required for an emergency or forced landing (see § 122.35).

4. Part 122 is amended by adding a new § 122.39 to read as follows:

§ 122.39 User fee airports.

(a) The procedures for landing at a user fee airport are the same procedures as those set forth in § 122.34 for landing rights airports.

(b) The following is a list of user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. Information concerning service at any of these airports can be obtained by calling the airport or its authority directly.

Location	Name
Casper, Wyoming	Natrona County International Airport.
Columbus, Ohio	Rickenbacker Airport.
Dona Ana County, New Mexico.	Santa Teresa Airport.
Fargo, North Dakota	Hector International Airport.
Fort Myers, Florida	Southwest Florida Regional Airport.
Lebanon, New Hampshire.	Lebanon Municipal Airport.
Lehigh Valley, Pennsylvania.	Allentown-Bethlehem-Easton Airport.
Midland, Texas	Midland International Airport.
Wilmington, Ohio	Airborne Air Park.

Michael H. Lane,

Acting Commissioner of Customs.

Approved December 15, 1987.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 88-7108 Filed 3-30-88; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1 88-007]

Safety Zone Regulations; New Haven and Bridgeport, CT, Port Jefferson, NY, and the Offshore Platforms at Riverhead and Northport, NY

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing safety zones within the harbors of Port Jefferson, NY, New Haven, CT, and Bridgeport, CT, and the offshore platforms of Long Island Lighting Company at Northport, NY, and Northville Industries at Riverhead, NY. These zones are needed to protect all controlled vessels from safety hazards during a perioo when tug boat assistance is limited. The lack of tugboat assistance to commercial vessels presents increased dangers of vessel groundings and collisions. The purpose of establishing these safety zones is to prevent damage, destruction or loss of any vessel, bridge, or other structure on or in affected areas and to prevent environmental harm from such damage, destruction or loss.

EFFECTIVE DATES: This regulation becomes effective on 15 February 1988. It terminates 13 June 1988 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT. H.C. Deens (203) 773-2464.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the pubic interest since immediate action is needed to respond to potential hazards to the controlled vessels involved.

Drafting Information

The drafters of this regulation are Lieutenant H. C. Deens, Project Officer, Captain of the Port, Long Island Sound and Commander M. A. Leone, Project Attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the hazards to the public, port, and environment presented when tug-boats normally involved in assisting the movement of large commercial vessels in the confines of harbors in Long Island Sound are not used. Some of these commercial vessels carry dangerous cargo. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. Section 165.T107 is revised to read as follows:

§ 165.T107 Safety Zones: Captain of the Port Long Island Sound zone.

(a) *Location.* The following areas have been declared safety zones:

(1) The Harbor of Bridgeport, CT, which includes the navigable waters of the United States north of Bridgeport Harbor channel buoys #2 and #3 and the land structures or shore area immediately adjacent to those waters.

(2) The Harbor of New Haven, CT, which includes the navigable waters of the United States north of New Haven Harbor channel buoys #1 and #2 and the land structures or shore area immediately adjacent to those waters.

(3) The Harbor of Port Jefferson, NY, which includes the navigable waters of the United States south of Port Jefferson Harbor channel buoys #1 and #2 and the land structures or shore area immediately adjacent to those waters.

(4) Those navigable waters of the United States within a five hundred yard radius of the offshore platform operated by Long Island Lighting Company at Northport, NY, at position 40-57.3 degrees Lat., 073-20.5 degrees Long.

(5) Those navigable waters of the United States within a five hundred yard radius of the offshore platform operated by Northville Industries at Riverhead, NY, at position 40-59.9 Lat., 072-38.8 Long.

(b) *Effective dates.* This regulation becomes effective on 15 February 1988. It terminates on 13 June 1988 unless terminated sooner by the Captain of the Port.

(c) *Regulations:*

(1) *Application:* (i) These directions apply only to non-public self propelled vessels both U.S. and foreign of 1600 gross tons and over, when not tugboat assisted within the safety zones established herein, except where noted in paragraphs (ii), (iii) and (iv) of this section.

(ii) All non-public self propelled vessels both U.S. and foreign of 1600 gross tons and over shall comply with the requirements of 2(c)(3)(v) of this section.

(iii) All tugs with barge(s) in tow or being pushed, must meet the requirements of paragraphs 2(c)(3) (xiv), (xv), (xvi), (xvii) and (xviii) of this section.

(iv) All other vessels must meet the requirements of paragraphs 2(c)(3) (xvii) and (xviii) of this section.

(2) *Definitions:* (i) *"Controlled vessels"* are all vessels to which these regulations are applicable.

(ii) *"Vessel"* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(3) *Directions Ordered:* (i) No controlled vessel may enter or depart a safety zone described in this rulemaking unless the owner, operator, agent, master or person in charge of the vessel gives the Captain of the Port Long Island Sound a six hour advance notice of the time of movement. Additionally, this notice shall advise the Captain of the Port Long Island Sound of deficiencies to the following items which may affect the safe transit of the vessel:

(A) Navigation equipment required by 33 CFR 164.35.

(B) Vessel conditions such as fire, flooding or unusual trim and stability.

(C) Vessel controllability and maneuverability.

(D) Any impairment to vessel or cargo.

(E) Vessel's propulsion equipment.

(ii) No controlled vessel carrying as cargo any of those certain dangerous cargoes as defined in 33 CFR 160.203, shall enter any of the safety zones described in this rulemaking except by special permission of the Captain of the Port Long Island Sound.

