

- b. Number of completed reportable requests _____
- c. Number of instances where at least one of the nine statutory exemptions was cited _____
- d. Number of instances where other reasons were cited _____

Note.—A reportable request is that portion of an FOIA request resulting in a single record or group of records pertaining to one general subject area being acted upon by one IDA who concludes that a single type of determination applies. Example: A single public request that requires the action of three IDAs in determining if a record under their jurisdiction is to be released would be counted as three reportable requests, but one public request. Records released by two IDAs in response to one public request would be counted as two reportable requests.

Item 2. Provide statistics on the specific authorities—statutory exemptions, statutes, and categories of other reasons used in the totals above. (All PLFAs.)

- a. Exemptions invoked on initial determination:

Exemptions (552(b)) and Number of Times Invoked

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____
- (7) _____
- (8) _____
- (9) _____

b. Statute Number of Times Invoked

- c. Other reasons cited on initial determination and number of times each:

- (1) Transferred Request (Appeal) _____
- (2) Lack of Records _____
- (3) Failure of Requester to Reasonably Describe Record _____
- (4) Other Failures by Requesters to Comply with Published Rules and/or Directives _____
- (5) Request (Appeal) Withdrawn by Requester _____

Item 3. Provide the name and title of person(s) cited as IDA followed thereafter in two subcolumns by the number of times each person cited exemptions or other authority categories (the vertical column or totals must match item 1). (All PLFAs)

Participation _____
Name _____
Title _____
Exemption _____
Other Authority _____

Item 4. Provide the number of appeals that, upon review, were granted, granted in part, or denied, followed by a total of those three numbers. (DLA-G only)

- a. Granted _____
- b. Granted in part _____
- c. Denied _____
- Total _____

Item 5. Repeat the three statistical requirements of item 2 for the appeals that were granted in part or denied. (DLA-G only.)

Item 6. Repeat Item 3 for appellate authorities including both subcolumn statistics. (DLA-G only.)

Item 7. When a court determines that DLA records were improperly withheld and issues a finding raising questions on the actions of DLA personnel, provide a copy of each such court opinion or order; a copy of the Office of Personnel Management finding and recommendation on each such proceeding; and a report of any disciplinary action taken against the person who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken. (PLFAs and DLA-G.)

Item 8. List changes or revisions of DLA rules or regulations affecting the implementation of FOIA followed by the Federal Register reference (number, date, and page) that announced the change or revision to the public. Append a copy of each such change or revised rule or regulation. (DLA-XA only.)

Item 9. The amount of fees collected from the public will be reported triannually to OASD(PA); thus, duplicate annual reporting by DoD Components is not required. (DLA-XA only.)

Item 10. Number of times unusual circumstances required an extension of normal processing time limits. (DLA-G and PLFAs.)

Item 11. List FOI instructional seminars, schools or courses attended during the period of this report. (DLA-G, DLA-K and all PLFAs.)

Cost Report

- I. Cost of routine requests processed:

No. of reportable requests x \$ _____
(cost factor per request).

- II. Personnel cost (civilian and military):

A. Direct costs of personnel assigned FOI duties based upon estimated payroll man-hours by grade:
Total man-hours _____

Cost _____ \$ _____

B. Direct costs for other personnel involved in processing requests not included above based upon accumulation of total hourly data:

- (1) Search time costs _____ \$ _____
- (2) Classification review and excising action costs _____ \$ _____
- (3) Coordination and approval/denial decision costs _____ \$ _____
- (4) Corres. and form prep. costs _____ \$ _____

(5) Other activity costs _____ \$ _____

Total man-hour costs _____ \$ _____

C. Application of overhead:

(Subtotal A) + (Subtotal B) x (overhead rate) _____ \$ _____

Total of direct personnel costs and overhead _____ \$ _____

- III. Other case related costs:

A. Computer _____ \$ _____

B. Office copy reproduction _____ \$ _____

C. Microfiche reproduction _____ \$ _____

D. Cost of printed records _____ \$ _____

Total of other costs _____ \$ _____

IV. Other operating costs:

A. Reporting costs*

- (1) Operational _____ \$ _____
- (2) User _____ \$ _____
- (3) Overhead (25 percent of (1) and (2)) _____ \$ _____

Total reporting costs _____ \$ _____

B. Other costs as directed or as can be reasonably ascertained. Itemize each expense category and cost

Total other operating costs.. \$ _____

*In the report for the last 4-month period (Sep-Dec) of each year include the costs attributable to the annual report. See DLAR 5000.12, Management and Control of DLA Information Requirement,²⁵ enclosure 5, for computing this cost.

