and understand. Consular services that will be performed for no fee are being added to the Schedule to facilitate tracking the costs of these services and to inform the public of all significant consular services provided by the Department.

DATES: Written comments must be received on or before December 31, 1997.

ADDRESSES: Interested persons are invited to submit comments to: Office of the Executive Director, Bureau of Consular Affairs, Room 4820A, Department of State, Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Sally Light, Office of the Executive Director, Bureau of Consular Affairs,

telephone (202) 647-1148; telefax (202) 647-3677.

SUPPLEMENTARY INFORMATION:

Background

The majority of the Department of State's consular fees are established pursuant to the general user charges statute, 31 U.S.C. 9701, and/or 22 U.S.C. 4219, which, as implemented through Executive Order 10718 of June 27, 1957, authorizes the Secretary of State to establish fees to be charged for official services by embassies and consulates. Fees established under these authorities include fees for immigrant visas, for expedited passport processing, for fingerprints and FBI name checks, and for overseas consular services. In addition, a number of statutes address specific fees: Passport issuance fees are authorized by 22 U.S.C. 214, as are fees for the execution of passport applications. Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 3009-703-704 (Sept. 30, 1996), authorizes establishment of a diversity visa application fee to recover the full costs of the visa lottery conducted pursuant to Sections 203 and 222 of the Immigration and Nationality Act ("INA"), 8 U.S.C. 1153, 1202. (The Department published a proposed rule establishing that fee on June 16, 1997.) Nonimmigrant visa reciprocity fees are authorized pursuant to Section 281 of the INA, 8 U.S.C. 1351. The establishment of a nonimmigrant visa processing fee for machine readable visas (commonly known as the "MRV fee") notwithstanding Section 281 of the INA is authorized by Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. 103-236, 108 Stat. 399 (April 30, 1994), as amended. Certain persons are exempted by law from payment of specific fees. (These statutory exemptions are noted in the fee schedule.) Various statutes also permit the Department to retain some of the consular fees it collects. These are, at present, the MRV fee, the passport expedite fee, the fingerprint fee, and the diversity visa lottery fee.

With the exception of nonimmigrant visa reciprocity fees, which are established based on the practices of other countries, all consular fees are established on a basis of cost recovery and in a manner consistent with general user charges principles, regardless of the specific statutory authority under which they are promulgated. The Department of State is required to review consular fees periodically to determine the appropriateness of each fee in light of

applicable provisions of OMB Circular A-25, which addresses the establishment of user charges. Those guidelines state that services that directly benefit individuals, organizations, or groups should be paid for by the users rather than general taxpayers. Services performed for the primary benefit of the general public or the U.S. Government, however, should be supported by tax revenues. The changes set forth in the proposed Schedule of Fees reflect those guidelines. For example, new user fees have been added for a few consular services which directly benefit individuals but now are provided for no fee at taxpayer expense.

Consistent with OMB Circular A-25, from September 1995 to September 1996, the Department conducted a cost-of-service study to determine the direct and indirect costs associated with each consular service the Department provides, using fiscal year 1995 data. The study was supervised by the Bureau of Consular Affairs and performed with the assistance of an outside contractor. The contractor and Department staff surveyed and visited domestic and overseas consular sites handling approximately half of all consular services worldwide in FY 1995. In conducting the cost study, the contractor used the activity-based costing ("ABC") methodology, which measures the cost and performance of activities, resources, and cost objects related to the delivery of specific products and services. The ABC methodology was used to determine direct labor costs to deliver each identified consular service. The costs of materials and supplies, overhead support, and general and administrative support were also included, to ensure that the full cost of service was captured. This methodology resulted in a more accurate determination of the Department's costs in providing consular services, and will permit better management of such costs and services in the future. Detailed information concerning the methodology of the study is available from Bureau of Consular Affairs.

Based on this effort and subsequent follow-up work, the Department is now proposing adjustments to the Schedule of Fees as shown below. The Schedule will take effect in FY 1998. Future adjustments to the Schedule of Fees will be made as appropriate.

Because the proposed Schedule of Fees has been restructured and streamlined, a direct side-by-side comparison with the current schedule, last updated in 1991, is not possible. Instead, each fee on the proposed

schedule is cross-referenced to the appropriate item number on the current fee schedule (22 CFR part 22.1) to facilitate comparison, or identified as a new fee. (These cross-references will not be included in the final rule.) Major changes in the schedule are discussed below.

