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(f) This amendment becomes effective on March 22, 1996.

Issued in Renton, Washington, on February 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
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DEPARTMENT OF STATE

22 CFR Part 51

[Public Notice 2333]

Bureau of Consular Affairs; Passports for Minors

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends regulations regarding the basis for issuance and denial of passports to minors, both in custodial dispute and non-dispute situations. These amendments were proposed to promote the well being of minors and to discourage persons from circumventing valid court orders affecting minors.

EFFECTIVE DATE: December 4, 1995.

FOR FURTHER INFORMATION CONTACT: Kenneth Hunter, Deputy Assistant Secretary for Passport Services, Room 6811, U.S. Department of State, Washington, DC 20520; tele: (202) 647-5366.

SUPPLEMENTARY INFORMATION: Present regulations prescribe the method of execution of a passport application for minors and address the issuance of passports to minors where a parent or guardian objects, 22 CFR 51.27. Specifically, the current regulations provide for the denial of a U.S. passport to a minor who has been involved in a custodial dispute if the passport issuing office receives a court order from a court within the country in which passport services are sought. Such a court order must provide that the objecting parent, legal guardian or person in loco parentis has been granted custody, or forbid the child's departure from the country in which passport services are sought without the permission of the court.

The revised regulations will implement a policy of denying passport services to minors on the basis of a court order of competent jurisdiction that has been registered with the appropriate

office at the Department of State. For the purpose of these regulations, the Department will consider a court of competent jurisdiction to be a U.S. state court or a foreign court having jurisdiction over child custody issues consistent with the principles of the Hague Convention on the Civil Aspects of International Child Abduction and the Uniform Child Custody Jurisdiction Act, which favor the exercise of custody jurisdiction by the court of the child's "habitual residence" or "home state." While the Department of State is not legally bound by U.S. state court and foreign court custody orders, the Department has determined that honoring such orders is generally appropriate to prevent unlawful child abductions. The revised regulations will, however, also authorize the issuance of a passport to a minor who is the subject of a custody dispute if compelling humanitarian or emergency reasons relating to the minor's welfare warrant the issuance of a passport.

Also included in the amendments is information regarding release of information about a minor's passport application to an objecting parent.

A Notice of Proposed Rule was published on October 3, 1995. Comments were requested, and none were received. This Final Rule is being re-published without change.

This rule is not exempt from E.O. 12866, but has been reviewed and found to be consistent with the objectives thereof. This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, this rule will not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith.

List of Subjects in 22 CFR Part 51

Passports, Infants and children.

For the reasons set forth in the preamble, 22 CFR 51.27 is amended as follows:

PART 51—PASSPORTS

Subpart B—Application

1. The authority citation for section 51.27 continues to read as follows:

Authority: 22 U.S.C. 2658 and 3926.

2. Section 51.27 is amended by revising paragraphs (b), (c) and (d) to read as follows:

§ 51.27 Minors.

* * * * *

(b) Execution of application for minors.

(1) A minor of age 13 years or above shall execute an application on his or her own behalf unless in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his or her own application. In such case it must be executed by a parent or guardian of the minor, or by a person in loco parentis.

(2) A parent, a guardian, or person in loco parentis shall execute the application for minors under the age of 13 years. Applications may be executed by either parent, regardless of the parent's citizenship. Permission of or notification to the other parent will not be required unless such permission or notification is required by a court order registered with the Department of State by an objecting parent as provided in paragraph (d)(1) of this section.

(3) The passport issuing office may require a minor under the age of 18 years to obtain and submit the written consent of a parent, a legal guardian or a person in loco parentis to the issuance of the passport.

(c) Objection by parent, guardian or person in loco parentis in cases not involving a custody dispute. At any time prior to the issuance of a passport to a minor, the application may be disapproved and a passport will be denied upon receipt of a written objection from a person having legal custody of the minor.

(d) Objection by parent, guardian or person in loco parentis in cases where minors are the subject of a custody dispute.

(1)(i) When there is a dispute concerning the custody of a minor, a passport may be denied if the Department has on file a court order granted by a court of competent jurisdiction in the United States or abroad which: (A) Grants sole custody to the objecting parent; or, (B) Establishes joint legal custody; or, (C) Prohibits the child's travel without the permission of both parents or the court; or, (D) Requires the permission of both parents or the court for important decisions, unless permission is granted in writing as provided therein. (ii) For passport issuance purposes, a court order providing for joint legal custody will be interpreted as requiring the permission of both parents. The Department will consider a court of

competent jurisdiction to be a U.S. state court or a foreign court located in the child's home state or place of habitual residence. Notwithstanding the existence of any such court order, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the child exist.

