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 by Executive Order 12866.

This rule restricts the interstate movement of regulated articles from a portion of San Diego County, CA. Within the regulated area there are approximately 183 small entities that may be affected by this rule. These include 67 fruit sellers, 1 swapmeet, 71 nurseries, 43 growers, and 1 farmer's market. These 183 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated articles primarily for local intrastate, not interstate movement, so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments, that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

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.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the conclusion that the methods employed to eradicate the Mexican fruit fly will not present a risk of introducing or disseminating plant pests and will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

This 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 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.64–3, paragraph (c), the entry for California is amended by adding an entry for San Diego County, in alphabetical order, to read as follows:

§ 301.64–3 Regulated areas.

* * * * *

(c) * * *

California

* * * * *

San Diego County. That portion of San Diego County in the El Cajon area bounded by a line drawn as follows: Beginning at the intersection of State Highway 67 and Mapleview Street; then east along Mapleview Street to Lake Jennings Park Road; then southeast along Lake Jennings Park Road to El Monte Road; then east along an imaginary line to the intersection of Blossom Valley Road and Flinn Springs Road; then southeast along Flinn Springs Road to Olde Highway 80; then east along Olde Highway 80 to Dunbar Lane; then south along Dunbar Lane to Alpine Boulevard; then southeast along Alpine Boulevard to Arnold Way; then south along Arnold Way to Harblson Canyon Road; then southwest along Harblson Canyon Road to Dehesa Road; then southwest along Dehesa Road to Sloane Canyon Road; then west along an imaginary line to the intersection of Willow Glenn Drive and Hillsdale Road; then northwest and west along Hillsdale Road to State Highway 54; then north along State Highway 54 to Chase Avenue; then west along Chase Avenue to Rolling Hills Drive; then west along Rolling Hills Drive to Fuerte Drive; then southwest, west, and northwest along Fuerte Drive to Severin Drive; then north along Severin Drive to Interstate Highway 8; then northeast along Interstate Highway 8 to Russell Road; then west along Russell Road to Cuyamaca Street; then north along Cuyamaca Street to Mission Gorge Road; then east along Mission Gorge Road to Woodside Avenue; then northeast along Woodside Avenue to State Highway 67; then northeast along State Highway 67 to the point of beginning.

* * * * *

Done in Washington, DC, this 10th day of August 1998.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–21905 Filed 8–13–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

[INS No. 1768–98; AG No. 2173–98]

RIN 1115–AE42

Adjustment of Certain Fees of the Immigration Examinations Fee Account

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adjusts the fees schedule of the Immigration Examinations Fee Account (IEFA) for certain immigration adjudication and naturalization applications and petitions. Fees collected from persons filing these applications and petitions are deposited into the IEFA and used to fund the cost of processing immigration adjudication and naturalization

applications and petitions and associated support services; the cost of providing similar services to asylum and refugee applicants; and the cost of similar services provided to other immigrants at no charge. This rule ensures that the fees that fund the IEFA generate sufficient revenue to recover the full cost of processing immigration adjudication and naturalization applications and petitions, and the cost of asylum, refugee, and other immigrant services provided at no charge to the applicant.

DATES: This final rule is effective October 13, 1998, except the Form N–400 (fee increase) contained in the table in Section 103.7(b)(1), which will take effect on January 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michael T. Natchuras, Chief, Fee Policy and Rate Setting Branch, Office of Budget, Immigration and Naturalization Service, on (202) 616–2754, or Charles J. Yaple, Senior Staff Accountant, Fee Policy and Rate Setting Branch, Office of Budget, Immigration and Naturalization Service, on (202) 305–0020, or in writing at 425 I Street, NW., Room 6240, Washington, DC 20536.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Immigration and Naturalization Service (Service) published a proposed rule in the **Federal Register** on January 12, 1998, at 63 FR 1775, to adjust the current Immigration Examinations Fee schedule. The fee adjustment is needed to comply with specific Federal immigration laws and the Federal user fee statute and corresponding regulations, which require Federal agencies to charge a fee for services when such services provide benefits to recipients that do not accrue to the public at large. The revised fees are calculated to recover the costs of providing these special services and benefits. The proposed rule was published with a 60-day comment period, which closed on March 13, 1998. The Service received 2,033 comments pertaining to the increases to the fees of the IEFA.