Passports

The current fee schedule shows a fee of \$10 to execute a passport application; a fee of \$55 for issuance of a ten-year passport; and a fee of \$40 for issuance of a five-year (child's) passport. The new schedule shows a \$15 execution fee. Passport issuance fees are lowered, however, from \$55 to \$45 for first-time issuance to adults, and to \$40 for renewals. The fee for issuance of five-year passports for minors will be lowered from \$40 to \$25 in all cases. Processing and issuance of a child's passport costs at least as much as an adult passport (because extensive identification checking is required). Rapid changes in the physical appearance of children and the potential for child custody issues also dictate issuance of a five- rather than ten-year validity passport to children under the age of 16. The shorter validity of a child's passport was the key factor in keeping the fee below that of an adult's passport notwithstanding the similar processing costs.

The new passport fees will fully recover the costs of passport application processing. In addition, consistent with long-standing Department practice, a portion of the fee will recover the cost of all emergency citizens services performed overseas, including assistance in cases of arrest, detention, death, or serious illness or accident abroad, and the costs of certain nonemergency citizens services, such as passport amendments and U.S. citizens registering their presence at overseas posts, that the Department believes are appropriately allocated to all passport users, and/or for which separate fees are impracticable. (Such reallocations are to all passports issued, whether first-time issuances or renewals.)

While the cost of overseas passport processing is high, the fee reduction is possible because the vast majority of passports are issued domestically. It generally costs the Department less to provide a service domestically than overseas, and there have been significant improvements in the efficiency and productivity of the Department's higher-volume domestic passport operations.

Passport Expedite Fee

The proposed Schedule increases the passport expedite fee from \$30 to \$35. This fee will recover the costs of guaranteeing a maximum turn-around time of three business days to qualified users. Expedited service will be provided, and the expedite fee will be charged, to all customers seeking in-person service at a U.S. Passport Agency, with one minor exception. The expedite fee will not be charged when the Department determines that the applicant is required to apply at a U.S. Passport Agency. This generally will be in complex citizenship cases where in-person services are necessary for adjudication of the application. The Department continues to encourage applicants to use lower-cost passport acceptance agents, drop boxes, and mail-in services whenever possible. A passport may be obtained for the basic processing and issuance fee by applying in the normal course of business, while the more expensive, expedited service is available for those with a special need for urgent issuance.

Adjudication of Citizenship for Undocumented Passport Applicants Born Overseas

A new fee is proposed for citizenship adjudication for previously undocumented passport applicants born overseas. The cost of these complex citizenship adjudications has until now been allocated to the passport fee. The Department has concluded that this service should instead be broken out of the passport fee and made the subject of a separate fee.

The Immigration and Naturalization Service (INS) currently charges \$100 to adjudicate such citizenship cases in connection with an application for a certificate of citizenship. The Department has observed that previously undocumented applicants whose primary interest is in obtaining a citizenship adjudication, rather than a passport, often apply for a passport instead to avoid paying the INS citizenship adjudication fee. The Department's FY 1995 average cost to adjudicate citizenship is at least \$80. These cases involve a different and often more complex adjudication process than passport applications of previously documented citizens; for example, additional interviews and evidence may be required and more complex legal issues may be involved. The proposed fee of \$100 will equalize the INS and State Department fees for the same service and ensure full recovery of the Department's costs of providing this service. It also will

ensure that the actual users of the service, rather than all passport applicants, bear the cost of these complex citizenship adjudications.

Passport Waiver

The Department at present has a \$100 fee for waiving the requirement that a U.S. citizen travel in or out of the United States on a U.S. passport. The proposed Schedule reallocates the cost of processing passport waivers to the passport fee, thereby making passport waivers a no-fee service. This reallocation is consistent with the fact that virtually all users of this service are or will be passport holders, and with the Department's general practice of allocating the cost of emergency consular services to the passport fee. In addition, the reallocation eliminates the administrative costs of collection and addresses concerns over the fairness of the separate fee expressed by many Americans whose passports have been lost or stolen. Those who must travel immediately despite the theft or loss of a passport, or because of a genuine emergency, will no longer be subject to a \$100 fee in order to receive a passport waiver.

The Department is not, at this time, amending 22 CFR section 53.2(h), which provides for the collection of a fee for the waiver of the passport requirement as specified in the Schedule of Fees. Changes may be made to section 53.2(h) at a later time, however.

Report of Birth Abroad of a Citizen of the United States

The Department at present charges a \$10 fee for issuance of a Report of Birth Abroad of a Citizen of the United States which is proof of U.S. citizenship (see 22 U.S.C. 2705). The average cost of providing this service is in fact considerably higher (close to \$180), in part because of cases involving parents who lived overseas for long periods of time and whose prior residency in the United States must be confirmed. The proposed Schedule increases the fee for a Report of Birth Abroad of a Citizen of the United States to \$40, and reallocates the remaining costs of this service to the passport fee. The resulting increase in passport fees is negligible. The Department believes that this combined approach (adjusting the fee to recover more of the costs of service from the actual users and reallocating the remaining costs to the passport fee) appropriately balances the policy of placing costs on actual users with the strong public policy interest in encouraging all U.S. citizens whose children are born abroad to obtain a Report of Birth Abroad of a Citizen of

the United States when the child is born.