(iii) No controlled vessel, shall enter, transit, or depart the safety zones of New Haven or Bridgeport, CT, described in this rulemaking unless under the direction of a designated pilot from the New Haven-Bridgeport Pilots Association or Harbor Pilots Incorporated. No controlled vessel, shall enter, transit, or depart the safety zones of Port Jefferson, Riverhead, or Northport, NY, described in this rulemaking unless under the direction of a designated pilot from the Sound Pilots Incorporated or Interport Pilots Agency. With concurrence of the Captain of the Port Long Island Sound, special arrangements may be made to permit other properly licensed federal or state pilots to move controlled vessels provided such pilots have knowledge of the provisions of this rulemaking.

(iv) The aforesaid pilots shall schedule movements within safety zones to ensure maximum separation between vessels. The proximity of other shipping, the accessibility of the affected berth, and the availability of maneuvering area will be carefully weighed when scheduling a vessel's movement within a safety zone. No movement is authorized if there is any reasonable doubt as to the safety of the evolution.

(v) All controlled vessels will make the following reports to the Captain of the Port, Long Island Sound via channel 16 VHF-FM at the specified times:

(A) 30 minute report—prior to entry into a safety zone the vessel will report on-scene weather, vessel draft and intentions.

(B) Immediate report—upon docking or undocking in a safety zone or departure from a safety zone.

(vi) The pilot or vessel agent shall deliver a copy of this order to the master of a controlled vessel prior to its movement in a safety zone, advise him that these are effective emergency regulations, and specifically direct the attention of the master to the following requirements. The master of the vessel shall be on its bridge, ensure the following precautions have been taken, and inform the pilot of the status of these precautions:

(A) A ship's officer is at the anchor control station and in direct communication with the bridge of the vessel by telephone, radio, or by both visual means and amplified voice.

(B) The vessel's propulsion plant is in proper order and manned for maneuvering conditions.

(C) The steering machinery room will be manned and ready to assume control immediately should the vessels normal steering control be lost and will have immediate communications with the bridge.

(D) The vessel is in compliance with all other navigation safety regulations in 33 CFR 164.

(vii) All crossing, meeting and passing situations will be closely coordinated by the pilots to ensure that controlled vessels will not cross, meet, or pass in narrow channels or in areas where maneuvering room is restricted; that is, at entrances, channel turns, basin entrances, slips and bridges. Each of these situations will be treated as a "one-way traffic movement."

(viii) All pilots will, where practicable, maintain a minimum separation of 500 yards between vessels proceeding in the same direction.

(ix) Vessel traffic in the harbors shall be coordinated between the respective pilots and pilot stations.

(x) Due regard shall be given to underwater cable and pipeline crossings when utilizing vessel's anchor to assist in mooring operations.

(xi) The following regulations are effective during docking and undocking evolutions at all berths.

(A) Attention shall be given to other vessels moored close by and prevailing wind and sea conditions.

(B) Unless specifically prohibited by these regulations, vessel movements are at the discretion of the pilot.

(C) Embarked pilots will schedule and coordinate these evolutions to minimize vessel congestion and maximize safe maneuvering room.

(xii) In all cases, vessels should be berthed in such a manner as to facilitate an unassisted departure.

(xiii) When a vessel's anchor is set on the bottom to facilitate undocking, it shall be set so as not to obstruct other vessels.

(xiv) In all cases, good seamanship shall be practiced.

(xv) Emergency situations shall be immediately reported to the Captain of the Port including groundings, and collisions with any objects, fires, etc.

(xvi) Operators of all tug boats with barges in tow or pushed will make a report to the Captain of the Port on channel 16 VHF-FM at the specified times:

(A) Ten minute report—between five and ten minutes prior to entry into or undocking in a safety zone. The vessel will report name of tug, name of barge, position relative to the affected safety zone and intentions.

(B) Immediate report—upon docking in or departure from a safety zone.

(xvii) In an emergency any person may deviate from this rule to the extent necessary to avoid endangering persons, property or the environment.

(xviii) All vessels will immediately comply with any direction of the Captain of the Port.

(4) Specific directions for the Harbor of Bridgeport, CT, Harbor of New Haven, CT, and Port Jefferson, NY safety zones:

(i) Unless specifically authorized by the Captain of the Port Long Island Sound, no vessel shall enter the harbor with less than an anticipated under keel clearance of 5 ft. during the transit of the main channel.

(ii) Unless specifically authorized by the Captain of the Port Long Island Sound, no harbor movements shall be made when the wind speed exceeds 20 knots.

(iii) No harbor movements shall be made when the visibility is less than one-half mile unless specifically authorized by the Captain of the Port Long Island Sound. If visibility is so restricted as to making stopping within half of the limit of visibility impossible, that vessel will not be moved at all. Actual visibility determination will be made by the pilot aboard who is acting under the directions of the Captain of the Port.

(iv) Unless specifically authorized by the Captain of the Port, no movements of controlled vessels of 35,000 DWT or greater or with a draft greater than 35 ft.

are permitted in the safety zones of Bridgeport or New Haven.

(v) Unless specifically authorized by the Captain of the Port, no movements of controlled vessels of 30,000 DWT or greater or with a draft greater than 26 ft. are permitted in the safety zone of Port Jefferson, NY.

(vi) Vessel traffic within confined channels and basins shall only be permitted under the most favorable conditions of wind, visibility, vessel size and maneuverability, obstructions and other vessels, both moored and underway. In this regard:

(A) Ships shall be moored at the Wyatt Oil Co. Terminal in New Haven only during daylight slack water.

(B) Controlled vessel movements at United Illuminating Company, Bridgeport, CT must be specifically authorized by the Captain of the Port.

(5) Specific directions for the safety zones surrounding the offshore platforms at Northport, NY and Riverhead, NY:

(i) Unless specifically authorized by the Captain of the Port, no movements of controlled vessels over 60,000 DWT in the safety zones of Northport, NY and Riverhead, NY are permitted.