Comments were received from a broad spectrum of individuals and organizations, including 26 refugee and immigrant service organizations, 20 community literacy collaboratives, 45 public policy and advocacy groups, 49 religious affiliated agencies, 10 attorney organizations, 717 past and present adopting parents, and 1,127 concerned or prospective citizens. All of the comments were carefully considered before preparing this final rule. The following is a discussion of these comments and the Service's response.

II. Summary of Comments

A. Form I–600/600A, Petition to Classify an Orphan as an Immediate Relative and Form N–643, Application for Certification of Citizenship-Adopted Child

Seven hundred and seventeen comments were received from prior or prospective adopting parents expressing dissatisfaction with the fee increases associated with Forms I–600 and I–600A, Petition to Classify an Orphan as an Immediate Relative, and the Application for Advance Processing of Orphan Petition, respectively, and Form N–643, Application for Certificate of Citizenship-Adopted Child. All 717 comments received were similar in nature. The commenters felt that these fees discriminated against American citizens who wished to adopt abandoned children living in orphanages around the world.

The Commissioner has always placed a very high priority on expediting international adoption applications. Each office must have at least one designated adjudicator to process international adoption applications. At most offices, the adjudicator receives the application directly. The international adoption process is labor intensive and generates a considerable amount of direct case interaction and correspondence.

The Fee Study Team documented the process and performed cycle time analysis for Forms I–600 and N–643, to accurately identify the costs associated with the processing of these specific petitions. The observations show that the processing of these petitions was particularly labor intensive and required the constant attention of adjudicators and others assigned to these cases.

Eighty percent of the applicants have numerous questions and contact the adjudicator with inquiries and requests for information before the initial submission of their application. Ninety percent of the applications are delivered in person, which leads to an extensive question and answer period between the applicant and the adjudicator. For instance, the average time needed for receipt of the other applications and petitions is slightly less than 5 minutes each. However, for the Form I–600/I–600A, the receipt cycle time is greater than 49 minutes because of the questions and concerns of the applicant.

Since the Service does not receive any appropriated funding (tax dollars) to cover the cost of processing applications and petitions for any naturalization or immigration benefit, the increase in fees is necessary to recover the full costs associated with processing international adoption applications.

B. Form N–400, Application for Naturalization

Twelve hundred and ninety-eight comments were received opposing the increase in the fee for the Form N–400, Application for Naturalization. Most of the comments began by stating that the proposed fee increase from $95 to $225 would create a hardship for most immigrant families because their family income is relatively low. One hundred and twenty-one of the commenters also specifically referenced the Commissioner's remarks that no fee increases would be implemented until the Service made progress in improving naturalization processing.

The Service has made significant progress and remains committed to fulfilling the Commissioner's pledge regarding the naturalization program. Currently, efforts are underway to address naturalization processing, with teams assisting field offices in achieving increased levels of productivity. In addition, the Service has already opened 128 co-located and storefront Application Support Centers (ASC), and established 35 mobile ASC routes and 41 designated state or local law enforcement agencies nationwide to facilitate the fingerprinting of applicants. Further, since April 15, 1998, the Service has fully implemented the Direct Mail program, with all Form N–400s being filed by mail at one of the Service's four highly automated service centers. Finally, the Service has installed the Computer Linked Application Information Management System 4.0 (CLAIMS) at all four Service Centers, with scheduled implementation at the larger district offices by the end of 1998.

Although the Service has made substantial progress in naturalization processing, the Commissioner has decided to change the effective date for the Form N–400, Application for Naturalization, fee increase to January 15, 1999, to permit the full implementation of the Service's plan to address naturalization processing.

C. Applicant Fees Should Not Pay for Unrelated Expenses or Atypical Costs

Fifty-one of the commenters opposed the use of the applicants fees to pay for expenses that they perceived to be for unrelated services such as the running of the asylum, refugee, and parole, and humanitarian affairs (formerly the Cuban-Haitian Entrant Program) programs. In the Departments of

Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Pub. L. 101–515), Congress authorized the Service to provide certain immigration adjudication and naturalization services at no cost to the applicants. Public Law 101–515 states that ''fees for providing adjudication and naturalization services may be set at a level that will ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants. Such fees may also be set at a level that will recover any additional costs associated with the administration of the fees collected [8 U.S.C. 1356(m)].'' As a result of this legislation, Congress no longer provided the Service with an appropriation to cover the costs of asylum and refugee services, and directed the Service to fund these costs with revenue from the IEFA.