Emergency Overseas Assistance for American Citizens

The primary responsibility of U.S. consular officers overseas is the protection and welfare of American citizens. No-fee services performed in instances of arrest, missing persons, and destitution are listed on the proposed Schedule for the information of the American traveler. As noted in the discussion of the passport fee, the costs for these services will continue to be reallocated to the passport fee, consistent with long-standing Department practice. This ensures that any American traveling abroad may obtain emergency consular services without regard to ability to pay for the actual services rendered.

The current Schedule lists services relating to death and estates of Americans overseas in several sections. The proposed Schedule consolidates all death and estate services in one new section. Services related to the death of an American citizen are performed for no fee. The costs of these services have been reallocated to the passport fee.

Two death and estate fee items have been added to the proposed Schedule. The first is a \$700 fee for services required for the transshipment of the remains of a foreign national through the United States. This service is performed infrequently but at a high cost, which is more appropriately paid by the next-of-kin rather than by the American taxpayer.

A fee for acting as provisional conservator of estates of U.S. citizens with a value of over \$10,000 also has been added to the proposed Schedule. Consular officers will continue where necessary to take possession of and inventory all estates of Americans who die overseas. But overseeing the appraisal, sale, and final disposition of estates over \$10,000, disbursing funds, and carrying out other legally related estate business is more appropriately handled by an attorney. Such estate services are performed for the benefit of the next-of-kin and should be paid for by the users rather than by the taxpayer.

Services Relating to Vessels and Seamen

The provision of consular services relating to vessels and seamen has fallen dramatically in recent years. Accordingly, maritime services have been consolidated into three fee items on the proposed Schedule of Fees to more accurately reflect the nature, volume, and cost of performing the services.

Documentary Services for American Citizens

Documentary services are listed in several sections of the current Schedule of Fees. The proposed Schedule consolidates all documentary services in one section. Current item 46, noting of a negotiable instrument, is performed so infrequently that it will no longer be listed as a separate service but will be charged for as a notarial service. Current item 75, typing a copy or extract of a document, has been dropped from the Schedule on the assumption that documents are now photocopied and/or certified rather than retyped.

The fee for notarial services is currently \$10. In the new Schedule, it will be increased to \$55, reflecting the high cost of performing such services overseas. For many years, the notarial fee has been held well below the actual cost of performing this service by reallocating part of the costs of performing notariats to the passport fee. Most notariats performed at embassies and consulates overseas are for the benefit of individual Americans and foreign nationals engaged in legal or business transactions, however. These are not emergency services and there is no particular public interest in ensuring that the service is obtained from a U.S. consulate. In many cases, the user can obtain the necessary notarial service from a local provider, but uses a U.S. consular officer because the fee is lower. Thus the artificially low fee for notarial services has the general effect of increasing the notarial workload of our overseas posts. The Department has concluded that the costs of this service should be recovered in full from the individuals for whom they are actually performed rather than in part from all passport holders.

In the case of certifications, however, for which the cost of service is approximately the same as for notariats, the Department proposes to continue to set the proposed fee below the actual cost of service, and to reallocate the remainder of the cost to the passport fee. Certifications are almost exclusively of official U.S. government documents issued by embassies and consulates overseas (e.g., reports of births and deaths occurring overseas). The need for such documents generally arises from the fact of an American citizen's travel abroad, and there is a significant public interest in certifying such documents' authenticity at a relatively minimal cost.

In addition, the Department has reviewed its existing exemptions from documentary service fees and is eliminating those that are not required by law or that do not serve any

significant public interest. Others are being modified or clarified.

Visas

The structure of the immigrant visa application processing and issuance fees remains the same, although the fees are being increased to reflect the actual costs of service. In addition, the Department is instituting an additional fee, in the nature of a surcharge, for diversity visa applicants. The final rule for the diversity visa fee was published in the **Federal Register** on August 8, 1997. This additional fee, which will recover the lottery costs from those lottery entrants who actually apply for diversity visas, was authorized by Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 3009-703-704 (Sept. 30, 1996). Administration of the lottery is part of the cost of allocating such visas, and it would be impracticable to impose a fee on all visa lottery entrants (technically, visa "petitioners", given the millions of entrants, the problems of collecting a uniform fee from individuals all over the world (who will have varying access to international currency), and the burden of having to collect and account for what would be a very small fee from a large number of persons.