(6) Continuous liaison shall be maintained among the pilots and the Coast Guard Captain of the Port. The Captain of the Port shall monitor vessel dockings and undockings and may be assisted by other Coast Guard units for the purpose of keeping other vessels (pleasure craft and similar miscellaneous vessels) clear of the ships being docked and undocked. Escort may be provided in special cases. However, no assistance in any way resembling tugboat service or assistance will be provided.

Dated: March 14, 1988.

T.H. Collins,

Commander, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 88-7091 Filed 3-30-88; 8:45 am]

BILLING CODE 4910-014-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 902

Predisclosure Notification Procedures for Confidential Commercial Information Under the Freedom of Information Act

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: This rule implements Executive Order 12600 which requires Federal agencies to establish predisclosure notification procedures governing compliance with Freedom of Information Act requests for release of records containing commercial or financial information that is privileged or confidential, disclosure of which can reasonably be expected to result in substantial competitive harm to the person who submitted the information. The procedures substantially conform to Executive Order 12600, 52 FR 23781 (25 June 1987).

EFFECTIVE DATE: March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Pennsylvania Avenue Development Corporation, (202) 724-9088.

SUPPLEMENTARY INFORMATION: Federal agencies are required to implement procedures to carry out the guidelines of Executive Order 12600. The proposed rule is based substantially upon Department of Justice procedures, 28 CFR 16.7. The definition of confidential commercial information is incorporated in the proposed revision of § 902.54(a)(1). The Corporation considered the proposed rule on this subject published by the Department of Justice in the **Federal Register** at 53 FR 9452 (March 23, 1988). The Corporation received no comments to its own proposed rule published at 53 FR 6012 (Feb. 29, 1988).

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The final rule does not constitute a "major rule" under Executive Order 12291.

List of Subjects in 36 CFR Part 902

Freedom of information, Confidential business information.

For the reasons set out in the preamble, 36 CFR Part 902 is amended as follows:

PART 902—FREEDOM OF INFORMATION ACT

1. The authority citation for 36 CFR Part 902 is revised to read as follows:

Authority: 5 U.S.C. 552; 52 FR 10012-10019 (March 27, 1987); E.O. 12600, 52 FR 23781 (June 23, 1987).

2. Section 902.03 is amended by adding the following definition to read as follows:

§ 902.03 Definitions.

"Submitter" means any person or entity that provides or has provided information to the Corporation or about which the Corporation possess records subject to Exemption 4 of the Freedom of Information Act.

3. Section 902.54 is amended by revising paragraph (a)(1) and by adding paragraph (c) to read as follows:

§ 902.54 Trade secrets and commercial or financial information that is privileged or confidential.

* * * * *

(a) * * *

(1) Commercial or financial information not customarily released to the public, furnished and accepted in confidence or disclosure of which could reasonably be expected to cause substantial competitive harm, or both;

* * * * *

(c) (1) *In general.* For commercial or financial information furnished to the Corporation on or after March 30, 1988, the Corporation shall require the submitter to designate, at the time the information is furnished or within a reasonable time thereafter, any information the submitter considers confidential or privileged. Commercial or financial information provided to the Corporation shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with this paragraph.

(2) *Notice to submitters.* The Corporation shall provide a submitter with prompt written notice of a request encompassing its commercial or financial information whenever required under paragraph (c)(3) of this section, and except as is provided in paragraph (c)(7) of this section. Such written notice shall either describe the exact nature of the information requested or provide copies of the records or portions thereof containing the information. Concurrently with its notice to a submitter, the Corporation shall inform a requestor in writing that the submitter is afforded a reasonable period within which to object to disclosure and that the 10 workday initial determination period provided for in 36 CFR 902.60 may therefore be extended.

(3) *When notice is required.* (i) For information submitted to the Corporation prior to March 30, 1988, the Corporation shall provide a submitter with notice of a request whenever:

(A) The information is less than ten years old;

(B) the information is subject to prior express commitment of confidentiality given by the Corporation to the submitter; or

(C) the Corporation has reason to believe that disclosure of the information may result in substantial competitive harm to the submitter.

(ii) For information submitted to the Corporation on or after March 30, 1988, the Corporation shall provide a submitter with notice of a request whenever:

(A) The submitter has in good faith designated the information as confidential, or

(B) the Corporation has reason to believe that disclosure of the information may result in substantial competitive harm to the submitter. Notice of a request for information falling within the former category shall be required for a period of not more than ten years after the date of submission unless the submitter requests, and provides acceptable justification for, a specific notice period of greater duration. The submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative that the information in question is in fact confidential and has not been disclosed to the public.

(4) *Opportunity to object to disclosure.* Through the notice described in paragraph (c)(2) of this section, the Corporation shall afford a submitter a reasonable period within which to provide the Corporation with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under any exemption of the Freedom of Information Act and, in the case of Exemption 4, shall demonstrate why the information is contended to be privileged or confidential. Information provided by a submitter pursuant to this paragraph may itself be subject to disclosure under the Freedom of Information Act.

(5) *Notice of intent to disclose.* The Corporation shall consider carefully a submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose information. Whenever the Corporation decides to disclose information over the objection of a submitter, the Corporation shall forward to the submitter a written notice which shall include:

(i) A statement of the reasons for which the submitter's disclosure objections were not sustained;

(ii) A description of the information to be disclosed; and

(iii) A specified disclosure date.

Such notice of intent to disclose shall be forwarded a reasonable number of days, as circumstances permit, prior to the specified date upon which disclosure is intended. A copy of such disclosure notice shall be forwarded to the requester at the same time.

(6) *Notice of lawsuit.* Whenever a requester brings suit seeking to compel disclosure of information covered by paragraph (c) of this section, the Corporation shall promptly notify the submitter.