In FY 1996, Congress also authorized the Service to pay for the cost of the Cuban-Haitian Entrant Resettlement Program from the IEFA. In FY 1997, Congress transferred the cost of other asylum and refugee services that had been paid from the Violent Crime Trust Fund to the IEFA. Through explicit legislative language and subsequent appropriation action, Congress has signaled its desire that certain asylum and refugee services should be provided at no charge to the recipient. The revenue to pay for these costs must be recovered from the fees charged to other applicants for immigration adjudication and naturalization benefits. All expenses being included for cost recovery are consistent with Federal law and Federal accounting standards.

Many of these commenters also opposed the Service paying for costs that are unusual or atypical when compared to the usual costs in a normal processing year. They claimed that the type of organizational activities that the Service is currently engaged in, such as infrastructure building, should not be funded by current applications and must not be included in the fee calculation. Proper accounting treatment requires inclusion of unusual or atypical costs, such as improvement of automation activities or upgrading of records management. These types of costs were assigned a useful life and the cost of these projects amortized or depreciated over the assigned useful life. Therefore, a portion of the unusual or atypical cost has been included in the fee calculation framework for the current year and treated like any other cost based on the useful life assigned to that asset.

D. The Service Should Seek Additional Sources for Funding Certain Adjudications Functions From Congress

Fifty of the commenters encouraged the Service to seek additional sources of funding from Congress for certain adjudications functions. Since FY 1989, the fees collected and deposited into the Examinations Fee Account have been the sole source of funding for immigration adjudication and naturalization services. In creating the IEFA, the Congress intended that this account be self-sustaining, and not be funded by tax dollars. The Service has been managing this account consistent with Federal law and Congressional direction.

In addition, the commenters felt that the Service should seek action from Congress that would end the practice of taking 245(i) fee money out of the IEFA and redirecting it to detention-related activities. The commenters felt adjudication services were being provided with respect to 245(i) activities and, thus, fees submitted in connection with a 245(i) adjustment application should remain in the IEFA, which is the funding source for immigration adjudication and naturalization services. Detention-related activities, the commenters noted, should be funded with appropriated funds. The Service will take these comments under advisement. However, since the drafting of the proposed rule, it is noted that Congress has enacted legislation which has reinforced its intent that 245(i) fee money (Pub. L. 105–119) not be deposited in the IEFA.

Finally, these commenters addressed the requirement that Congressional notification is needed whenever a reprogramming of more than $500,000 or 10 percent of the change in the net total of any program activity's approved budget is to take place. The Service is only required to provide notice to Congress; however, the commenters felt the Service has adopted a policy in which it does not spend the funds until the change is approved by Congress. The Service, per Department of Justice policy, only takes action under the protocol that Congress has established, which requires Congressional approval before spending authorities can be changed.

E. The Level of Service Provided at Each Office Should Be Consistent Nationwide

Sixty-six of the commenters opposed increasing fees when service varies so greatly from office to office. The proposed fees were developed on a nationwide basis based on the identified resources needed to produce specific goods or services. The Service matched the resources needed to receive and to process the new applications/petitions with the workload expected to be received in FY 1998. The process was consistently applied for all applications and petitions. However, the Service is currently reviewing the workloads in the various district offices in an effort to balance waiting times.

F. The Service Should Consider Gradual or Phased-in Fee Increases

Eighteen commenters recommended that fees be gradually phased in over a 3-year period. The Service agrees that this may be a useful approach in the future, and will study this course of action. However, fees have not been increased since July 14, 1994, and, based upon projected fee revenues and corresponding cost estimates, the Service projects a shortfall in revenue. Currently, the Service cannot gradually increase fees over a 3-year period without jeopardizing the financial solvency of the entire account. This rule is necessary to ensure that the fees that fund the IEFA generate sufficient revenue to recover the full cost of processing immigration adjudication and naturalization applications and petitions, including the costs of similar services provided at no charge to asylum applicants or other immigrants.

G. Fee Calculation Methodology

Thirty-three of the commenters objected to the methodology used to calculate the proposed fees. More specifically, the cost modeling convention records events ''as is,'' not ''as should be.'' Some of the commenters felt that the Activity Based Costing methodology calculated fees based upon inefficient practices.