Since 1994, the Department has collected a nonimmigrant visa (NIV) application processing fee from NIV applicants at posts issuing machine readable visas (MRVs), commonly known as the "MRV" fee. The MRV technology is now installed worldwide, as are improved information management systems for ensuring that all visa applicants are checked against the visa lookout system. The NIV/MRV application fee, originally set at \$20, will increase to \$45. This amount is based on the volume-weighted average cost of processing a nonimmigrant visa, including border crossing cards, crew visas, treaty trader/investor visas, fiancé visas, and petitions for intracompany transferee and temporary worker visas, using the new MRV and enhanced lookout technologies. The proposed new fee is significantly higher because the original \$20 fee, in addition to being based on cost data available in 1991, did not include the costs of the new technology. The proposed Schedule of Fees continues to require that the fee be paid by virtually all NIV applicants, with only very limited exceptions (e.g., for diplomatic visas).

The NIV application processing fee is cost-based and is paid regardless of whether a visa is issued because it covers the cost of processing the visa application. Note that applicants who

are issued a visa also may be charged an NIV issuance fee based on reciprocity with the host country (Item 57 in the proposed schedule). These reciprocal NIV issuance fees were not included in the Department's cost-of-service study because they are not cost-based but rather are determined in light of other countries' practices. The Department seeks to ensure that the total amount of U.S. nonimmigrant visa fees, including the NIV application processing fee and any issuance fees based on reciprocity, reflects the total of a foreign country's fees for comparable visas.

Under the current Schedule of Fees, visa processing fees for crewmen, who generally are manifested on a single crew list document, are based on the number of crew members on the document. In fact, each crew member's eligibility for a visa is reviewed as if he or she were applying for a nonimmigrant visa. This review requires the same amount of labor and processing time as a nonimmigrant visa application. To ensure full recovery of those costs, the nonimmigrant visa processing fee of \$45 on the proposed Schedule will apply to each individual crew applicant. The separate entry on the Schedule for crewmen is therefore being eliminated.

The proposed Schedule includes new fees for two special visa-related services for aliens that currently are performed for no fee: (1) Legal permanent resident status may expire when an alien remains outside the United States for an extended period of time. Application for returning resident status is made at embassies and consulates overseas. Processing a returning resident application involves the same work as processing an immigrant visa. (2) Legal permanent resident aliens who have lost their alien registration cards may apply at an embassy or consulate for a transportation letter to re-enter the United States—a service that also requires a discernible amount of consular time. The cost of both of these services currently is paid by the American taxpayer. The proposed fees for these special services for aliens will more appropriately allocate the costs of performing them to the users. The proposed fee for the first service is \$50 and the fee for the second service is \$120.

Deletions

A number of services are being deleted from the Schedule; for example, Administration of Examinations, which is not a consular service, but rather a service to other agencies. It is frequently performed by administrative rather than consular officers. Similarly, Freedom of

Information Services, which are performed by another office in the Department, has been deleted.

Amendments to 22 CFR Part 51, Subpart D (22 CFR 51.61 Through 51.67)

The Department is also making technical amendments to 22 CFR Part 51, Subpart D, which addresses passport fees. Although passport fees are listed in the Schedule of Fees published at 22 CFR 22.1, 22 CFR 51.61 also sets forth the current passport fees under the heading "statutory fees." The Department has decided not to include the specific amount of the fees in section 22 CFR 51.61, but instead to cross-reference to the Schedule of Fees. This will permit future adjustments to passport fees to be made more efficiently, since it will be necessary to amend only the Schedule of Fees as it appears in 22 CFR 22.1. The Department is similarly amending 22 CFR 51.67, which at present states the specific amount of the fee for expedited passport services.

In addition, 22 CFR 51.62 provides for the possibility of "regulatory fees," but does not set forth any services for which such fees are charged. The Department believes that the provision for "statutory" and "regulatory" fees in sections 51.61 and 51.62, respectively, reflects the fact that the precise amount of certain passport fees formerly was specified by statute while other passport-related fees could potentially be established by regulation pursuant to general statutory authorities. Now, however, the statutes that specifically provide for passport fees no longer set the actual amount of the fee to be charged. Instead, all fees are authorized by statutes that leave the precise amount to be set by regulation in accordance with user charges principles. As a result, the Department has concluded that sections 51.61 and 51.62 can now be combined into a single section, which will be section 51.61, setting forth the passport services for which fees will be charged. The remaining sections of Subpart D will be renumbered accordingly.

Finally, amendments are being made in Subpart D to conform that Subpart to other changes made in the Schedule of Fees and to modernize its provisions.

Amendment to 22 CFR Part 53

The title of 22 CFR Part 53 is being changed and the authority citation is being revised.

Regulatory Findings

This rule is not considered to be a major rule for purposes of E.O. 12291

nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. This rule has been reviewed as required by E.O. 12988 and determined to be in compliance therewith. This rule is exempt from E.O. 12866 but has been reviewed internally by the Department to ensure consistency with the objectives thereof and by OMB in light of its public policy implications. OMB

has determined that the rule would in any event not constitute a significant regulatory action under E.O. 12866.