(7) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(i) The Corporation determines that the information should not be disclosed;

(ii) The information lawfully has been published or otherwise made available to the public;

(iii) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(iv) The designation made by the submitter in accordance with paragraphs (c)(1) and (c)(3)(ii) of this section appears obviously frivolous; except that, in such case, the Corporation shall provide the submitter with written notice of any final decision to disclose information within a reasonable number of days prior to a specified disclosure date.

M.J. Brodie,

Executive Director.

Date: March 28, 1988.

[FR Doc. 88-7089 Filed 3-30-88; 8:45 am]

BILLING CODE 7630-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Fees Charged When Responding to Requests for Records; Release of Records and Other Information Customarily Furnished the Public

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration (VA) is amending its regulations to change the fees that the VA can assess for responding to requests for records, and the procedures for determining the fees that can be charged. In addition, the regulation that requires the VA to process all requests for records under the Freedom of Information Act (FOIA), other than those requests made under other specific disclosure statutes, is being clarified to allow the VA more flexibility in releasing records or information outside the Agency.

EFFECTIVE DATE: May 2, 1988.

FOR FURTHER INFORMATION CONTACT: Marjorie M. Leandri, Chief, Records Management Division, Paperwork Management and Regulations Service (733), Office of Information Management and Statistics, (202) 233-3648.

SUPPLEMENTARY INFORMATION: On pages 38474 through 38479 of the **Federal Register** of October 16, 1987, the VA published a notice of proposed rulemaking. Interested persons were given 30 days to comment on the proposed rule. The VA received one comment from the Reporters Committee for Freedom of the Press (from here on referred to as the Committee). The Committee addressed four paragraphs in the proposed regulation, § 1.555, "Fees." The VA has carefully reviewed the comments discussed below according to specific paragraphs of the proposed regulations.

1. Section 1.555(a) *Definition of terms.* The Committee asked the VA to eliminate its definition of representatives of the news media or to elect a new one. The Committee believes that the definition proposed by the VA will require the Agency to determine what is "news" in deciding whether a requester should be categorized as a "representative of the news media." The VA is required by the Freedom of Information Reform Act of 1986 to conform its fee schedule to the OMB Guidelines which include the definition of "representatives of the news media." Contrary to the Committee's statement that the OMB definition was not reviewed by the public, the definition in the OMB Guidelines was made final after a period of public notice and comment during which concerns similar to those expressed by the Committee were considered. (See OMB Analysis of Comments on Definitions, 52 FR 10014-10015 and OMB Fee Guidelines, sec. 6j., 52 FR 10018, March 27, 1987.) The VA firmly believes that the OMB definition of "representatives of the news media" properly implements the statutory terms used in the Freedom of Information Reform Act of 1986. For these reasons, the VA declines to change the definition of "representatives of the news media."

2. Section 1.555(f) *Waiving or reducing fees.* The proposed regulation incorporates the six factors which the Department of Justice (DOJ) recommended be considered in determining whether fees should be waived or reduced. The Committee recommends that the VA delete these six factors. The Committee gives two reasons for this recommendation. First, the Committee states that the proposed regulation violates the Paperwork Reduction Act because the VA must obtain additional information from requesters in order to evaluate their waiver requests. In response to a similar comment on their proposed fee regulations, the DOJ wrote that the requirement that such information be submitted in support of a fee waiver request is not affected by the Paperwork

Reduction Act of 1980, 44 U.S.C. 3501, *et seq.* The Office of Information and Regulatory Affairs of the Office of Management and Budget, which holds responsibility for the Paperwork Reduction Act's implementation, has determined that FOIA fee regulation requirements that requesters submit information in support of their fee waiver and fee limitation claims are not "information collection requests" within the meaning of that Act so long as agencies do not specify the content of such requests. See also 5 CFR 1320.7(c) (1987) and the Department of Justice Analysis of Comments Received, paragraph 5, Waiver or reduction of fees (52 FR 33231, September 2, 1987).

Second, the Committee believes that by repeating DOJ's six factors in its regulations, the VA would not consider the "legitimacy of the public's interest in monitoring its activities as a criterion for granting a public interest fee waiver." While the DOJ criteria for determining public interest do not specifically identify "monitoring" of agency activities, three of the factors clearly encompass this type of activity. These three factors are: (1) The subject of the request; whether the subject of the requested records concerns the operations or activities of the government; (2) the information value of the information to be disclosed; whether the disclosure is likely to contribute to an understanding of government operations or activities; and (3) the significance of the contribution to public understanding of government operations or activities. Moreover, the statutory standard governing the waiver or reduction of FOIA fees is phrased largely in general evaluative terms. It is essential that the Agency set forth the factors to be used in deciding whether to grant a fee waiver or reduction. The factors set forth by DOJ are taken directly from the statute's plain language, and the VA finds they form a useful framework for evaluating requests for fee waivers or reductions. For these reasons, the six factors are being retained in the VA's regulations.

3. Section 1.555(f)(3)(ii) *Waiving or reducing fees.* Paragraph (3) of § 1.555(f) addresses the factors that will be considered in determining whether disclosure of information is primarily in the commercial interest of the requester. The Committee requests that the VA "make clear that news media who meet the so-called public interest tests will not fail the commercial tests applied to fee waivers." The Committee supports this request by citing that the DOJ guidance "states unambiguously that where a news media requester has satisfied the 'public interest' standard necessary for waiver, that will be the interest primarily served by disclosure to that requester." The DOJ Office of Legal Policy memorandum, "New FOIA Fee Waiver Policy Guidance," dated April 2, 1987, containing the six recommended factors to be considered when determining fee waivers, has been reviewed again. In comparing the magnitude of the public interest with the requester's commercial interest in disclosure, the DOJ states "the traditional process of news gathering and dissemination by established news media or organizations, as a rule, should not be considered to be 'primarily' in their commercial interest." See FOIA Update, Vol. VIII, No. 1, at 10 (1987). The VA agrees that in most cases, news media requests will satisfy the standards necessary for fee waiver; however, these determinations should be made on a case-by-case basis, rather than being pre-determined by regulation. It is essential that VA personnel have some discretion in order to correctly apply the statutory standards.

