

Monaco, and San Marino rely on the veterinary infrastructures of their neighboring countries and cannot, themselves, provide adequate surveillance.

Therefore, in order to prevent the introduction of BSE into the United States, we are amending the regulations by adding Andorra, Monaco, and San Marino to the list in § 94.18(a)(2) of regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance to detect the presence of BSE. The effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San Marino and on the importation of meat, meat products, and certain other products and byproducts of ruminants that have been in Andorra, Monaco, or San Marino.

#### Emergency Action

This rulemaking is necessary on an emergency basis to prevent the introduction of BSE into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register** that will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required under Executive Order 12866.

We are amending the regulations by adding the Republic of San Marino and the independent principalities of Andorra and Monaco to the list of regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance to detect the presence of BSE. Therefore, the effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San

Marino and meat, meat products, and certain other products of ruminants that have been in Andorra, Monaco, or San Marino. This action is necessary in order to prevent the introduction of BSE into the United States.

There is no history of importations of live animals or of animal products into the United States from Andorra, Monaco, or San Marino. Therefore, no economic effect on U.S. entities, small or otherwise, is expected to occur as a result of this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 continues to read as follows:

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

#### **§ 94.18 [Amended]**

2. Paragraph (a)(2) of § 94.18 is amended by adding, in alphabetical order, the words “Andorra,” “Monaco,” and “San Marino,”.

Done in Washington, DC, this 29th day of May 2001.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01–13913 Filed 6–1–01; 8:45 am]

**BILLING CODE 3410–34–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. 2000–CE–72–AD; Amendment 39–12247; AD 2001–10–04 R1]**

**RIN 2120–AA64**

#### **Airworthiness Directives; Air Tractor, Inc. AT–400, AT–500, and AT–800 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment revises AD 2001–10–04, which concerns certain Air Tractor, Inc. (Air Tractor) AT–400, AT–500, and AT–800 series airplanes. AD 2001–10–04 superseded AD 2000–14–51 and lowers the safe life for the wing lower spar cap on these airplanes. The AD was the result of numerous reports of cracks in the 3/8-inch bolthole of the wing lower spar cap on the affected airplanes. We inadvertently included certain AT–800 series airplanes in the Applicability of this AD. Those AT–800 series airplanes that are equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001–10–04. This action revises the AD to reflect this change and to provide information for applying for an alternative method of compliance with this AD. The actions specified by this AD are intended to prevent fatigue cracks from occurring in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the wing separating from the airplane during flight.

**DATES:** This AD becomes effective on June 8, 2001.

The Director of the **Federal Register** previously approved the incorporation by reference of certain publications listed in the regulation as of June 8, 2001 (66 FR 27014, May 16, 2001).

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before July 13, 2001.

**ADDRESSES:** Submit comments in triplicate to FAA, Central Region, Office

of the Regional Counsel, Attention: Rules Docket No. 2000-CE-72-AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may get the service information referenced in this AD from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You may look at this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-72-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Rob Romero, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5102; facsimile: (817) 222-5960.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*What events have caused this AD?* Several reports of cracked wing lower spar caps on Air Tractor AT-400, AT-500, and AT-800 series airplanes have caused the manufacturer (Air Tractor) to recalculate the fatigue life of the wing lower spar cap on these airplanes. One report was an accident where the wing separated from the airplane during flight. The cracks are originating in the outboard 3/8-inch bolthole of the wing lower spar cap.

*What are the consequences if the condition is not corrected?* This condition could result in fatigue cracks in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the wing separating from the airplane during flight.

*Is there service information that applies to this subject?* Air Tractor has issued the following:

- Snow Engineering Company Service Letter #197, Revised March 26, 2001, which applies to certain Models AT-501, AT-502, and AT-502A airplanes;
- Snow Engineering Company Service Letter #202, Revised March 26, 2001, which applies to certain Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B airplanes;
- Snow Engineering Company Service Letter #203, Revised March 26, 2001, which applies to certain Models AT-802 and AT-802A airplanes; and
- Snow Engineering Company Service Letter #205, Revised March 26, 2001, which applies to certain Models AT-501, AT-502, AT-502B, and AT-503A airplanes.

These service letters include procedures for inspecting and replacing/modifying the wing lower spar cap on the affected airplanes.

*Has FAA taken any action to this point?* To address this condition, FAA issued AD 2001-10-04, Amendment 39-12230 (66 FR 27014, May 16, 2001). This AD lowers the safe life for the wing lower spar cap on Air Tractor AT-400, AT-500, and AT-800 series airplanes. This AD also allows for inspection, using eddy current methods, of the wing lower spar cap for airplanes that are at or over the lower safe life and parts are not available. Operation of the airplane is not allowed if cracks are found and inspections must be terminated when parts become available or after performing three repetitive inspections.