List of Subjects

22 CFR Part 22

Consular services, Fees, Schedule of fees for consular services, Passports and visas.

22 CFR Part 51

Passports, fees.

22 CFR Part 53

Passport requirement and exceptions.

Accordingly, parts 22, 51, and 53 are proposed to be amended as follows:

PART 22—[AMENDED]

1. The authority citation for part 22 is revised to read as follows:

Authority: 8 U.S.C. 1153 note, 1351, 1351 note; 22 U.S.C. 214, 4201, 4206, 4215, 4219; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632, 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603, 3 CFR, 1966–1970 Comp., p. 570.

2. Section 22.1 is revised to read as follows:

22.1 Schedule of fees.

Item No.	Fee
Passport and Citizenship Services	
1. Passport Services. [former nos. 1, 3, 4]: ¹	
(a) Execution	\$15.00.
(b) First-time issuance:.	
(1) Applicants age 16 or over	\$45.00 plus expedited processing fee if applicable.
(2) Applicants under age 16	\$25.00 plus expedited processing fee if applicable.
(c) Subsequent issuance (renewal):.	
(1) Applicants age 16 or over	\$40.00 plus expedited processing fee if applicable.
(2) Applicants under age 16	\$25.00 plus expedited processing fee if applicable.
(d) Expedited service (exclusive of express mail charges) not applicable overseas:.	
(1) Requested guaranteed 3-day service	\$35.00.
(2) In-person service at a U.S. Passport Agency, unless the Department has determined that the applicant is required to apply at a U.S. Passport Agency.	\$35.00.
2. Exemptions: The following applicants are exempted from passport fees: [former no. 5]:	
(a) Officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or their immediate family members (22 U.S.C. 214).	No fee.
(b) American seamen who require a passport in connection with their duties aboard an American flag vessel (22 U.S.C. 214).	No fee.
(c) Widows, children, parents, or siblings of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214).	No fee.
(d) Employees of the American National Red Cross proceeding abroad as members of the Armed Forces of the United States (10 U.S.C. 2602(c)).	No fee.
(e) Peace Corps and Volunteer Leaders deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(a)).	No fee.
3. File search and verification of U.S. citizenship when applicant has not presented evidence of citizenship and previous records must be searched. (This fee will not be charged when the applicants' passport was stolen or when one of the exemptions in item 38 is applicable.) [former no. 10(a)].	\$15.00.
4. Determination or adjudication of U.S. citizenship for applicants born overseas who have not presented a U.S. passport, Report of Birth Abroad of a Citizen of the United States, or Certificate of Naturalization or Citizenship from the Immigration and Naturalization Service. [new] ² .	\$100.00.
5. Passport amendments, to add current or new information, change a name, extend a previous passport time limitation, correct an administrative error, validate a passport for travel to restricted countries, or add extra pages. [former no. 6].	No fee.
6. Passport waiver (22 CFR 53.2(h), Passport requirement and exceptions). [former no. 12]	No fee.
7. Registration of a U.S. citizen at a U.S. Embassy or Consulate when documentary evidence of U.S. citizenship has been presented. [former no. 7].	No fee.
8. Report of Birth Abroad of a Citizen of the United States (includes new no. 4). [former nos. 8, 9(a)]	\$40.00.
9. Issuance of Replacement Report of Birth Abroad of a Citizen of the United States by the Department of State in Washington. [former no. 9].	\$40.00.
For fees relating to obtaining documents from passport files and related records, see Documentary Services, item 35 and succeeding.	
(Item nos. 10 through 14 vacant.)	
Overseas Citizens Services	
General Overseas Assistance:	
15. Arrest visits. [new]	No fee.
16. Assistance regarding the welfare and whereabouts of a U.S. citizen, including child custody inquiries. [new].	No fee.
17. Loan processing. [new]:.	