(2) Either parent may obtain information regarding the application for and issuance of a passport to a minor unless the inquiring parent's parental rights have been terminated by a court order which has been registered with the appropriate office at the Department of State; provided, however, that the Department may deny such information to any parent if it determines that the minor is of sufficient maturity to assert a privacy interest in his/her own right, in which case the minor's written consent to disclosure shall be required.

(3) The Department may require that conflicts regarding custody orders, whether domestic or foreign, be settled by the appropriate court before a passport may be issued.

Dated: February 6, 1996.

Ruth A. Davis,

Acting Assistant Secretary, Bureau of Consular Affairs.

[FR Doc. 96-3742 Filed 2-20-96; 8:45 am]

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Office of the Legal Adviser

22 CFR Parts 111, 112, and 133

[Public Notice 2332]

Repeal of Department of State Regulations on Removal of Alien Enemies, on World War II Reparations, and on Disposal of Foreign Surplus Property

AGENCY: Office of the Legal Adviser, Department of State.

ACTION: Final rule with request for comments.

SUMMARY: The Department of State is removing Parts 111, 112, and 133 of Title 22 of the Code of Federal Regulations. Part 111 relates to removal of alien enemies brought to the United States from other American republics. Part 112 relates to World War II reparations. Part 133 relates to disposal of surplus property in foreign areas under the Surplus Property Act of 1944. Parts 111 and 112 are obsolete and unnecessary. Part 133 is obsolete because of the repeal of the statutory authority and changes in the agencies having regulatory authority for the few remaining provisions; it is also unnecessary because of replacement

statutory and regulatory authority on this subject.

DATES: Effective April 22, 1996.

Comments are due on or before March 22, 1996.

ADDRESSES: Interested persons should send comments in writing and in duplicate to the Assistant Legal Adviser for Legislation and General Management, Office of the Legal Adviser, Department of State, Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Mary Beth West, Assistant Legal Adviser for Legislation and General Management, (202) 647-5154.

SUPPLEMENTARY INFORMATION: This rule repeals 22 CFR Parts 111 and 112, which relate, respectively, to removal from the United States of aliens brought into the United States from another American republic whose presence the Secretary of State determines to be prejudicial to the security or welfare of the Americas, and to acceptance of World War II reparations payments. The authority upon which Part III was based, Presidential Proclamation No. 2655, dated April 10, 1946 (3 CFR 1943-1948 Comp.), has been repealed. The reparations program under Part 112 has not been active for some time and is not expected to be resumed. This rule also repeals Part 133, which was issued to implement provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1611-1646) intended to regulate the disposition of United States Government property abroad in the aftermath of World War II. Most provisions of that Act have been repealed and superseded by more general provisions on disposition of United States Government property under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et seq.*) or specific statutory authorities such as the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2141 *et seq.*). Superseding and remaining authorities are now the regulatory responsibility of agencies other than the Department of State.

The regulations which are the subject of the present rule are obsolete and unnecessary, dating from the World War II era. The regulations have not been used for many years. We believe, therefore, that the repeal of these regulations will be noncontroversial and that adverse comments will not be received. For that reason, it has been determined that the "good cause" exception from advance notice and comment rulemaking, found at 5 U.S.C. 553(d)(3), permits the direct implementation of this rule repealing

those regulations with provision for post-promulgation comment instead.

Repeal of these regulations is in furtherance of the President's Regulatory Reinvention Initiative. Neither the rule, nor the regulations which it would repeal, are expected to have a significant impact on a substantial number of small entities when considered under the criteria of the Regulatory Flexibility Act.

The rule does not impose a Federal regulatory mandate on State, local, or tribal government entities under the Unfunded Mandates Act (P.L. 104-4) because it repeals regulations which themselves created no such mandate. In addition, this rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed by the Assistant Legal Adviser for Legislation and General Management and certified that it is in compliance with Executive Order 12778. This rule is exempt from review under Executive Order 12866, but has been reviewed internally by the Department of State to ensure consistency with the objectives of that order.

List of Subjects

22 CFR Part 111

Aliens, Security measures.

22 CFR Part 112

War claims.

22 CFR Part 133

Surplus Government property.

PARTS 111, 112, AND 133— [REMOVED]

Accordingly, under the authority of 22 U.S.C. 2651a(4), 22 CFR Parts 111, 112, and 133 are removed.

Dated: February 7, 1996.

Mary Beth West,

Assistant Legal Adviser for Legislation and General Management.

[FR Doc. 96-3741 Filed 2-20-96; 8:45 am]

BILLING CODE 4710-08-M

AFRICAN DEVELOPMENT FOUNDATION

22 CFR Part 1504

Repeal of Superseded Regulations Covering Standards of Ethical Conduct for Employees of the African Development Foundation

AGENCY: African Development Foundation ("Foundation").

ACTION: Final rule.