The Fee Account Study adhered to the guidance contained in the Office of Management and Budget (OMB) Circular A–25, User Charges, which requires that user charges imposed recover the full cost to the Government for providing a special benefit. In addition, the Federal Accounting Standards Advisory Board (FASAB) provides additional guidance on the meaning of full-cost recovery. In FASAB Statement No. 4, full cost is defined as:

> The total amount of resources used to produce the output. This includes direct and indirect costs that contribute to the output regardless of funding sources. It also includes costs of supporting services provided by other responsibility segments or entities.

The fees reflect the current cost of processing applications and petitions at the time of the fee study. The study was conducted consistent with the requirements of the Chief Financial

Officers Act of 1990, which requires a biennial review of user fees to ensure that full costs are being recovered.

H. Form I–539, Application To Extend Status-Change Nonimmigrant Status; Form I–129H, Petition To Classify Nonimmigrant as a Temporary Worker; Form I–140, Immigrant Petition for Foreign Worker; Form I–485, Application To Register Permanent Status or Adjust Status; Form I–765, Application for Employment Authorization; Form I–612, Application for Waiver of Foreign Residence Requirement

Comments were received from two universities opposing the fee increases for petitions frequently filed by international students, faculty, and staff. The first commenter opposed the fee increases for the Form I–539, Form I–129H, Form I–140, Form I–612, and the Form I–765 because they would impose an unacceptable financial burden upon the recipients. The second commenter objected to the fee increases until service improved and recommended waiving the fees, specifically the fee for the Form I–765, because of economic necessity. There are provisions in 8 CFR 103.7(c) that provide for waiver of fees if certain conditions are met. The Service often waives fees for this application when the economic need exists. The proposed rule stated, ''For FY 1998, the Service estimates that approximately 50 percent of the Form I–765 applications will be processed at no charge to applicants, at a total cost of $35.9 million.''

The fee increases on which these commenters were voicing opposition resulted from a comprehensive examination of costs associated with application and petition processing. As previously stated, the Service is required to review the fee structure, and to ensure that the full costs of providing special benefits to identifiable recipients be recovered by the Federal Government. Accordingly, these fees must be increased to recover costs.

I. Waiver/Exempt Costs

In the proposed rule, it was indicated that the Service is currently evaluating under what conditions a waiver of any fee should be granted. The proposed rule specifically sought comments on setting standards for application fee waivers. One hundred and nineteen commenters responded to this solicitation. These commenters agreed that a waiver policy and a standard waiver form were desirable. Twenty-nine commenters suggested that a ''means test'' be used to determine if an applicant qualifies for a fee waiver. The Service will take this information under advisement during its ongoing review of this matter.

Presently, the Service grants case-specific fee waivers and will continue to grant case-specific fee waivers in the future. The purpose of the revision of the existing fee waiver regulation is to remedy the inconsistent manner in which fee waiver requests are presently being adjudicated nationwide. To address this situation, the Service is presently developing interim fee waiver standards that will be distributed to the field in the form of field guidance. The following proposals for granting fee waivers are under review: establishment of a ''fee cap'' limiting total costs for families filing multiple applications, consideration of whether the applicant participates in certain means-tested public assistance programs, and consideration of special, humanitarian circumstances. Distribution of the guidance will coincide with the implementation of this rule. After distribution of the field guidance, a Financial Impact Assessment will be performed to develop a fee waiver policy that is equitable to the applicant and feasible within the financial realities of the reimbursements needed to fund the program. The Service plans to publish an interim rule on the new fee waiver policy on July 1, 1999, and a final rule on the subject on October 1, 1999.

J. Assignment of Waiver/Exempt Costs and Asylum and Refugee (International Affairs) Surcharge

In the proposed rule, the Service highlighted the methodology used to assign costs for waiver/exempt costs and an asylum and refugee surcharge. The Service specifically sought comments on whether a flat rate or a percentage should be used to assign costs related to the surcharge applications and petitions for which the fees are waived. No comments were received on this question. Accordingly, the Service will continue to assign its waiver/exempt costs and surcharge as a flat percentage of each application's or petition's processing costs.