Item No.	Fee
(a) Repatriation loans.	No fee.
(b) Emergency dietary assistance loans.	No fee.
(Item Nos. 18–20 vacant.)	
Death and Estate Services:	
21. Identification of remains and consultation with family members of a U.S. Citizen. [new]	No fee.
22. Assistance to the next-of-kin in making arrangements for shipping or other disposition of remains of a U.S. Citizen. [former no. 73].	No fee.
23. Affidavit attesting to preparation and packing of remains of a U.S. Citizen. [former no. 59]	No fee.
24. Issuance of consular mortuary certificate on behalf of a U.S. Citizen. [former no. 60]	No fee.
25. Assistance in transshipment of remains of a foreign national to or through the United States, including documentation covered by items 23 and 24. [new].	\$700.00.
26. Preparation of Report of Death of an American Citizen Abroad, including sending copies to legal representative and closest known relative or relatives. [former no. 9(c)].	No fee.
27. Acting as a provisional conservator of estates of U.S. citizens (other than U.S. Government employees), including taking possession of, making an inventory, placing the official seal on the estate, overseeing the appraisal, sale and final disposition of the estate, disbursing funds, forwarding securities, etc.: [former no. 70, 71, 72]:.	No fee.
(a) Estates under \$10,000	No fee.
(b) Estates \$10,000 or more, for rendering services additional to taking possession, inventorying, and placing the official seal.	Consular time (item 70) and costs.
(Item nos. 28–29 vacant.)	
Services Relating to Vessels and Seamen:	
30. Shipping and seamen services, including recording of bill of sale of vessel purchased abroad, taking of application for certificate of American ownership, and investigation. [former no. 34].	Per service, \$80.00.
31. Documentary services related to shipping, including issuance of certificate of American ownership. [former no. 35].	Per service, \$650.00 plus costs incurred.
32. Services provided for an American vessel or American seamen. 22 U.S.C. 4206. [former no. 36]	No fee.
(Items nos. 33–34 vacant.)	
Documentary Services	
35. Notarials. [former nos. 45 (a) and (b)]	\$55.00.
36. Certifications:	
(a) Certifying under official seal that a copy or extract made from an official or a private document is a true copy. [former nos. 45(c), 10(c)].	\$20.00; each additional copy \$10.00.
(b) Certifying under official seal a statement or extract from official files or a statement that no record of an official file can be located. [former no. 10(d)].	\$20.00; each additional copy \$10.00.
(c) Certifying the fact of issuance of a Report of Birth Abroad of a Citizen of the United States and certifying copies of documents relating to births, marriages, and deaths of citizens abroad issued by a U.S. Embassy or Consulate (obtainable from the Department of State, Washington, D.C.). [former no. 9].	\$20.00; each additional copy \$10.00.
37. Authentications:	
(a) Certifying to official character of a foreign notary or other official (i.e., authenticating a document). [former no. 45(d), 9(b)].	\$32.00.
(b) Authenticating a federal, state, or territorial seal, or certifying to the official status of an officer of the United States Department of State or of a foreign diplomatic or consular officer accredited to or recognized by the United States Government, or any document submitted to the Department for that purpose. [former no. 45(f)].	\$32.00.
38. Exemptions: Notarial, certification, and authentication fees (items 35, 36, and 37) or passport file search fees (item 3) will not be charged when the service is performed: [former nos. 11, 58]:	
(a) At the request of any federal government agency (unless substantial costs would be incurred) ..	No fee.
(b) At the request of any state or local government, the District of Columbia, or any of the territories or possessions of the United States (unless substantial costs would be incurred).	No fee.
(c) With respect to documents to be presented by claimants, beneficiaries, or their witnesses in connection with obtaining federal, state, or municipal benefits.	No fee.
(d) For American citizens outside the United States preparing ballots for any public election in the United States or any of its territories.	No fee.
(e) At the request of a foreign government or an international agency of which the United States is a member if the documents are for official noncommercial use.	No fee.
(f) At the request of a foreign government official when appropriate or as a reciprocal courtesy	No fee.
(g) At the request of U.S. Government personnel, Peace Corps volunteers, or their dependents stationed or traveling officially in a foreign country.	No fee.
(h) With respect to documents whose production is ordered by a court of competent jurisdiction	No fee.
39. Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of federal court on behalf of an indigent party. [former no. 66].	No fee.
40. Providing seal and certificate for return of letters rogatory executed by foreign officials. [former no. 67] ..	\$455.00.
41. Taking depositions or executing commissions to take testimony. [former no. 69]	Per hour, \$200.00 plus costs incurred.
(Items nos. 42–49 vacant.)	
Visa Services	
50. Immigrant visa application processing fee. [former no. 20]	\$260.00.

Item No.	Fee
51. Immigrant visa application surcharge for Diversity Visa Lottery. [former no. 19]	\$75.00.
52. Immigrant visa issuance fee. [former no. 21]	\$65.00.
53. Refugee case preparation and processing. [new]	No fee.
54. Nonimmigrant visa application processing fee. [former no. 26]	\$45.00.
55. EXEMPTIONS from nonimmigrant visa application processing fee: [former no. 26]:	
(a) Applicants for A, G, C-2, C-3, and NATO visas	No fee.
(b) Applicants for J visas participating in official U.S. Government (USIA or USAID) sponsored educational and cultural exchanges.	No fee.
(c) Persons issued replacement machine readable visas when the original machine readable visa has not adhered to the passport or other travel document through no fault of the applicant.	No fee.
(d) Persons exempted by international agreement as determined by the Department	No fee.
(e) Persons travelling to participate in charitable activities as determined by the Department	No fee.
56. Visa fingerprinting. [former no. 28]	\$25.00.
57. Nonimmigrant visa issuance fee, including border crossing cards. [former nos. 22, 24]	RECIPROCAL.
58. EXEMPTIONS from nonimmigrant visa issuance fee: [former no. 23]:	
(a) An official representative of a foreign government or an international or regional organization of which the U.S. is a member.	No fee.
(b) An applicant transiting to and from the United Nations headquarters	No fee.
(c) An applicant participating in a U.S. government sponsored program	No fee.
59. Special visa processing services for aliens: [new]:	
(a) returning resident status	\$50.00.
(b) transportation letter	\$120.00.
(c) waiver of immigrant visa ineligibility (collected for INS; subject to change)	\$95.00.
60. Filing immigrant visa petition (collected for INS; subject to change)	\$80.00.
(Items Nos. 61-64 vacant.)	