4. Section 1.555(g)(4) *Advance payments.* The Committee comments that the proposed regulation requiring advance payment of fees "interferes with the agency's prompt provision of information and with the media's timely dissemination of information." The Committee asks that the requirement for advance payment be abandoned. Both the FOIA Reform Act and the OMB Guidelines state that agencies *may not* require a requester to make an advance payment unless the charges "are likely to exceed $250," or a requester "has previously failed to pay a fee charged in a timely fashion." Thus the FOIA Reform Act and OMB Guidelines permit agencies to require advance payments, but they do so only in one of the above specified circumstances. The final VA regulation is written in a manner that provides some discretion in determining whether to require advance payments, but only in those circumstances. This wording ensures that VA regulations are consistent with the provisions of both the FOIA Reform Act and OMB guidelines.

With the change explained in paragraph number 4 above, and editorial changes, the VA adopts the proposed rules as final.

The Administrator has certified that these final regulations will not 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. 601–612. Pursuant to 5 U.S.C. 605(b), these regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these changes simply implement, and make VA regulations consistent with, the requirements of Pub. L. 99–570; they impose no new administrative or paperwork burdens, independent of the requirements of the law. They will have no significant direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these final regulations are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on compensation, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There are no Catalog of Federal Domestic Assistance numbers involved.

List of Subjects in 38 CFR Part 1

Administrative practice and procedures, Claims, Employment, Government employees, Government property, Freedom of Information Act, Privacy.

Approved: February 26, 1988.

Thomas K. Turnage,

Administrator.

38 CFR Part 1, *General*, is amended as follows:

PART 1—[AMENDED]

1. In § 1.526, paragraph (e)(3) is removed; paragraph (e)(4) is redesignated as paragraph (e)(3); and paragraphs (b) and (i) are revised and an authority citation is added to paragraph (i) to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(b) The types of services provided by the Veterans' Administration for which fees will be charged are identified in § 1.526(i) of this section.

* * * * *

(i) *Fees to be charged.*

(1) *Schedule of fees:*

Activity	Fees
(i) Duplication of document by any type of reproduction process to produce plain one-sided paper copies of a standard size (8½" × 11"; 8½" × 14"; 11" × 14").	$0.15 per page after first 100 one-sided pages.
(ii) Duplication of non-paper records, such as microforms, audiovisual materials (motion pictures, slides, laser optical disks, video tapes, audiotapes, etc.) computer tapes and disks, diskettes for personal computers, and any other automated media output.	Actual direct cost to the Agency as defined in § 1.555(a)(2) of this part to the extent that it pertains to the cost of duplication.
(iii) Duplication of documents by any type of reproduction process not covered by paragraphs (i)(1) (i) and (ii) of this section to produce a copy in a form reasonably usable by a requester.	Actual direct cost to the Agency as defined in § 1.555(a)(2) of this part to the extent that it pertains to the cost of duplication.
(iv) Providing special information, statistics, reports, drawings, specifications, lists of names and addresses (either in paper or machine readable form), computer or other machine readable output.	Actual cost to the Agency including computer and manual search costs, copying costs, labor, and material and overhead expenses.
(v) Attestation under the seal of the Agency	$3.00 per document so certified.
(vi) Providing abstracts or copies of medical and dental records to insurance companies for other than litigation purposes.	$10.00 per request.
(vii) Providing files under court subpoena	Actual direct cost to the Agency.

(NOTE.—If the VA regularly contracts for duplicating services related to providing the requested records, such as the duplication of microfilm or architect's plans and drawings, the contractor fees may be included in the actual direct cost to the Agency)

(2) *Benefit records.* When VA benefit records are requested by a VA beneficiary or applicant for VA benefits, the duplication fee for one complete set of such records will be waived.

(Authority: 38 U.S.C. 3302(b))

* * * * *

2. Section 1.553 is revised and an authority citation is added to read as follows:

§ 1.553 Public access to other reasonably described records.

(a) Except for requests for records which are processed under §§ 1.551 and 1.552 of this part, unless otherwise provided for in title 38, Code of Federal Regulations, all requests for records shall be processed under paragraph (b) of this section, as well as under any other VA law or regulation governing access to or confidentiality of records or information. Records or information customarily furnished to the public in the regular course of the performance of official duties may be furnished to the public without reference to paragraph (b) of this section. To the extent permitted by other laws and regulations, the VA will also consider making available records which it is permitted to withhold under the FOIA if it determines that such disclosure could be in the public interest.

(b) Reasonably described records in VA custody, or copies thereof, other than records made available to the public under provisions of §§ 1.551 and 1.552 of this part, or unless otherwise provided for in title 38, Code of Federal Regulations, requested in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, will be made promptly available, except as provided in § 1.554 of this part, to any person upon request. Such request must be in writing, over the signature of the requester and must contain a reasonable description of the record desired so that it may be located with relative ease. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Director or Veterans Services Officer in the nearest VA regional office; the Director, or Chief, Medical Administration Service, or other responsible official of the VA medical facility where most recently treated; or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for VA Central Office and most field stations.

(Authority: 5 U.S.C. 552(a)(3))

3. Section 1.555 is revised and an authority citation is added to read as follows:

§ 1.555 Fees.

(a) *Definitions of terms.* For the purpose of this section, the following definitions apply:

(1) *"Commercial use request"* means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person on whose behalf the request is made. To determine whether a request properly belongs in this category, consideration must be given to the use to which a requester will put the documents requested. Where the use of the records sought is not clear in the request or where there is reasonable cause to doubt the use to which the requester will put the records sought, additional information may be sought from the requester before assigning the request to a specific category.

