

SUMMARY: This document corrects a technical error in the final rule published on January 30, 1998, which set forth revised fees for consular services and made other implementing changes.

EFFECTIVE DATE: February 1, 1998.

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: In the final rule published on January 30, 1998, the Department, among other things, revised § 51.61, Passport fees, and made conforming changes to other sections in part 51. One of those changes removed § 51.62, Regulatory fees, from the subpart and renumbered the remaining sections in the subpart. Due to an editorial oversight, the last section in the subpart, section 51.67, was not included in the renumbering. This correction corrects that error.

Text of correction

The final rule amending 22 CFR part 51 which was published on January 30, 1998 at 63 FR 5098 is corrected as follows:

On page 5103 in the second column, instruction paragraph 6. is corrected to read as follows:

1. Section 51.62 is removed and §§ 51.63 through 51.67 are redesignated as §§ 51.62 through 51.66, respectively.

George C. Lannon,

Executive Director, Bureau of Consular Affairs, Department of State.

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DEPARTMENT OF STATE

22 CFR Parts 72 and 92

[Public Notice 2718]

Consular Schedule of Fees/Decedent Estate Procedures

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: The Bureau of Consular Affairs is amending certain regulations relating to fees charged for consular services to reflect changes being made in the Schedule of Fees.

DATES: *Effective date:* February 1, 1998.

Comments: Although this rule takes effect February 1, 1998, persons may submit written comments up to 30 days after the date of publication of this rule. (March 11, 1998).

FOR FURTHER INFORMATION CONTACT: Edward A. Betancourt or Michael

Meszaros, Overseas Citizens Services, Department of State, 2201 C Street, NW, Room 4811, Washington, DC 20520, 202-647-3666.

SUPPLEMENTARY INFORMATION: This rule revises §§ 72.14, 72.52, 72.53, 92.43 and removes §§ 92.44 and 92.48 of Title 22 of the CFR. These sections would otherwise conflict with the new Schedule of Fee provisions, 22 CFR 22.2, taking effect February 1, 1998, or are now unnecessary. The significant provisions affected at present provide (1) For no fees to be charged for disposition of remains services rendered by consular officers without regard to the nationality of the decedent (2) for a fee for rendering services with respect to personal estates of deceased U.S. citizens overseas that is different from the new fee being established in 22 CFR 22.1 and (3) fees for protesting payment of bills of exchange, which is no longer included in the Schedule of Fees.

Item No. 25 of the new Schedule of Fees 22 CFR 22.1, will provide, effective February 1, 1998, for a fee of \$700.00 for assistance rendered in transshipment of the remains of a foreign national to or through the United States. 22 CFR 72.14 is amended so this fee, found in the recent fee study to be appropriate for the service rendered, can be charged. The service will continue to be a no-fee service with respect to the remains of a U.S. national.

Item No. 28 of the new Schedule of Fees will provide for an hourly fee for certain services rendered in connection with personal estates of U.S. citizens who die overseas, applicable to estates over \$10,000. The fee in 22 CFR 72.52 is based on the value of the estate rather than the consular officers time and has no exemption. To ensure consistency with the new fee schedule, §§ 72.52 and 72.53(a) are being amended. Minor technical changes are also being made in § 72.53(a).

The new Schedule of Fees eliminates fees for protesting nonpayment of bills of exchange. Therefore, 22 CFR 92.44, the CFR section that provides instructions regarding this service, which is no longer performed, is removed. Section 92.48 is also being removed because it serves no apparent function. A minor technical change is also being made to 22 CFR 92.43.

These regulations are not expected to have a significant economic impact on a substantial number of small entities and are not major rules for purposes of advance Congressional reporting under the criteria of the Regulatory Flexibility Act. In addition, they will not impose information collection requirements under the provisions of the Paperwork

Reduction Act of 1980, 44 U.S.C. Chapter 35. Nor do these final rules have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. These final rules have been reviewed under E.O. 12988 and determined to be in compliance therewith. These rules are exempt from review under E.O. 12866 but have been reviewed internally and found to be consistent with the objectives thereof.

Comment Period and Effective Date—Exceptions

This rule is being promulgated as a final rule without prior notice and comment, and will take effect in less than 30 days after publication. The Department considers the rule exempt from the advance notice and comment procedures and believes that it is appropriate to make the rule effective February 1 pursuant to the exceptions provided in 5 U.S.C. 553(b) and 553(d)(3) for the following reasons. The rule simply conforms related regulations to changes in the Schedule of Fees for Consular Services that were published for notice and comment on December 1, 1997, and that are scheduled to take effect on February 1. Because the public was previously made aware of these changes in that context, and because the Department is imminently taking action on the Schedule of Fees in light of public comments received, providing for additional notice and comment with respect to the conforming changes being made here is unnecessary and would not be meaningful. Moreover, it would be impracticable and contrary to the public interest to delay the changes made by this rule, because doing so would result in a confusing inconsistency between the Schedule of Fees and the rules being amended herein. The Department believes the public interest is best served by ensuring that the regulations amended herein are conformed to other regulatory changes being made effective February 1.

List of subjects in

22 CFR Part 72

Estates and Foreign Service

22 CFR Part 92

Foreign service and Legal services.

Accordingly Parts 72 and 92 of Title 22 are amended as follows:

PART 72—DEATHS AND ESTATES

1. The authority citation for Part 72 continues to read as follows:

Authority: R.S. 1709, as amended, sec. 302, 60 stat. 1001; 22 U.S.C. 1175, 842.