V. Summary:

A. Total costs of section I \$ _____ through IV above.

B. Amount collected from requesters this reporting period:

Search _____ \$ _____

Copy _____ \$ _____

Total _____ \$ _____

C. No. of requests processed and completed during this calendar year:

Reportable Requests _____ \$ _____

Appeals _____ \$ _____

Total _____ \$ _____

²⁵ Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304-6130.

For the Director.

Preston B. Speed,
Chief, Administrative Management Branch,
[FR Doc. 86-22577 Filed 10-6-86; 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 30

Federal Claims Debt Collection

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education (Secretary) establishes final regulations governing the use of administrative offset to collect debts owed under a program or activity administered by the Secretary. The final regulations also establish procedures for requesting other Federal agencies to collect by offset debts owed under a program or activity administered by the Secretary and for the processing of requests for offset by the Secretary on behalf of other Federal agencies. Finally, the regulations establish procedures for referring debts to consumer reporting agencies.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register, or later, if Congress

takes certain adjournments. If you want to know the effective date of these regulations, call or write the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Frank Stidman, U.S. Department of Education, Financial Management Service, Room 3109, FOB #6, 400 Maryland Avenue, SW., Washington, DC 20202, (202) 245-2964.

SUPPLEMENTARY INFORMATION: The Secretary amends Part 30 of Title 34 of the Code of Federal Regulations to establish rules governing the procedures used to collect debts by administrative offset. A notice of proposed rulemaking (NPRM) that proposed these general offset regulations was published in the Federal Register on July 1, 1986, at 51 FR 24092. In a companion document published on that same day at 51 FR 24095, the Secretary published a final regulation regarding IRS tax-refund offsets. The final regulations contained an invitation to comment. At that time, the Secretary indicated an intention to publish responses to the comments on both the NPRM and the final regulations in a single document. The Secretary received no comments in response to the NPRM during the established comment period but has received several comments in response to the final regulations. As a result, the Secretary sees no reason to delay publication of the final general offset regulations at this time while he reviews the comments received on the IRS tax-refund offset procedures. This review should be completed shortly, at which time the Secretary will publish the responses to the IRS tax-refund offset comments, together with any changes to those procedures adopted in light of the comments.

A change has been made to § 30.20 of the proposed general offset regulations. This section had indicated that offset might be taken under separate regulations only if the separate regulations were authorized under a statute other than 31 U.S.C. 3716. However, the Secretary has proposed separate regulations implementing salary offset authority in part under 31 U.S.C. 3716 to collect by salary offset overpayments of Federal pay and allowances (49 FR 35658, September 11, 1984). When these regulations are published in final form, they will be codified at 34 CFR Part 32. Also, the Secretary currently has regulations at 34 CFR Parts 218 and 222 that implement offset authority under the Impact Aid program (Title I—except Section 7—and Title IV of Pub. L. 81-874). Thus, § 30.20(b)(2) has been revised to clarify that the offset procedures in Part 30 do

not apply in any case where separate regulations exist under the authority of 31 U.S.C. 3716, another statute authorizing offset, or the common law.

The Secretary has also made a series of changes to §§ 30.23, 30.24, and 30.27 of the proposed regulations to make the general offset regulations more consistent with the IRS tax-refund offset regulations and the guidance contained in the Federal Claims Collection Standards (4 CFR Parts 101 through 105). Under the revised regulations, the Secretary will determine the time by which a debtor must respond to a notice based on the date of the notice, rather than the date the debtor receives the notice. This will reduce the costs to the Department of collecting debts. In order to compensate for the time required to deliver the notice, the Secretary has also decided to extend by five days the time during which a debtor has to respond to a notice of offset—either by requesting an opportunity to inspect and copy records, to obtain a review of the debt, or to enter into a repayment agreement. The Secretary believes that this extra time more than compensates for the time for the notice to be delivered to the debtor after the date the notice is mailed.

Finally, three of the sections in the proposed regulations contained proposed information collection requirements. These requirements have been submitted to, and approved by the Office of Management and Budget as required by section 3504(h) of the Paperwork Reduction Act of 1980. The regulations are amended by this document to add the Paperwork Reduction Act clearance number for the three sections.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major regulations because they do not meet the criteria for major regulations established in the Order.

Assessment of Educational Impact

In the notice or proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 30

Claims, Debt collection.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number: Not Applicable)

Dated: October 2, 1986.

William J. Bennett,
Secretary of Education.

The Secretary amends Part 30 of Title 34 of the Code of Federal Regulations as follows.

PART 30—DEBT COLLECTION

1. The authority citation for Part 30 continues to read as follows:

Authority: 20 U.S.C. 1221e-3(a)(1) and 1226a-1, 31 U.S.C. 3716(b) and 3720A, unless otherwise noted.

2. The Secretary amends § 30.20 by redesignating paragraph (a)(3) as paragraph (a)(2), revising paragraph (b)(2)(iii), and removing paragraph (f), to read as follows:

§ 30.20 To what do §§ 30.20-30.31 apply?