(2) *"Direct costs"* means those expenditures which the VA actually incurs in searching for and duplicating (and in the case of commercial use requests, reviewing) documents to respond to a Freedom of Information Act (FOIA) request. Direct costs include, for example, the salary of the employee performing work, i.e., the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits, and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space, and heating or lighting of the facility in which the records are stored.

(3) *"Duplication"* means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audiovisual materials or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided must be in a form that is reasonably usable by requesters.

(4) *"Educational institution"* means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research. To determine whether a request properly belongs in this category, the request must be evaluated to ensure that it is apparent from the nature of the request that it serves a scholarly research goal of the institution, rather than an individual goal of the requester or a commercial goal of the institution.

(5) *"Non-commercial scientific institution"* means an institution that is not operated on a "commercial" basis (as that term is referenced under "Commercial use request" of this paragraph) and which is operated solely for the purpose of conducting scientific research, the results of which are not

intended to promote any particular product or industry.

(6) *"Representative of the news media"* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all inclusive. As traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media will be included in this category. "Freelance" journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but the requester's past publication history can be considered also. In any case, freelancers who do not qualify for inclusion in the "representative of the news media" category may seek a reduction or waiver of fees under paragraph (f) of this section.

(7) *"Review"* means the process of examining documents located in response to a "commercial use request" (see definition of commercial use request in this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure in response to a "commercial use request," e.g., doing all that is necessary to excise them and otherwise prepare them for release. The term "review" does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *"Search"* means all the time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Searches may be done manually or by computer using existing programs. The most efficient and least expensive manner of searching for material will be used to minimize costs to the VA and the requester. For example, line-by-line searches will not be conducted when duplicating an entire document is the least expensive and quicker method of complying with a request. The term "search" does not cover the time spent to review documents to determine whether all or portions thereof can be withheld under one of the nine categories of exemptions identified in § 1.554 of this part.

(b) *Fees to be charged.* (1) Except as provided in paragraphs (c), (d), (f) and (g) of this section, the Veterans Administration will charge fees that recoup the full allowable direct costs for responding to each request from the public. Such fees will be charged in accordance with the schedule of fees in paragraph (e) of this section, and other requirements or restrictions in this regulation. The most efficient and least costly methods will be used to comply with requests for documents made under the FOIA.

(2) If it is estimated that charges for duplication determined by using the fee schedule in § 1.555(e) of this part are likely to exceed $25, the requester will be notified of the estimated amount of fees, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated. Such notice will offer the requester the opportunity to confer with Agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(3) Each department and staff office upon approval of the Administrator is authorized to contract with private sector services to locate, reproduce, and disseminate records in response to FOIA requests when that is the most efficient and least costly method. If a contractor is used, the ultimate cost to the requester can be no greater than it would if the department, staff office, or field station performed the task, itself. In no case may a department, staff office, or field station contract out responsibilities which the FOIA provides that they alone may discharge, such as determining the applicability of an exemption, or determining whether to waive or reduce fees.

(4) When documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs, in which the agency is required to set the level of fees for particular types of records, such as the National Technical Information Service or the Government Printing Office, the requester of such documents will be informed of the steps necessary to obtain records from those sources, rather than from the VA.

(c) *Restrictions on assessing fees.* With the exception of commercial use requests no charges will be assessed for the first 100 pages of duplication and the first two hours of search time. Moreover, no fees are to be charged any requester, including commercial use requesters, if the cost of collecting the fee is equal to or greater than the fee itself. These provisions work together so that, except for commercial use requests, fees will not be assessed until the free search and duplication have been provided. For example, if a request takes two hours and ten minutes of search time and results in 105 reproduced pages of documents, fees can be charged for only 10 minutes of search time and for only five pages of reproduction. If this cost were equal to or less than the cost to the VA of billing the requester and processing the fee collected, no charges would be assessed. (NOTE: The cost of collecting fees are VA's administrative costs of receiving and recording a requester's remittance, and processing the fee for deposit in the Treasury Department's special account. The cost is determined to be negligible. The per-transaction costs to the Treasury to handle such remittances is negligible and will not be considered in the Agency's determination.)

(1) For purposes of the restriction on assessing fees, the word "pages" refers to one-sided paper copies of the standard sizes 8½" × 11" or 8½" × 14" or 11 " × 14". Accordingly, requesters will not be entitled to 100 microfiche or 100 computer disks free. One microfiche containing the equivalent of 100 pages or 100 pages of computer printout might meet the terms of the restriction.

(2) The term "search time" in this context is based on manual searches. To calculate the "computer search time" for the purpose of applying the two-hour search restriction, the hourly cost of operating the computer's central processing unit will be combined with the operator's hourly salary, plus 16 percent of the salary. When the cost of the search (including the operator time and the cost of the computer to process a request) equals the equivalent dollar amount of two hours of the salary of the person performing the search, i.e., the operator, charges will begin to be assessed for a computer search.

(d) *Categories of requesters and fees to be charged each category.* There are four categories of FOIA requesters: Commercial use requesters; educational and non-commercial scientific institutional requesters; requesters who are representatives of news media; and all other requesters. Specific levels of fees will be charged for each of these categories as follows:

(1) *Commercial use requesters.* When a request for documents for commercial use is received, the full direct costs of

searching for, reviewing for release, and duplicating the records sought will be charged to the requester. Commercial use requesters are not entitled to two hours of free search time nor 100 free pages of reproduced documents. Moreover, the commercial use requester will be charged the cost of searching for and reviewing records even if there is ultimately no disclosure of records. The requester must reasonably describe the records sought.