III. Fee Adjustments

The fee adjustments, as adopted in this rule, are shown as follows:

BILLING CODE 4410–10–P

Immigration Examinations Fee Account/Fee Schedule		
Application Number	**Description**	**Fee**
I-17	Petition for Approval of School for Attendance by Nonimmigrant Student	$ 200.00
I-90	Application to Replace Permanent Resident Card	$ 110.00
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	$ 85.00
I-129/I-129H/ I-129L	Petitions for Nonimmigrant Worker	$ 110.00
I-129F	Petition for Alien Fiancé(e)	$ 95.00
I-130	Petition for Alien Relative	$ 110.00
I-131	Application for Travel Document	$ 95.00
I-140	Petition for Alien Worker	$ 115.00
I-485	Application to Register Permanent Residence or Adjust Status	$ 220.00
I-526	Immigrant Petition by Alien Entrepreneur	$ 350.00
I-539	Application to Extend/Change Nonimmigrant Status	$ 120.00
I-600/ I-600A	Petition to Classify Orphan as an Immediate Relative/Application for Advance Processing of Orphan Petition	$ 405.00
I-601	Application for Waiver of Ground of Inadmissability	$ 170.00
I-612	Application for Waiver of the Foreign-Residence Requirement	$ 170.00
I-751	Petition to Remove the Conditions of Residence	$ 125.00
I-765	Application for Employment Authorization	$ 100.00
I-817	Application for Voluntary Departure under the Family Unity Act	$ 120.00
I-824	Application for Action on an Approved Application or Petition	$ 120.00
I-191	Application for Advance Permission to Return to Unrelinquished Domicile	$ 170.00
I-192	Application for Advance Permission to Enter as a Nonimmigrant	$ 170.00
I-193	Application for Waiver of Passport and/or Visa	$ 170.00
I-212	Application to Reapply for Admission into the US After Deportation	$ 170.00
I-829	Petition by Entrepreneur to Remove Conditions	$ 345.00
N-400	Application for Naturalization	$ 225.00
N-565	Application for Replacement Naturalization/Citizenship Document	$ 135.00
N-600	Application for Certification of Citizenship	$ 160.00
N-643	Application for Certificate of Citizenship on Behalf of an Adopted Child	$ 125.00

BILLING CODE 4410–10–C

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The Service does acknowledge that a number of small entities, particularly those filing business-related applications and petitions such as the Form I–129, Petition for Nonimmigrant Worker, may be affected by this rule. For FY 1998, the Service projects that approximately 254,000 Forms I–129 will be filed. However, this volume represents petitions filed by a variety of businesses, ranging from large multi-national corporations to small domestic businesses. The Service does not have statistics on the number of small businesses that may be affected by this rule. The Service tracks the number of petitions filed; these volume statistics do not indicate the types of businesses that file petitions, or the size of the businesses filing the Form I–129.

The Service conducted an exhaustive review of the costs incurred for processing the various immigration adjudication and naturalization applications and petitions. The Service believes that, as a result of this study, these fees reflect, as closely as possible, the full cost of providing the specific service provided through the filing of an application or petition. The Service conducted its review and adjusted its fees in accordance with statutory mandates and Federal cost accounting standards. These statutes and standards require the Service to recover the full cost of providing services that confer a benefit that does not accrue to the public at large. While some of the increases are notable, it is important to note that the immigration adjudication and naturalization fees have not been increased since July 1994; during the same period the Service had experienced a significant increase in its costs.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995. This rule will only affect persons who file applications or petitions for immigration benefits. The increase in fees is necessary to defray the higher costs of adjudicating and granting the benefits sought. No further actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is a major rule as defined by the Small Business Regulatory Enforcement Act of 1996. Based on the data included in the proposed rule, this rule will result in an annual effect on the economy of $231 million, in order to generate the revenue necessary to fund the increased expenses of processing the Service's adjudication and naturalization applications and petitions. The increased fees will be paid by persons who file applications or petitions to obtain immigration benefits. Copies of the cost analysis are available upon written request to the individuals listed in the section of this document entitled **FOR FURTHER INFORMATION CONTACT**.

The $230,993,000 projected increase in revenues probably overstates the actual receipt of applications and petitions because it is likely that there will be fewer applications and petitions filed because of the implementation of the higher fees. The decrease in volume due to the higher fees has a real economic effect in that there will be fewer people applying for and receiving services paid for by the Service's user fees.

Executive Order 12866

This rule is considered by the Department of Justice to be an economically ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, because it will have an annual effect on the economy of $231 million. This increase in revenue will be used to fund the processing of immigration adjudication and naturalization applications and petitions. The revenue increase is based on the Service's costs and workload volumes that were available at the time of the fee study. The volume of applications and petitions filed is projected based on a regression analysis of a 5-year history of actual applications and petitions received by the Service. The regression analysis is adjusted for any anticipated or actual changes in laws, policies, or procedures that may affect future filing patterns. The proposed fees will be paid by an estimated 4.3 million individuals and businesses filing immigration adjudication and naturalization applications and petitions. Accordingly, this regulation has been submitted to the Office of Management and Budget (OMB) for review.