- (b) * * *
- (2) * * *
- (iii) Other regulations implementing an offset authority.

3. Sections 30.23 is amended by adding the Office of Management and Budget control number 1880-0515 after the authority citation for the section and by revising paragraph (a)(1) to read as follows:

§ 30.23 How must a debtor request an opportunity to inspect and copy records relating to a debt?

- (a) * * *
- (1) File a written request to inspect and copy the documents within 20 days after the date of the notice provided under § 30.22; and

(Approved by the Office of Management and Budget under control number 1880-0515)

4. Section 30.24 is amended by adding the Office of Management and Budget control number 1880-0515 after the authority citation for the section and by revising paragraphs (a)(1), and (d)(1)(iii)(A) to read as follows:

§ 30.24 What opportunities does the debtor receive to obtain a review of the existence or amount of a debt?

- (a) * * *

(1) File a request for review within 20 days after the date of the notice provided under § 30.22; and

(d)(1) * * *

(iii) * * *

(A) 20 days after the date of the notice provided under § 30.22; or

(Approved by the Office of Management and Budget under control number 1880-0515)

5. Section 30.25 is amended by adding the Office of Management and Budget control number 1880-0515 after the authority citation for the section, to read as follows:

§ 30.25 How may a debtor obtain an oral hearing?

(Approved by the Office of Management and Budget under control number 1880-0515)

6. Section 30.27 is amended by revising paragraph (a)(1) to read as follows:

§ 30.27 When does the Secretary enter into a repayment agreement rather than offset?

(a) * * *

(1) File a request to enter into such agreement within 20 days after the date of the notice provided under § 30.22; and

[FR Doc. 86-22760 Filed 10-6-86; 8:45 am

BILLING CODE 4000-01-M

DEPARTMENT OF INTERIOR

National Park Service

36 CFR Part 7

Padre Island National Seashore, TX; Hunting Regulations

AGENCY: National Park Service, Interior.
ACTION: Final rule.

SUMMARY: This final rule will amend the existing hunting regulations for Padre Island National Seashore to exclude from hunting the waters surrounding all posted rookery islands and define where and how duck blinds may be placed.

It is necessary in order to help protect rookery island habitat and the birds that nest there and to help prevent the erection and abandonment of permanent duck blinds.

The effect will be to keep hunters away from environmentally sensitive rookery habitat and give them guidance as to what types of duck blinds are acceptable.

EFFECTIVE DATE: November 6, 1986.

FOR FURTHER INFORMATION CONTACT: Max Hancock, Chief Ranger, Padre

Island National Seashore, (512) 949-8173.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 1986 the NPS published in the *Federal Register* (51 FR 21389) a proposed rule modifying the hunting regulations for Padre Island National Seashore, Pub. L. 87-712, authorizing establishment of Padre Island National Seashore, retained the privilege of the public to hunt migratory waterfowl on the waters of the Laguna Madre. The first regulations promulgated to control this hunting excluded only the two islands then used by birds for rookery Islands. For a variety of reasons the birds have expended their nesting activity to several other islands. In order to protect these new rookeries it is necessary to post them to exclude people. This new rule will allow the necessary posting on a continuing basis and allow changes in the posting as the birds nesting habits change.

Omission in the original regulation of any mention of duck blinds resulted in the proliferation of abandoned permanently built blinds which were an eyesore and required considerable time on the part of the National Park Service to remove. The addition of the restriction allowing portable blinds only will eliminate this problem.

Summary of Comments

The proposed rule generated no public comments.

One internal comment suggested clarifying the term "waters immediately adjacent to", as it is used in § 7.75(b)(1).

The NPS agrees with this comment and a change has been made accordingly.

Drafting Information

The principal author of this rulemaking is Max Hancock, Padre Island National Seashore, National Park Service, Corpus Christi, Texas.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 et seq.). The final rule will not have any significant economic effect because it only serves to readjust

slightly the hunting patterns and methods currently used by hunters. There should be no additional expenditures involved as a result.

The Service has determined that this final rule will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Part 7 is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

2. By revising § 7.75(b) to read as follows:

§ 7.75 Padre Island National Seashore.

(b) *Hunting.* (1) Hunting is prohibited, except that during the open season prescribed by State and Federal agencies, the hunting of waterfowl is allowed upon the waters of Laguna Madre wherever a floating vessel of any type is capable of being operated, at whatever tide level may exist. Provided, however, that the waters surrounding North and South Bird Islands and other designated rookery islands are closed to all hunting as posted. Hunting, where authorized, is allowed in accordance with all applicable Federal, State and local laws for the protection of wildlife.