This AD supersedes AD 2000-14-51, Amendment 39-11837 (65 FR 46567, July 31, 2000), which currently requires inspection of the wing lower spar cap for cracks on Air Tractor Models AT-501, AT-502, and AT-502A airplanes, and modification or replacement of any cracked wing lower spar cap.

*What has happened since AD 2001-10-04 to initiate this action?* We inadvertently included certain AT-800 series airplanes in the Applicability of this AD. Those AT-800 series airplanes that are equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001-10-04.

In addition, we will consider inspection of the wing lower spar cap as an alternative method of compliance provided certain criteria are followed.

#### The FAA's Determination and an Explanation of the Provisions of This AD

*What has FAA decided?* After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

- The unsafe condition referenced in this document continues to exist and could still develop on other Air Tractor AT-400, AT-500, and AT-800 series airplanes of the same type design;
- Those AT-800 series airplanes equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001-10-04;
- Information about the above-referenced alternative method of compliance should be incorporated into the AD; and
- AD 2001-10-04 should be revised to reflect this change and addition.

*Will I have the opportunity to comment prior to the issuance of the*

*rule?* This action only clarifies the intent of AD 2001-10-04 and makes a change to not affect certain airplanes. It has no adverse economic impact and imposes no additional burden on any person than would have been necessary to accomplish AD 2001-10-04. Therefore, FAA has determined that prior notice and opportunity for public comment are unnecessary.

#### Comments Invited

*How do I comment on this AD?* Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, we invite your comments on the rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date specified above. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether we need to take additional rulemaking action.

*Are there any specific portions of the AD I should pay attention to?* The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this AD.

We are reviewing the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clear, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at <http://www.plainlanguage.gov>.

*How can I be sure FAA receives my comment?* If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2000-CE-72-AD." We will date

stamp and mail the postcard back to you.

### Regulatory Impact

*Does this AD impact various entities?* These regulations will not have a substantial direct effect 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, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

*Does this AD involve a significant rule or regulatory action?* The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under

DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by Reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. FAA amends § 39.13 by removing AD 2001–10–04, Amendment 39–12230 (66 FR 27014, May 16, 2001), and by adding a new airworthiness directive (AD) to read as follows:

#### 2001–10–04 R1 Air Tractor, Inc.:

Amendment 39–12247; Docket No. 2000–CE–72–AD; Revises AD 2001–10–04, Amendment 39–12230, which superseded AD 2000–14–51, Amendment 39–11837.

(a) *What airplanes are affected by this AD?* The following presents the airplanes (certificated in any category) that are affected by this AD, along with the new safe life (presented in hours time-in-service (TIS)) of the wing lower spar cap for all airplane models and serial numbers:

Model	Serial Nos.	Safe life
AT–400 .....	All serial numbers beginning with 0416 .....	13,300 hours TIS.
AT–401 .....	0662 through 0951 .....	10,757 hours TIS.
AT–401B .....	0952 through 1014 and 1016 through 1020 .....	6,948 hours TIS.
AT–401B .....	1015 and 1021 through 1124 .....	7,777 hours TIS.
AT–402 .....	0694 through 0951 .....	7,440 hours TIS.
AT–402A .....	0738 through 0951 .....	7,440 hours TIS.
AT–402A .....	0952 through 1020 .....	4,589 hours TIS.
AT–402B .....	0966 through 1020 .....	4,589 hours TIS.
AT–402A .....	1021 through 1124 .....	5,268 hours TIS.
AT–402B .....	1021 through 1124 .....	5,268 hours TIS.
AT–501 .....	0002 through 0061 .....	4,531 hours TIS.
AT–501 .....	All serial numbers beginning with 0062 .....	7,693 hours TIS.
AT–502 .....	0003 through 0236 .....	4,000 hours TIS.
AT–502A .....	0158 through 0618 .....	3,000 hours TIS.
AT–502B .....	0187 through 0618 .....	4,000 hours TIS.
AT–503A .....	All serial numbers beginning with 0067 .....	4,000 hours TIS.
AT–802 .....	0001 through 0059 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,132 hours TIS.
AT–802A .....	0003 through 00590059 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,969 hours TIS.
AT–802 .....	0060 through 0091 0059 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,188 hours TIS.
AT–802 .....	0092 through 0101 except those equipped with the factory-supplied part number 80540 computerized fire gate.	8,163 hours TIS.
AT–802A .....	0060 through 0091 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,531 hours TIS.
AT–802A .....	0092 through 0101 except those equipped with the factory-supplied part number 80540 computerized fire gate.	8,648 hours TIS.