(2) *Educational and non-commercial scientific institution requesters.* These requesters will be charged only for the cost of reproduction, excluding charges for the first 100 pages. In order to be considered a member of this category, a requester must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a commercial use. If the request is from an educational institution, the requester must show that the records sought are in furtherance of scholarly research. If the request is from a non-commercial scientific institution, the requester has to show that the records are sought in furtherance of scientific research. Information necessary to support a claim of being categorized as an educational or non-commercial scientific institution requester will be provided by the requester, and the requester must reasonably describe the records sought.

(3) *Representatives of news media.* These requesters will be charged for the cost of reproduction, only, excluding charges for the first 100 pages. To be included in this category, a requester must fall within the definition of a representative of the news media specified in paragraph (a)(vi) of this section, and the request must not be made for commercial use. A request for records supporting the news dissemination function of the requester will not be considered to be a request that is for commercial use. Requesters must reasonably describe the records sought.

(4) *All other requesters.* Any requester that does not fit into any of the categories in this section will be charged fees which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time will be furnished without charge. In addition, under certain circumstances specified in paragraph (f) of this section, fees will be waived or reduced at the discretion of field station heads, their designee, or responsible Central Office officials. Requests from VA beneficiaries, applicants for VA benefits, or other individuals for records retrievable by their name or other personal identifier will initially be processed under 38 U.S.C. 3301 and 5 U.S.C. 552a and will be assessed fees in accordance with the applicable fee provisions of §§ 1.526(i) or 1.577(f) of this part. To the extent that records are not disclosable under these provisions, the disclosure of such records will be evaluated under §§ 1.550 through 1.559 of this part, and fees will be assessed under paragraph (e) of this section. Requesters must reasonably describe the records sought.

(e) *Schedule of fees:*

Activity	Fees
(1) Duplication of documents by any type of reproduction process to produce plain one-sided paper copies of a standard size (8½" × 11"; 8½" × 14"; 11" × 14").	$0.15 per page.
(2) Duplication of non-paper records, such as microforms, audiovisual materials (motion pictures, slides, laser optical disks, video tapes, audiotapes, etc.) computer tapes and disks, diskettes for personal computers, and any other automated media output.	Actual direct cost to the Agency. (See paragraph (a)(2) of this section and, if costs are likely to exceed $25.00, paragraph (b)(2) of this section.
(3) Duplication of documents by any type of reproduction process not covered by paragraphs (e)(1) and (2) of this section to produce a copy in a form reasonably usable by the requester	Actual direct cost to the Agency. (See paragraph (a)(2) of this section and, if costs are likely to exceed $25.00, paragraph (b)(2) of this section.
(4) Document search by manual (non-automated) methods	Basic hourly salary rate of the employee(s) performing the search, plus 16 percent. (If costs are likely to exceed $25.00, see paragraph (g)(2) of this section.)
(NOTE.—If a department, staff office or field station uses exclusively a single class of personnel, e.g., all administrative/clerical or all professional/executive, an average rate for the range of grades involved may be used).	
(5) Document search using automated methods, such as by computer	Actual direct cost to perform search. (See paragraph (c)(2) of this section, and, if costs are likely to exceed $25.00, see paragraph (g)(2) of this section.)
(6) Document review (use only for commercial use requesters)	Basic hourly salary rate of employee(s) performing initial review to determine whether to release document(s) or portions of records, plus 16 percent.
(NOTE.—Charge for document reviews covers only the time spent reviewing the document(s) at the initial administrative level to determine applicability of a specific FOIA exemption to a particular record or portion of a record. It does not cover any review incurred at the administrative appeal level once the initial exemptions are applied. However, records or portions of records withheld in full under an exemption which is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The cost for such a subsequent review may be properly assessed).	
(7) Other charges: Certifying that records are true copies; Sending records by special methods such as express mail	Where applicable, assess under provisions of §§ 1.526(i) and (j) of this part, otherwise actual direct cost of service performed.

(f) *Waiving or reducing fees.* (1) Fees for records and services provided in response to a FOIA request will be waived or reduced when it is determined by responsible Central Office officials or field station heads or their designee that furnishing the document(s) is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) The following factors will be considered in sequence in determining whether disclosure of information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government:

(i) The subject of the request: Whether the subject of the requested records concerns the operations or activities of the government;

(ii) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to public understanding; and

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute significantly to public understanding of government operations or activities.

(3) The following factors will be considered in sequence in determining whether disclosure of information is primarily in the commercial interest of the requester:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(4) An appeal from an adverse fee waiver or reduction determination will be processed in the same manner as described in § 1.557 of this part.

(g) *Other administrative considerations to improve assessment and collection of fees.*—(1) *Charging interest—notice and rate.* The Veterans Administration may charge interest to those requesters who fail to timely pay fees assessed in accordance with these regulations. Determination to charge interest will be made by the responsible Central Office official or field station head or designee. Interest will be assessed on the unpaid bill beginning on the 31st day following the day on which the original building was sent. Interest will be at the rate prescribed in section 3717 of Title 31 United States Code and will accrue from the date of the billing. Accounting procedures ensure that a requester who has remitted the full amount within the time period is properly credited with the payment. The fact that the fee has been received by the VA, even if not processed, will suffice to stay the accrual of interest.