Administrative Services

65. Nonemergency telephone calls. [former no. 85]	Local long distance rate plus \$10.00.
66. Setting up and maintaining a trust account for 1 year or less to transfer funds to or for the benefit of an American in need in a foreign country. [former no. 92].	\$20.00.
67. Transportation charges incurred in the performance of fee and no-fee services when appropriate and necessary. [former no. 94].	Costs incurred.
68. Emergency passport photo service. [former no. 13]	No fee.
69. Return check processing fee. [former no. 95]	\$25.00.
70. Consular time charges as required by this schedule or for fee services performed away from the office or after-duty-hours. [former no. 93].	Per hour, \$180.00 plus costs incurred.
71. Photocopies (provided other than pursuant to 22 CFR Part 171 or order of a court of competent jurisdiction). [former nos. 10(b), 76].	Per page, \$1.00.
(Item nos. 72-80 vacant.)	

¹ Note: Former numbers will not appear in the Final rule.

² "New" designations will not appear in the Final rule.

§ 22.8 [Removed]

3. Section 22.8 is removed.

PART 51—[AMENDED]

4. The authority citation for part 51 is revised to read as follows:

Authority: 22 U.S.C. 211a, 212, 213, 214, 214a, 216, 217a, 2671(d); 31 U.S.C. 9701; Sec. 129, Pub. L. 102-138, 105 Stat. 661; E.O. 11295, 36 FR 10603, 3 CFR, 1966-1970 Comp., p. 570.

5. Section 51.61 is revised to read as follows:

§ 51.61 Passport fees.

Fees, including execution fees, shall be collected for the following passport services in the amounts prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1):

(a) A fee for each passport issued, which fee shall vary depending on whether the passport is issued to a first-time applicant or a renewal applicant and on the age of the applicant. The

passport issuance fee shall be paid by all applicants at the time of application, except as provided in § 51.62(a).

(b) A fee for execution of the passport application, except as provided in section 51.62 (b), when the applicant is required to execute the application in person before a person authorized to administer oaths for passport purposes. This fee shall be collected as part of the passport issuance fee at the time of application and is not refundable (see 22 CFR 51.65). When execution services are provided by an official of a state or local government or of the United States Postal Service, the fee may be retained by that entity to cover the costs of service, pursuant to an appropriate agreement with the Department of State.

(c) A fee for expedited services, if any, provided pursuant to 22 CFR 51.66.

6. Section 51.62 is removed and sections §§ 51.63 through 51.66 are redesignated as §§ 51.62 through 51.65, respectively.

7. Newly redesignated § 51.63 is amended in paragraph (a) by changing "§ 51.63" to read "§ 51.62", and in paragraph (f) by changing "§ 51.67" to read "§ 51.66".

8. Newly redesignated § 51.66 is amended by revising paragraphs (a) and (c) to read as follows:

§ 51.66 Expedited passport processing.

(a) Within the United States, an applicant for a passport service (including issuance, amendment, extension, or the addition of visa pages) may request expedited processing by a Passport Agency. All requests by applicants for in-person services at a Passport Agency shall be considered requests for expedited processing, unless the Department has determined that the applicant is required to apply at a U.S. Passport Agency.

* * * * *

(c) A fee shall be collected for expedited processing service in the

amount prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1). This amount will be in addition to any other applicable fee and does not include urgent mailing costs, if any.

PART 53—PASSPORT REQUIREMENT AND EXCEPTIONS

9. The title of Part 53 is revised to read as set forth above.

10. The authority citation for part 53 is revised to read as follows:

Authority: 8 U.S.C. 1185; Proc. 3004, 18 FR 489, 3 CFR, 1949–1953 Comp., p. 180.

Dated: November 19, 1997.

Patrick F. Kennedy,

Acting Under Secretary for Management.

[FR Doc. 97–30838 Filed 11–28–97; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 901

RIN 0701–AA58

Appointment to the United States Air Force Academy

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to revise its regulation on processing nominations and appointments to the United States Air Force Academy (USAFA). The proposed revision changes admission age limit from 22 to 23, service obligation from 6 to 5 years, USAFA/OL–C to USAFA/RRA, changes high school AFJROTC unit into high school Honor AFJROTC unit and adds Northern Mariana Islands as a nominating source.