2. Revise § 72.14 to read as follows:

§ 72.14 Fees for disposing remains.

No fees are prescribed for services in connection with the disposition of remains of United States citizens or nationals. Fees for such services with respect to the remains of foreign nationals are as prescribed in the Schedule of Fees, 22 CFR 22.1.

3. Revise § 72.52 to read as follows:

§ 72.52 Fee services

Fees are charged for overseeing the appraisal, sale and final disposition of the estate, disbursing funds, and forwarding securities, etc., as provided in the Schedule of Fees, 22 CFR 22.1.

4. Revise paragraph (a) of § 72.53 to read as follows:

§ 72.53 No-Fee services

* * * * *

(a) For taking possession of, making an inventory, placing the official seal on the estate (real or personal property), or for breaking or removing such seals (§ 72.28–72.29);

* * * * *

PART 92—NOTARIAL AND RELATED SERVICES

5. The authority citation for Part 92 continues to read as follows:

Authority: 22 U.S.C. 2658, unless otherwise noted.

§ 92.43 [Amended]

6. Section 92.43 is amended by removing “Notarial Services and Authentications in the Tariff of Fees, foreign service of the United States of America § 22.1 of this chapter), unless the service is performed under a “no fee” item of the same tariff” and substituting “Documentary services in the Schedule of Fees § 22.1 of this chapter), unless the service is performed under a “no fee” item of the same caption of the Schedule.”

§§ 92.44 and 92.48 [Removed]

7. Sections 92.44 and 92.48 are removed.

Dated: January 27, 1998.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98–2962 Filed 2–6–98; 8:45 am]

BILLING CODE 4710–06–M

POSTAL SERVICE

39 CFR Parts 262 and 265

Records and Information Management Definitions and Release of Information

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends Postal Service regulations relating to the availability of records to the public. This rule is made necessary by amendments to the Freedom of Information Act, made by Public Law 104–231, the “Electronic Freedom of Information Act Amendments of 1996.” The amendments address the availability of electronic records, the creation of a new electronic reading room, and procedural aspects, such as time limits, expedited processing, denial specifications, and reporting requirements.

EFFECTIVE DATE: February 9, 1998.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, (202) 268–2608.

SUPPLEMENTARY INFORMATION: This rule is substantially the same as the interim rule with request for comments published on December 5, 1997. The Freedom of Information Act (5 U.S.C. 552) was amended on October 2, 1996, by Public Law 104–231, the “Electronic Freedom of Information Act Amendments of 1996.” Consistent with the amended law, these regulations:

a. Add a new category of reading room records consisting of any records processed and disclosed in response to a FOIA request that the Postal Service determines have become or are likely to become the subject of subsequent requests for substantially the same records. These and other reading room records created on or after November 1, 1996, also will be made available through the Postal Service’s world wide web home page after November 1, 1997.

b. Define the term “record” to include electronic records; provide that the requester may choose the form or format in which to receive records; and state that the Postal Service will make reasonable efforts to search for records in electronic form or format unless such efforts would significantly interfere with the operation of its computer systems.

c. Extend the period for response from 10 to 20 working days as of October 2, 1997; provide for notification of the requester when that period cannot be met to arrange for an alternative time frame or a modified request; and establish a new procedure for handling requests for expedited processing.

d. Require the custodian to indicate on the released portion of a record the amount of information deleted and to include in a written response an estimate of the volume of any records withheld in full.

e. Change the annual reporting period from a calendar year to the fiscal year that, for most of the Executive branch,

begins on October 1, and provide that those reports will be made available to the Attorney General and on the Postal Service’s world wide web page.

Other changes update organizational titles and the schedule of fees for searching for records by computer.

Analysis of Comments Received

Two written comments were received. One commenter objected to the Postal Service’s exclusion from the category of reading room records that will be made available on its world wide web site those records that were not created by, or on behalf of, the Postal Service. The commenter stated that a limitation based on who created the records is unauthorized and contrary to law. It requested that the exclusionary language appearing in paragraphs 265.5 and 265.6(a)(4) be removed. The Postal Service disagrees with the commenter’s analysis of the statutory requirement regarding electronic availability as set out in section 552(a)(2) and declines to adopt the requested change for the following reasons.

The bulk of the material covered by section 552(a)(2)—that is, the materials described in subparagraphs (A), (B) and (C) of that section—consists of records that are created by an agency, not merely obtained by it. Only the newly added category of records subject to multiple FOIA requests, subparagraph (D), has the potential to include records created by another entity and later obtained by the agency. The language of the statute unequivocally limits the electronic availability requirement to records “created” on or after November 1, 1996. This strongly suggests that Congress had in mind records created by the agency, not records obtained by it. If Congress had meant to include in this requirement records generated elsewhere, it could have said “records created or obtained” on or after November 1, 1996. We believe the more reasonable interpretation of the provision—and the one that better comports with the practicalities of agency recordkeeping—is that Congress intended only records created by the agency to be subject to the requirement.

Category (D) records will, of course, be available as conventional reading room records. Also, the Postal Service may exercise its discretion to make them electronically available in the appropriate circumstance.

The other commenter requested the Postal Service add language to section 265.7(g) to allow records custodians in their discretion to waive certification in processing requests for expedited review. The Postal Service sees merit in