(2) *Charges for unsuccessful search.* When it is determined by the responsible Central Office official or field station head or designee, charges for searching may be assessed, even if records are not located to satisfy a request or if records located are determined to be exempt from disclosure. If it is determined that search charges are likely to exceed $25, the requester will be notified of the estimated amount of fees, unless the requester has indicated in advance a willingness to pay fees as high as those anticipated. Such notice will offer the requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(3) *Aggregating requests.* When the responsible Central Office official or field station head or designee reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the responsible Central Office official, or field station head or designee may aggregate (combine) any such requests and charge accordingly. One element to consider in determining whether a belief would be reasonable is the time period in which the requests occurred. For example, it is reasonable to presume that multiple requests within a 30-day time period that seek portion(s) of the same document(s) is an attempt to avoid payment of charges. For requests made over a longer period, however, such presumption becomes harder to sustain. In each case, there must be a solid basis for determining that aggregation is warranted. Caution will be exercised before aggregating requests from more than one requester. There must be a concrete basis on which to conclude that the requesters are acting in concert and are acting specifically to avoid payment. In no case will multiple requests on unrelated subjects from one requester be aggregated.

(4) *Advance payments.* The Veterans Administration may not require a requester to make an advance payment, i.e., payment before work is commenced or continued on a request, unless:

(i) The allowable charges that a requester may be required to pay are likely to exceed $250. Then, the Veterans Administration should either notify the requester of the likely cost and obtain satisfactory assurance of full payment, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(ii) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing). Then, the Veterans Administration may require the requester to pay the full amount owed, plus any applicable interest as provided in paragraph (g)(1) of this section, or to demonstrate that he or she has, in fact, paid the fee, and to make an advance payment of the estimated fee before the Agency begins to process a new request or a pending request from that requester.

(iii) If a requester is required to make advance payments, as described in this section, the time limits prescribed in § 1.553a of this part, for responding to initial requests and appeals from initial denials, will begin only after the Agency has received the advance fee payments.

(5) *Debt collection.* In the event of non-payment of billed charges for disclosure of records, the procedures authorized by the Debt Collection Act of 1982 (Pub. L. 97-365) may be used. This may include disclosure to consumer reporting agencies and use of collection agencies.

(Authority: 5 U.S.C. 552(a)(4)(A))

4. In § 1.577, paragraph (f) is revised and paragraph (g) and an authority citation are added to read as follows:

§ 1.577 Access to records.

* * * * *

(f) Fees to be charged, if any, to any individual for making copies of his or her record shall not include the cost of any search for and review of the record, and will be as follows:

Activity	Fees
(1) Duplication of documents by any type of reproduction process to produce plain one-sided paper copies of a standard size (8½"×11"; 8½"×14"; 11"×14").	$0.15 per page after first 100 one-sided pages.
(2) Duplication of non-paper records, such as microforms, audiovisual materials (motion pictures, slides, laser optical disks, video tapes, audio tapes, etc.), computer tapes and disks, diskettes for personal computers, and any other automated media output.	Actual direct cost to the Agency as defined in § 1.555(a)(2) of this part to the extent that it pertains to the cost of duplication.
(3) Duplication of document by any type of reproduction process not covered by paragraphs (f)(1) or (2) of this section to produce a copy in a form reasonably usable by the requester.	Actual direct cost to the Agency as defined in § 1.555(a)(2) of this part to the extent that it pertains to the cost of duplication.

Note.—Fees for any activities other than duplication by any type of reproducing process will be assessed under the provisions of § 1.526(i) or (j) of this part of any other applicable law.)

(g) When VA benefit records, which are retrievable by name or individual identifier of a VA beneficiary or applicant for VA benefits, are requested by the individual to whom the record pertains, the duplication fee for one complete set of such records will be waived.

(Authority: 5 U.S.C. 552a(f)(5))

[FR Doc. 88-7080 Filed 3-30-88; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3357-6]

Approval and Promulgation of Implementation Plans; Oregon; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correction.

SUMMARY: This document corrects a final rule relating to the Oregon State Implementation Plan which was published at 53 FR 1021, January 15, 1988. In FR Doc. 88-821, the table in § 52.1973 Attainment Dates for National Standards should be corrected.

EFFECTIVE DATE: February 29, 1988.

FOR FURTHER INFORMATION CONTACT: Laurie M. Kral, Program Advisor, Air Programs Branch, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, AT-092, Seattle, Washington 98101, Telephone: (206) 442-0180. FTS: 399-0180.

SUPPLEMENTARY INFORMATION:

List of Subjects is 40 CFR Part 52

Air pollution control.

Dated: March 17, 1988.

Robie G. Russell,

Regional Administrator.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart MM—Oregon

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1973 is amended by revising the table to read as follows:

§ 52.1973 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	1st [1]	2nd [2]	1st [1]	2nd [2]			
Portland Interstate AQCR:							
1. Portland-Vancouver (Oregon portion)	a	f	a	b	b	h	i
2. Salem	a	b	a	b	b	e	e
3. Eugene-Springfield AQMA	a	i	a	b	b	h	b
4. Remainder of AQCR	c	c	a	b	b	d	c
Southwest Oregon Intrastate AQCR:							
1. Medford-Ashland AQMA	j	k	a	b	b	i	e
2. Grants Pass AQMA	c	c	a	b	b	l	b
2. Remainder of AQCR	c	c	a	b	b	b	b
Northwest Oregon Intrastate AQCR	a	b	a	b	b	b	b
Central Oregon Intrastate AQCR	a	c	a	b	b	b	b
Eastern Oregon Intrastate AQCR	c	c	a	b	b	b	b

1. 1st—Primary.
2. 2nd—Secondary.
a. Air designated as having air quality levels presently below the primary standards or area is unclassifiable.
b. Area designated as having air quality levels presently below secondary standards or area is unclassifiable.
c. May, 1975.
d. May 31, 1976.
e. Dec. 31, 1982.
f. Dec. 31, 1986.
g. Reserved.
h. Dec. 31, 1985.
i. Dec. 31, 1987.
j. Dec. 31, 1984.
k. Dec. 31, 2000.
l. Dec. 31, 1990.

[FR Doc. 88-7062 Filed 3-30-88; 8:45 am]

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