DATES: Comments must be received no later than January 30, 1998.

ADDRESSES: Comments should be submitted to HQ USAFA/RRA, 1040 Air Force Pentagon, Washington, DC 20330–1040.

FOR FURTHER INFORMATION CONTACT: Ms. Judith McCann, (703) 697–7116.

SUPPLEMENTARY INFORMATION: The Department of the Air Force proposes to revise 32 CFR Part 901 to reflect current policies. Part 901 is the Air Force guidance on processing nominations and appointments to the United States Air Force Academy (USAFA). This process directs collecting and maintaining information subject to the Privacy Act of 1974 authorized by Title 10, U.S.C., Chapter 903 and Title 10, U.S.C., Chapter 8013. It implements

DoD Directive 1322.22, August 24, 1994. This proposed rule, Air Force Instruction (AFI) 36–2019, revises and replaces AFI 36–2019, Appointment to the United States Air Force Academy, May 16, 1994, and Air Force Regulation 53–10, Appointment to the United States Air Force Academy, October 22, 1985.

List of Subjects in 32 CFR 901

Military academies.

For the reason stated in the preamble, the United States Air Force proposes to revise, 32 CFR part 901 as follows:

PART 901—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

Sec.

901.0 Purpose.

901.1 Responsibilities.

901.2 Nominations and appointments.

901.3 Obligation of appointees.

901.4 Forms Prescribed.

Attachment 1 to Part 901—Eligibility Requirements for U.S. Air Force Academy Applicants

Attachment 2 to Part 901—Academy Nomination Categories

Attachment 3 to Part 901—Nomination Methods

Attachment 4 to Part 901—Appointment Vacancy Selection

Attachment 5 to Part 901—Appointee Obligations

Authority: 10 U.S.C., Chapter 903, and 10 U.S.C., 8013, except as otherwise noted.

§ 901.0 Purpose.

It provides instructions to Air Force members to process nominations and appointments to the United States Air Force Academy (USAFA). This instruction directs collecting and maintaining information subject to the Privacy Act of 1974 authorized by Title 10, United States Code, Chapter 903 and Title 10, United States Code, Section 8013. System of Records F036 AFDPB, Air Force appointment, Separation records applies.

§ 901.1 Responsibilities.

The USAFA offers cadet appointments to candidates with the strongest potential to become successful career officers. USAFA offers appointments according to law and HQ USAF guidance. The President may appoint candidates to become cadets; however, appointments are conditional until the candidates enter the Academy.

(a) HQ USAFA/RRS evaluates applications as an initial step in the appointment process and as an aid to Members of Congress in screening their applicants for nomination.

(b) As part of the appointment process HQ USAFA/RRS will:

(1) Send each applicant a packet, with a request for the academic, athletic, leadership, and background information.

(2) Evaluate the application information and provide an analysis to appropriate congressional offices. This report indicates the applicant's potential to qualify for admission and assists Members of the Congress in selecting the best-qualified applicants for nomination.

(3) Advise qualified applicants to seek a nomination. Inform and encourage individuals whose evaluations reflect areas needing improvement to submit additional test scores or information in an effort to improve their qualifications.

(4) Schedule qualified applicants for a medical examination through the Department of Defense Medical Examination Review Board (DoDMERB) for military service eligibility. DoDMERB will notify the student directly of his or her medical status.

§ 901.2 Nominations and appointments.

(a) Eligibility and Nomination Categories. Statutory authority for nominations and appointments is Title 10, U.S.C., Chapter 903.

(1) Eligibility requirements for potential candidates are at attachment 1 to this part.

(2) Specific authorities may nominate eligible applicants for appointment vacancies.

(3) Each applicant must obtain a nomination in order to receive an appointment. Applicants may apply for a nomination in each category in which they are eligible. Nomination categories are at attachment 2 to this part.

(b) Notice of Nomination. The Associate Director of Admissions (HQ USAFA/RRS) acknowledges receipt of all nominations (see attachment 3 to this part).

(1) If a nominee is not in the Academy system, HQ USAFA/RRS will forward an application to the nominee.

(2) HQ USAFA/RRS will send a candidate kit to all applicants or nominees with qualifying potential for either the Academy or the USAFA Preparatory School.

(c) Appointment Selection.

(1) HQ USAFA/RRS will notify HQ USAFA/RRR, of all candidates selected for appointment (see attachment 4 to this part).

(2) To bring the Cadet Wing up to full strength, HQ USAFA/RRS may offer additional appointments from the qualified alternate pool.

(i) The first 150 appointments must come from individuals having nominations from Members of Congress.

(ii) Thereafter, three of every four additional appointments must come