

(b) After the requirements of paragraph (a) of this section have been satisfactorily accomplished, the crewmember in charge on the flightdeck authorizes the door to be unlocked and open.

Issued in Washington, DC, on August 6, 2007.

Marion C. Blakey,
Administrator.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 700

Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing, Material From Cattle

CFR Correction

In Title 21 of the Code of Federal Regulations, Parts 600 to 799, revised as of April 1, 2007, in § 700.27, on page 138, paragraph (d) is reinstated to read as follows:

§ 700.27 Use of prohibited cattle materials in cosmetic products.

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(d) *Adulteration.* Failure of a manufacturer or processor to operate in compliance with the requirements of paragraph (b) or (c) of this section renders a cosmetic adulterated under section 601(c) of the act.

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DEPARTMENT OF STATE

22 CFR Part 51

RIN 1400-AC23

[Public Notice: 5894]

Rule Title: Passport Procedures—Amendment to Passport Surcharge

AGENCY: Department of State.

ACTION: Interim final rule.

SUMMARY: This rule amends the Department of State's regulation implementing the requirements of the Passport Services Enhancement Act of 2005, amending the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a

result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The Passport Services Enhancement Act authorizes the Department of State to assess a surcharge on applicable fees for the filing of each passport application to offset its additional costs. This rule will raise the surcharge based on a current estimate of the increased passport demand due to actions taken to comply with section 7209(b) of IRTPA. The surcharge will continue to be collected from within the passport application fee and will not increase the overall current cost of the passport to the applicant.

DATES: *Effective date:* This interim rule is effective on August 15, 2007.

Comment period: The Department of State will accept written comments from interested persons up to September 14, 2007.

ADDRESSES: Interested parties may submit comments at any time by any of the following methods:

- *E-mail:* PassportRules@state.gov.

You must include the Regulatory Identification Number (RIN) in the subject line of your message.

- *Mail:* (paper, disk, or CD-ROM submissions): An original and three copies of comments should be sent to: Susan Bozinko, Office of Passport Services, Legal Affairs Division, Planning and Advisory Services, 2100 Pennsylvania Ave., NW., 3rd Floor, Washington, DC 20037. 202-663-2427.

- *Fax:* 202-663-2499. You must include the Regulatory Identification Number (RIN) in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: For *passport issuance policy:* Susan Bozinko, Division Chief, Office of Passport Services, Legal Affairs Division, 2100 Pennsylvania Ave., NW., 3rd Floor, Washington, DC 20037. (202) 663-2427. E-mail:

PassportRules@state.gov. For *consular fee setting policy:* Tracy Henderson, Director of the Budget, Bureau of Consular Affairs, U.S. Department of State, Suite H1004, 2401 E St., NW., Washington, DC 20520, or by e-mail: fees@state.gov.

SUPPLEMENTARY INFORMATION: The Passport Services Enhancement Act (Pub. L. 109-167, January 10, 2006, 119 Stat. 3578) authorizes the Secretary of State to establish, collect, and retain a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458, 8 U.S.C. 1185).

In March 2006, the Department of State had commissioned an independent cost of service survey to examine the resource implications of the increased demand for passports under the Western Hemisphere Travel Initiative (WHTI), the Administration's proposal to address the requirements of the IRTPA, and to determine the appropriate amount of the surcharge. That survey estimated that uncompensated WHTI-related costs borne by the Department of State would reach \$289 million during the period FY2006-FY2008. It also projected that a six-dollar surcharge retained by the Department of State would enable it to meet the costs of increased passport demand during that period. Accordingly on August 15, 2006, the Department of State published an interim rule providing for a surcharge of \$6 per passport application. However, the demand and costs proved to be greater than originally estimated and thus the Department now projects that uncompensated demands during the period FY2008 to FY 2010 will reach \$944 million. The Department has therefore determined that to meet its increased costs, it will need to retain \$20 per passport application. Pursuant to the authority granted to the Secretary of State under the Passport Services Enhancement Act of 2005, this rule will allow the Department of State to establish, collect, and retain a twenty-dollar surcharge on applicable fees for the filing of each application for a passport, in order to address the resource implications of section 7209(b) of the IRTPA. That surcharge will be embedded in the passport application fee and will be deposited as an offsetting collection to the appropriate Department of State appropriation account. The non-surcharge portion of the passport application fee will be remitted to the general fund of the Treasury. The overall cost of the passport to the public will not increase by virtue of this action.

The Department of State considers the enactment of this rule as a matter of urgency to help provide the funds to meet the demand created by the legislation for universal international traveler nationality and identity documentation. The Department is in the process of increasing its overall production capacity, improving efficiency of production and adjudication processes, as well as enhancing anti-fraud measures. The Department is also currently developing a less expensive card format passport for use at land border crossings.