**Note 1:** Piston powered aircraft that have been converted to turbine power should use the limits for corresponding serial number turbine-powered aircraft.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent fatigue cracks from occurring in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the

wing separating from the airplane during flight.

(d) *What must I do to address this problem?* To address this problem, you must accomplish the following actions:

Action	Compliance time	Procedures
<p>(1) Modify the applicable aircraft records as follows to show the reduced safe life for the wing lower spar cap (that is specified in the table in paragraph (a) of this AD):</p> <p>(i) For the affected Models AT-802 and AT-802A airplanes: update the Owners Manual, Section 6—Airworthiness Limitations, Life Limited Parts.</p> <p>(ii) For all affected airplanes other than the Models AT-802 and AT-802A airplanes: incorporate the following into the Aircraft Logbook “In accordance with AD 2001-10-04 R1, the wing lower spar cap is life limited to——(insert the applicable safe life number from the chart in paragraph (a) of this AD).</p> <p>(iii) If, as of the time of the logbook entry requirement of paragraph (d)(1) of this AD, your airplane is over or within 10 hours of the safe life limit, an additional 10 hours TIS is allowed to accomplish the replacement/modification.</p> <p>(2) If you have ordered parts from the factory when it is time to replace the wing lower spar cap (as required per the logbook safe life reduction in paragraph (d)(1) of this AD), but the parts are not available, inspect, using eddy current methods, the wing lower spar cap. These inspections are allowed until one of the following occurs, at which time the replacement/modification (required when the lower spar cap has reached its safe life) must be accomplished:</p> <p>(i) Crack(s) is/are found;</p> <p>(ii) Parts become available from the manufacturer; or</p> <p>(iii) Not more than three inspections or 1,200 hours TIS go by: the first inspection would have to be accomplished upon accumulating the safe life; the second inspection would have to be accomplished within 400 hours TIS after accumulating the safe life; the third inspection would have to be accomplished 400 hours TIS after the second inspection; and the replacement/modification would have to be accomplished within 400 hours TIS after the third inspection (maximum elapsed time would be 1,200 hours TIS).</p>	<p>Accomplish the logbook entry within the next 10 hours TIS after June 8, 2001 (the effective date of this AD). An additional 10 hours TIS to accomplish the modification/replacement is allowed if you are already over the safe life limit.</p> <p>Prior to further flight after ordering the parts and thereafter at intervals not to exceed 400 hours TIS until one of the criteria in paragraphs (d)(2)(i), (d)(2)(ii), and (d)(2)(iii) of this AD is met.</p>	<p>The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may modify the aircraft records as specified in paragraphs (d)(1)(i) and (d)(1)(ii) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD in accordance with section 43.9 of Federal Aviation Regulations (14 CFR 43.9). Accomplish the actual replacements/modifications in accordance with Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable.</p> <p>In accordance with the procedures in Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable.</p>

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Fort Worth Airplane Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector. The inspector may add comments before sending it to the Manager, Fort Worth ACO.

(3) Alternative methods of compliance approved for AD 2001-10-04 or AD 2000-14-51 are not considered approved for this AD.

**Note 2:** This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must

request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Are there any alternative methods of compliance already approved or being considered for this AD?* The FAA may approve, as an as an alternative method of compliance, inspection of the wing lower spar cap. You must submit the request in accordance with the procedures in paragraph (e) of this AD and adhere to the following:

(1) If you are over or within 10 hours TIS of the safe life for the wing lower spar cap and you have ordered parts and scheduled a date for the replacement/modification, but having the replacement/modification done on this date grounds the airplane, accomplish the following:

(i) inspect the wing lower spar cap within 10 hours TIS after approval of the alternative method of compliance;

(ii) reinspect thereafter at intervals not to exceed 400 hours TIS until either cracks are found, the date of the scheduled replacement/modification occurs, or 1,200 hours TIS after the initial inspection are accumulated, whichever occurs first;

(iii) accomplish the inspections in accordance with the procedures in Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable.

(2) Submit the following to the Fort Worth Airplane Certification Office using the procedures described in paragraph (e) of this AD:

(i) The airplane model and serial number designation;

(ii) The number of hours TIS on the airplane;

(iii) The scheduled date for the replacement/modification; and  
 (iv) The name and location of the authorized repair shop.

(3) For more information about this issue: contact Rob Romero, Aerospace Engineer, FAA, Fort Worth ACO, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5102; facsimile: (817) 222-5960; e-mail: [Robert.A.Romero@faa.gov](mailto:Robert.A.Romero@faa.gov).