(2) The erecting of a structure for use as a hunting blind is prohibited except that a temporary blind may be used

when removed at the end of each hunting day.

* * * * *

Dated: September 18, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-22675 Filed 10-6-86; 8:45 am]

BILLING CODE 4310-70-M

VETERANS ADMINISTRATION

38 CFR Part 19

Appeals—General; Rules of Practice

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its regulations dealing with tape recordings and written transcripts of personal hearings conducted before the Board of Veterans Appeals (BVA). The rule amends provisions of the existing regulations in 38 CFR 19.168 and 38 CFR 19.170. It has been determined that instead of providing appellants and their representatives with a written copy of hearing proceedings, it would be more convenient for them and more cost effective for the BVA to provide them with a copy of the tape recording of the hearing. Providing a copy would allow swift service when a record of a hearing proceeding held before a Section of the Board of Veterans Appeals is requested. The BVA would continue to provide written transcripts when the case is remanded and when good cause has been shown.

EFFECTIVE DATE: October 12, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Donsbach, Special (Legal) Assistant to the Chairman, Board of Veterans Appeals, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-2978).

SUPPLEMENTARY INFORMATION: Proposed amendments to 38 CFR Part 19 were published in the *Federal Register* of April 22, 1986, at page 15017. Interested persons were given 30 days in which to submit comments, suggestions or objections. The Veterans Administration received one comment. It was suggested that the use of the word "permanent" throughout the text of the proposed amendment was misleading because it implied that the tapes or transcripts were appraised and determined to have enduring value to warrant their preservation as archival records. The word "permanent" has been deleted in several places, and when necessary replaced with the word "official."

It was further recommended that the reference to destruction of transcribed tapes after a period of 12 months be deleted because the proposal to destroy the transcribed tapes has not been approved. The regulation has been changed to reflect that the transcribed tapes will be retained at the BVA for a period of 12 months following the date of the hearing.

The Administrator hereby certifies that these final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. Pursuant to 5 U.S.C. 605(b), these final rules therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. They will have no significant direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Agency has also determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. They will not result in any significant effect on the economy, they will not have any significant impact upon private or governmental costs, and they will not affect business enterprises or otherwise have any adverse effect on the economy.

There is no Catalog of Federal Domestic Assistance number.

The final rules, as amended, are hereby adopted and are set forth below.

Lists of Subjects in 38 CFR Part 19

Administrative practice and procedures, Claims, Veterans.

Approved: September 12, 1986.

Thomas K. Turnage,
Administrator.

PART 19—[AMENDED]

38 CFR Part 19, Board of Veterans Appeals, is amended as follows:

1. Section 19.168 is revised to read as follow:

§ 19.168 Rule 68; Recorded hearing.

(a) *Board of Veterans Appeals.* A hearing before Members of the Board will be recorded. A written transcript will be prepared and a copy of the completed transcript will be incorporated as a part of the claims folder if: (1) Testimony and argument has been presented at the hearing pertaining to an issue which is remanded to the agency or original jurisdiction for further development or (2) the appellant or representative has shown good cause why such a written

transcript should be prepared. Requests that recordings of hearing proceedings by transcribed should be in writing and should explain why a transcription is necessary. They should be filed with: Chief, Hearing Section (014B), Board of Veterans Appeals, 810 Vermont Avenue NW, Washington DC 20420. In those instances where a complete written transcript is prepared, that transcript will be the official record of the hearing and the tape recording will be retained at the Board for a period of 12 months following the date of the hearing; otherwise, the tape recording shall be kept on file by the Board of Veterans Appeals as the official record of the hearing.

(b) *Field offices.* The hearing proceedings before field office personnel after the filing of a notice of disagreement shall be recorded and a copy of the complete written transcript incorporated as a part of the claims folder.

(c) *Copy of hearing tape recording of written transcript.* A copy of the tape recording of hearing proceedings before the Board of Veterans Appeals, or the written transcript of such proceedings when such a transcript has been prepared in accordance with the provisions of paragraph (a) of this section, and/or a copy of the written transcript of field office appellate hearing proceedings may be furnished without cost to the appellant or representative if a request is made at the time of or prior to the hearing; otherwise a charge may be made in accordance with § 1.577 of this title. (38 U.S.C. 4002)

2. Section 19.170 is revised to read as follows:

§ 19.170 Rule 70; Official transcript.

The tape recording on file at the Board of Veterans Appeals or a transcript prepared by the Board of Veterans Appeals in lieu thereof, is the only official record of hearings conducted before the Board. (38 U.S.C. 4002)

[FR Doc. 86-22679 Filed 10-6-86; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL-3091-4]

Designation of Areas for Air Quality Planning Purposes; California, North Central Coast Air Basin For Ozone

AGENCY: Environmental Protection Agency (EPA).