The $230,993,000 projected increase in revenues probably overstates the actual receipt of applications and petitions because it is likely that there will be fewer applications and petitions filed because of the implementation of the higher fees. The decrease in volume due to the higher fees has a real economic effect in that there will be fewer people applying for and receiving services paid for by the Service's user fees.

Executive Order 12612

The regulation adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

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

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements. The information collection requirements contained in this rule were previously approved for use by OMB. The OMB control numbers for these collections are contained in 8 CFR 299.5, Display of control numbers.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Forms, Freedom of Information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, part 103 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

2. In § 103.7, paragraph (b)(1) is amended by:

(a) Removing the entry for ''Form I–485A'' from the listing of fees; and by

(b) Revising the entries for the following forms listed, to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

* * * * *

Form I–17. For filing an application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof—$200.00.

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Form I–90. For filing an application for Permanent Resident Card (Form I–551) in lieu of an obsolete card or in lieu of one lost, mutilated, or destroyed, or for a change in name—$110.00.

* * * * *

Form I–102. For filing a petition for an application (Form I–102) for Arrival-Departure Record (Form I–94) or Crewman's Landing (Form I–95) , in lieu of one lost, mutilated, or destroyed—$85.00.

Form I–129. For filing a petition for a nonimmigrant worker—$110.00.

Form I–129F. For filing a petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act—$95.00.

Form I–129H. For filing a petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act—$110.00.

Form I–129L. Petition to employ intracompany transferee—$110.00.

Form I–130. For filing a petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act—$110.00.

Form I–131. For filing an application for travel documents—$95.00.

Form I–140. For filing a petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act—$115.00.

* * * * *

Form I–191. For filing applications for discretionary relief under section 212(c) of the Act—$170.00.

Form I–192. For filing an application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or where the approval of the application is in the interest of the United States Government—$170.00.

Form I–193. For filing an application for waiver of passport and/or visa—$170.00.

Form I–212. For filing an application for permission to reapply for an excluded, deported or removed alien, an alien who has fallen into distress, an alien who has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation—$170.00.

* * * * *

Form I–485. For filing application for permanent resident status or creation of a record of lawful permanent residence—$220.00 for an applicant 14 years of age or older; $160.00 for an applicant under the age of 14 years; no fee for an applicant filing as a refugee under section 209(a) of the Act.

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Form I–526. For filing a petition for an alien entrepreneur—$350.00.

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Form I–539. For filing an application to extend or change nonimmigrant status—$120.00.

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Form I–600. For filing a petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.)—$405.00.

Form I–600A. For filing an application for advance processing of orphan petition. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.)—$405.00.

Form I–601. For filing an application for waiver of ground of inadmissability under section 212 (h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those subsections.)—$170.00.

Form I–612. For filing an application for waiver of the foreign-residence requirement under section 212(e) of the Act—$170.00.

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Form I–751. For filing a petition to remove the conditions on residence, based on marriage—$125.00.

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Form I–765. For filing an application for employment authorization pursuant to 8 CFR 274a.13—$100.00.

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Form I–817. For filing an application for voluntary departure under the Family Unity Program—$120.00.

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Form I–824. For filing for action on an approved application or petition—$120.00.

Form I–829. For filing a petition by entrepreneur to remove conditions—$345.00.

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Form N–400. For filing an application for naturalization—$225.00.

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Form N–565. For filing an application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act; or for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act—$135.00.

Form N–600. For filing an application for a certificate of citizenship under section 309(c) or section 341 of the Act—$160.00.

Form N–643. For filing an application for a certificate of citizenship on behalf of an adopted child—$125.00.

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Dated: August 12, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98–22003 Filed 8–13–98; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–287–AD; Amendment 39–10710; AD 98–17–08]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes, that requires repetitive inspections to detect any discrepancy in the sealwire of the fireguards of the engine fire shut-off system, and repair, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent inadvertent closure of the fire shut-off valves due to ineffective or absent sealwires, which could result in in-flight engine shutdown.

DATES: Effective September 18, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 18, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.