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD provided that the following is adhered to:

- (1) Only operate in day visual flight rules (VFR) only.
- (2) Ensure that the hopper is empty.
- (3) Limit airspeed to 135 miles per hour (mph) indicated airspeed (IAS).
- (4) Avoid any unnecessary g-forces.
- (5) Avoid areas of turbulence.
- (6) Plan the flight to follow the most direct route.

(h) *Are any service bulletins incorporated into this AD by reference?* Replacement actions required by this AD must be done in accordance with Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable. The Director of the Federal Register previously approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51, as of June 8, 2001 (66 FR 27014, May 16, 2001). You may get copies of this document from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You can look at copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on June 8, 2001.

Issued in Kansas City, Missouri, on May 25, 2001.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-13737 Filed 6-1-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 51

[Public Notice 3672]

#### Passport Procedures—Amendment to Requirements for Executing a Passport Application on Behalf of a Minor

**AGENCY:** Bureau of Consular Affairs, State Department.

**ACTION:** Final rule.

**SUMMARY:** This rule finalizes the proposed rule published on October 10, 2000. The rule brings passport regulations into conformity with current practice and implements the requirements of Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act. That Section requires that both parents execute a passport application on behalf of a minor under age 14; or, if only one parent executes the application, such parent must establish his or her custodial status or the other parent's consent. It also provides for exceptions to this requirement in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary of State determines that issuance of a passport is warranted by special family circumstances.

**EFFECTIVE DATE:** July 2, 2001.

**FOR FURTHER INFORMATION CONTACT:** John Hotchner, Director, Office of Passport Policy, Planning and Advisory Services, 2401 E. Street, NW., Room 917, Washington, DC 20522-0907.

**SUPPLEMENTARY INFORMATION:** The Department published a proposed rule, Public Notice 3428 at 65 FR 60132, Oct. 10, 2000, with a request for comments, amending numerous sections of Part 51 of Title 22 of the Code of Federal Regulations. The rule was proposed primarily to implement provisions of Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Public Law 106-113, 113 Stat. 1501A-420 (22 U.S.C. 213n), although it also makes procedural changes to harmonize other parts of the regulations with the two-parent consent requirement. The rule was discussed in detail in Public Notice 3428, as were the Department's reasons for the other changes to the regulations. The Department is now promulgating a final rule with minor changes from the proposed rule (for example, the fact that the rule applies to both renewal and first time passport applications is clarified) and no substantive change.

#### Analysis of Comments

The proposed rule was published for comments on October 10, 2000 at 65 FR 60132. The comment period closed November 6, 2000, but the Department continued to accept comments (including by electronic mail) until November 28, 2000, to accommodate delays in publication and mail delivery.

The Department received forty-nine (49) comments regarding the proposed change in the procedures for applying for passports on behalf of minors under age 14. Most were received via e-mail

from individuals living abroad. In addition to expressing an opinion, most of the comments also contained specific questions about implementation. The majority—26—were opposed to the concept of requiring both parents to apply for a passport on behalf of a minor under age 14, but offered few specific comments on the draft regulation. Four commentators were in favor of the requirement; one saw both sides of the issue; and 7 just asked questions but made no comment.

*The majority of the comments expressed concern about the inconvenience to families who are not involved in a child custody dispute and for whom it might be difficult to have both parents apply for a passport on behalf of a minor under age 14. For example, in some cases in which a family lives far from a U.S. embassy, passport agency, or acceptance facility, it may cause hardship to the entire family to require both parents to travel to execute the application.*

The regulation expressly provides for this circumstance by allowing the applying parent to present a simple written statement from the non-applying parent giving consent to the issuance of the passport. The written statement will be presented by the applying parent under penalty of perjury and will become a part of the minor's permanent passport file.

Generally, the written statement consenting to the issuance of the passport will be accepted without further questions, but additional evidence may be required if the adjudicating officer has reason to suspect that the statement is not true. If the non-applying parent neither signs the application nor provides a written statement consenting to the issuance of a passport (for whatever reason), the applying parent may submit his or her own written statement, made under penalty of perjury, explaining why the other parent did not or could not participate in the child's passport application. The adjudicating officer will then consider whether this explanation falls within the parameters of the special family circumstances exception. If the determination is made that it does not fall under that exception, the passport will be denied. We anticipate that there will be very few instances where passports will be denied under these circumstances.

*Another concern was raised by single parents who are no longer in contact with the minor's other parent.*

The regulation provides that parents need only present documentary evidence of sole custody, i.e., a birth certificate or adoption decree listing