

consider stormwater and floodplain management; assess the capacity of the subbasin to meet present and future demands for withdrawal and nonwithdrawal uses such as instream flows; identify potential conflicts and problems; incorporate public participation; and outline plans and programs including land use ordinances to resolve conflicts and meet needs. Integrated resource plans shall be adopted and implemented by all municipalities within a subbasin and incorporated into each municipality's Comprehensive Plan.

(3) Subject to public notice and hearing, this section may be updated or revised based upon the following: the completion of baseflow frequency analyses for the remaining subbasins with the Protected area; new and evolving information on hydrology and streamflow and ground water monitoring; or in accordance with (i)(2) of this section. The potentially stressed levels and withdrawal limits for all delineated basins and subbasins are set forth below:

NESHAMINY CREEK BASIN

Subbasin	Poten- tially stressed (mgd)	With- drawal limit (mgd)
West Branch Neshaminy	1054	1405
Pine Run	596	795
North Branch Neshaminy	853	1131
Main Stem Doylestown ...	710	946
Main Stem Warwick	889	1185
Little Neshaminy Warring- ton	505	673
Park Creek	582	776
Little Neshaminy War- minster	1016	1355
Mill Creek	1174	1565
Main Stem Northampton	596	794
Newtown Creek	298	397
Core Creek	494	658
Ironworks Creek	326	434
Main Stem Lower Neshaminy	3026	4034

(j) Upon its determination that a subbasin is potentially stressed, the Commission shall notify all ground water users in the subbasin withdrawing 10,000 gallons per day or more during any 30-day period of its determination. If any such users have not obtained a docket or protected area permit from the Commission, they shall be required to apply to the Commission within 60 days of notification.

(k) In potentially stressed subbasins, dockets and protected area permit applications for new or expanded ground water withdrawals must include one or more programs to mitigate the adverse impacts of the new or expanded

ground water withdrawal. The eligible programs are noted below. If the remainder of the application and the program(s) submitted are acceptable, the withdrawal may be approved by the Commission for an initial three-year period. The applicant shall implement the program(s) immediately upon Commission approval. If after the three-year period the program(s) is deemed successful by the Commission, the docket or permit duration may be extended for up to 10 years. The project sponsor shall be required to continue the program(s) for the duration of the docket or permit.

(1) A conjunctive use program that demonstrates the applicant's capability to obtain at least 15 percent of its average annual system usage from a reliable surface water supply. An acceptable program shall include either reservoir storage or an interconnection with a surface water supplier and an agreement or contract to purchase water from the supplier for the duration of the docket or permit.

(2) A water conservation program that exceeds the requirements of § 430.15. For existing water utilities, the program shall reduce average annual per capita water usage by at least five percent. All conservation programs shall include water conservation pricing, either inclining block rates, seasonal rates, or excess-use surcharges, and plumbing fixture rebate or retrofit components. For self-supplied users, the program shall include water efficient technologies such as recycling, reuse, xeriscaping, drip or micro irrigation, or other innovative technology approved by the Commission.

(3) A program to monitor and control ground water infiltration to the receiving sewer system. The program must quantify ground water infiltration to the system and document reductions in infiltration. The program should include such measures as leakage surveys of sewer mains, metering of sewer flows in mains and interceptors, analysis of sewer system flows to quantify infiltration, and remedial measures such as repair of leaks and joints, main lining, and main replacement.

(4) An artificial recharge or spray irrigation program that demonstrates a return of at least 60 percent of the total new or expanded annual withdrawal to the same ground water basin and aquifer system from which it is withdrawn. The program shall not impair ground water quality.

(5) An alternative program approved by the Commission to mitigate the adverse impacts of the new or expanded ground water withdrawal.

(l) The durations of all existing dockets and protected area permits may be extended by the Commission for an additional five years if the docket or permit holder successfully implements in either (k)(1) or (k)(2) of this section. If the docket or permit holder successfully implements both options, the docket or permit may be extended for an additional ten years. The Executive Director shall notify all docket and permit holders potentially affected by this resolution of their right to file an application to determine their eligibility for extension.

(m) It is the policy of the Commission to prevent, to the extent reasonably possible, net annual ground water withdrawals from exceeding the maximum withdrawal limit. An application for a proposed new or expanded ground water withdrawal that would result in net annual ground water withdrawals exceeding the maximum withdrawal limit established in paragraph (i)(3) of this section shall set forth the applicant's proposal for complying with the Commission's policy, with such supporting documentation as may be required by the Executive Director. Notification of the application shall be given to all affected existing water users who may also submit comments or recommendations for consideration by the Commission on the pending application. In taking action upon the application, the Commission shall give consideration to the submissions from the applicant and affected water users. If the Commission determines that it is in the public interest to do so, it may reduce the total of proposed and existing ground water withdrawals within a subbasin to a level at or below the withdrawal limit. Unless otherwise determined by the Commission, docket and permit holders shall share equitably in such reductions.

Dated: January 29, 1998.

Susan M. Weisman,

Secretary.

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DEPARTMENT OF STATE

22 CFR Part 51

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates

AGENCY: Bureau of Consular Affairs, State Department.

ACTION: Final rule correction.

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.