

## DEPARTMENT OF STATE

## 22 CFR Part 22

[Public Notice 3065]

**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 rule proposes to amend the Department's Schedule of Fees for Consular Services by exempting members of UN observer missions and their immediate family members from paying a visa processing fee and a visa issuance fee when obtaining a visa to enter the United States as a UN observer. Members of most of the 32 permanent UN observer missions are currently issued visas without charge when entering the United States to participate as observers. This proposed rule would exempt from fees members of those UN observer missions not currently designated by Executive Order as otherwise exempt.

**DATES:** Comments must be received in the Department no later than June 28, 1999.

**ADDRESSES:** Commenters must send comments in duplicate to: Office of the Executive Director, Bureau of Consular Affairs, Department of State, Washington, DC 20520-4818, telephone (202) 647-3682; telefax (202) 647-3677.

**FOR FURTHER INFORMATION CONTACT:** Alcy Frelick, Office of the Executive Director, Bureau of Consular Affairs, Department of State, telephone (202) 647-3682; telefax (202) 647-3677.

**SUPPLEMENTARY INFORMATION:****Background**

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. All consular fees and exemptions therefrom must be reflected

in the Schedule of Fees for Consular Services. Certain persons are exempted by law from payment of specific fees. (These statutory exemptions are noted in the fee schedule.)

Under the Headquarters Agreement with the United Nations, the United States provides visas for persons on UN business. Article IV, Section 13, states, "When visas are required for persons referred to in (Section 11), they shall be granted without charge and as promptly as possible." Members of UN observer missions are covered under Section 11, part (5), and should therefore be granted visas without charge under Section 13.

There are currently 32 permanent observer missions at the UN in New York. They include non-member states, intergovernmental organizations and other entities invited to participate as observers. The current Schedule of Fees (63 FR 5098, as amended by AG5 FR 6585-867) exempts from visa processing fees only those members of UN observer missions who are entitled to A, G, C-2, C-3 or NATO visas or from visa issuance fees those who are entitled to diplomatic (courtesy) visas. While these categories cover the majority of observer mission members, there are approximately 25-40 members of UN observer missions who are not exempted from the visa fees under the current Schedule of Fees.

In order to carry out the UN Headquarters Agreement, the Department proposes to amend the Schedule of Fees to reflect the entitlement of these observer mission members to exemption from all visa fees.

**Amendments to 22 CFR Part 22**

The Department is, therefore, proposing to add a new entry designated as paragraph (f) under item 55 (visa processing fee) and a new entry designated as paragraph (e) under item 57 (visa issuance fee) of 22 CFR part 22, § 22.1. These entries would reflect an exemption from both the nonimmigrant visa processing fee and the nonimmigrant visa issuance fee for

"members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly, and their immediate families."

**Regulatory Findings**

The Department does not consider this rule to be a major rule for purposes of E.O. 12291. The Department does not expect the rule 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. The Department has reviewed the rule as required by E.O. 12988 and determined it to be in compliance. This rule is exempt from E.O. 12866, but the Department has reviewed the rule to ensure consistency with the objectives of the Executive Order, and the Office of Management and Budget has determined this rule would not constitute a significant regulatory action under E.O. 12866.

**Proposed Rule****List of Subjects in 22 CFR Part 22**

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

Accordingly, this rule proposes to amend 22 CFR part 22 as follows:

**PART 22—[AMENDED]**

1. The authority citation for part 22 continues 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 proposed to be amended by adding a new paragraph (f) to item No. 55 and a new paragraph (e) to item No. 57 to read as follows:

**§ 22.1 Schedule of fees.**

	*	*	*	*	*	*	*
(55)	*	*	*				
	(f) Members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly, and their immediate families.					No fee.	
	*	*	*	*	*	*	*
(57)	*	*	*				
	(e) Members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly, and their immediate families.					No fee.	
	*	*	*	*	*	*	*

Dated: May 17, 1999.

**Bonnie R. Cohen,**

*Under Secretary for Management.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region VII Docket No. MO 060-1060; FRL-6351-5]

#### Approval and Promulgation of Implementation Plans; State of Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the state of Missouri to amend the fugitive dust rule. The proposed revisions amend the state fugitive dust rule in order to provide an exemption for adverse or unusual weather conditions. The fugitive dust rule is necessary to help maintain compliance with the National Ambient Air Quality Standards (NAAQS) for particulate matter.

**DATES:** Comments must be received on or before June 28, 1999.

**ADDRESSES:** All comments should be addressed to: Aaron Worstell, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101, 913-551-7787.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Aaron Worstell, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101, 913-551-7787.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *What Is a SIP?*

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality

meets the NAAQS established by EPA. These ambient standards are established under section 109 of the CAA and they currently address six criteria pollutants. These pollutants are: CO, nitrogen dioxide, ozone, lead, PM<sub>10</sub>, and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

The CAA requires each state to have a Federally approved SIP which protects air quality, primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

##### *What Is the Federal Approval Process for a SIP?*

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state may submit the adopted provisions to EPA and request that these provisions be included in the Federally enforceable SIP. EPA must then decide on an appropriate Federal action, provide public notice on this action, and seek additional public comment regarding this action. If adverse comments are received, they must be addressed prior to a final action by EPA.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which were approved are not reproduced in their entirety in the CFR but are "incorporated by reference," which means that EPA has approved a given state regulation with a specific effective date.

##### *What Does Federal Approval of a State Regulation Mean to Me?*

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state function. However, once the regulation is Federally approved, EPA

and the public may take enforcement action against violators of these regulations.

##### *What Is Being Acted on in This Document?*

On January 21, 1998, EPA approved revisions to the Missouri SIP which included the addition of rule 10 CSR 10-6.170, Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin (see 63 FR 3037). Subsequently, on November 25, 1998, Missouri submitted an amended 10 CSR 10-6.170 (the fugitive dust rule) to EPA and requested that it be included as part of the SIP. It is the amended fugitive dust rule for which EPA is proposing approval today.

In general, the fugitive dust rule limits fugitive dust emissions onto adjacent property and into the atmosphere. The rule achieves this by prohibiting the deposition of particulate matter onto surrounding property and by restricting visible emissions. In addition, the rule requires that reasonable control measures be used to correct any noncompliance situation that may occur and lists several typical fugitive dust control measures. Finally, the rule provides specific exemptions where the fugitive dust rule would not be practical (e.g., agricultural operations such as tilling).

The amended fugitive dust rule proposed here today adds an exemption for activities that would otherwise be subject to control requirements except for the occurrence of adverse or unusual weather conditions. These weather conditions include, but are not limited to: high winds, extended dry weather periods, and extreme cold weather periods. However, the staff director has the discretion to determine what constitutes "adverse or unusual weather." The fugitive dust rule is applicable throughout the state of Missouri.

EPA believes that the exemption merely recognizes that fugitive emissions may occur despite the application of reasonable control measures and that, in some instances, conditions beyond the control of the source owner or operator may cause fugitive dust emissions beyond the property line of the source. In such cases, the rule provides authority for the state to exempt sources from the prohibition.

In addition to the new exemption, the amendments include minor renumbering and wording changes which are unsubstantial and do not effect the application or requirements of the rule.