

Dated: December 11, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 87-29208 Filed 12-18-87; 8:45 am].

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

(FRL 3299-4)

**Approval and Promulgation of Implementation Plans; State of Kansas**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a request from the Kansas Department of Health and Environment which was submitted on March 29, 1986, pertaining to operating and construction permit fees. EPA reviewed these regulations and found that these rules satisfy the requirements of section 110(a)(2)(K) of the Clean Air Act, as amended. This action removes a deficiency in the Kansas SIP.

**DATE:** The effective date of this rulemaking is January 20, 1988.

**ADDRESSES:** Copies of the submittal are available for public inspection at:

Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101;

Public Information Reference Unit, Environmental Protection Agency Library, 401 M Street, SW., Washington, DC 20460;

Bureau of Air Quality and Radiation Control, Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Chanslor at (913) 236-2893; FTS 757-2893.

**SUPPLEMENTARY INFORMATION:** On February 25, 1987 (52 FR 5558), EPA published a proposed rulemaking for revised Kansas regulations pertaining to fees for construction and operating permits. These regulations are K.A.R. 28-19-7, *Definitions*; K.A.R. 28-19-8, *Reporting required*; K.A.R. 28-19-9, *Time schedule for compliance*; and K.A.R. 28-19-14, *Permits required*. Also, EPA proposed approval of revisions to K.A.R. 28-19-31, *Emission limitations*, and K.A.R. 28-19-45, *Open burning prohibited*. The revisions and EPA's rationale for approval were discussed in detail in the proposed rulemaking cited above and will not be restated here. No

public comments were received on the proposed rulemaking.

**Action:** EPA approves revisions to K.A.R. 28-19-7, *Definitions*; K.A.R. 28-19-8, *Reporting required*; K.A.R. 28-19-9, *Time schedule for compliance*; K.A.R. 28-19-14, *Permits required*; K.A.R. 28-19-31, *Emission limitations*; and K.A.R. 28-19-45, *Open burning prohibited*.

The Office of Management and Budget has exempted this rulemaking from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Intergovernmental relations, Reporting and recordkeeping requirements, and Incorporation by reference.

**Note.**—Incorporation by reference of the SIP for the state of Kansas was approved by the Director of the Federal Register on July 1, 1982.

Date: September 11, 1987.

Lee M. Thomas,  
*Administrator.*

**PART 52—[AMENDED]**

40 CFR Part 52 is amended as follows:

**Subpart R—Kansas**

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

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

2. Section 52.870 is amended by adding paragraph (c)(19) as follows:

§ 52.870 Identification of plan.

(c) \* \* \*

(19) Revised Kansas regulations pertaining to fees for permits to construct and operate were submitted by the Kansas Department of Health and Environment on March 27, 1986.

(i) Incorporation by reference.

(A) Kansas Administrative Regulations (KAR) 28-19-7, 28-19-8, 28-19-9, 28-19-14, 14(a) and 14(b), 28-19-31, 28-19-45, which became effective on May 1, 1986.

(B) Letter of March 27, 1986 to EPA from the State of Kansas Department of Health and Environment.

(C) Letter of September 15, 1987 to EPA from the State of Kansas Department of Health and Environment.

[FR Doc. 87-28099 Filed 12-18-87; 8:45 am]

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**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**45 CFR Part 1100**

**Statement for the Guidance of the Public; Organization, Procedures and Availability of Information**

**AGENCY:** National Foundation on the Arts and the Humanities.

**ACTION:** Final rule.

**SUMMARY:** The National Foundation on the Arts and the Humanities (NFAH) amends its Freedom of Information Act (FOIA) regulation to incorporate changes effected by the Freedom of Information Reform Act of 1986 and guidelines published by the Office of Management and Budget (OMB) on March 27, 1987, 52 FR 10012. This rule replaces the existing regulation at 45 CFR 1100 which was published in the *Federal Register* on April 17, 1979 in order to include the Institute of Museum Services which was added to the NFAH pursuant to Pub. L. 97-394 (December 30, 1982) and Pub. L. 98-306 (May 31, 1984).

**EFFECTIVE DATE:** December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ms. Tracy Joselson, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506 or call (202) 786-0322.

**SUPPLEMENTARY INFORMATION:** The National Foundation on the Arts and the Humanities published a proposed rule to implement the Freedom of Information Reform Act on May 18, 1987, and invited comment. The NFAH received two letters of comment. One comment criticized the proposed rule's definition of "commercial use request" at § 1101.1(b) and stated that requests from public interest groups, labor unions, libraries, and the news media should not be treated as commercial use requests. The National Foundation on the Arts and the Humanities will carefully consider the use made of the requested information as is advised by OMB rather than the identity of the requestor. There is no basis in the statute on which to give preference to one group of requestors over another. The NFAH rejects a presumption that particular requestors fall outside of this definition.

One commenter criticized the proposed rule's definition of "educational institution" at section 1101(e), and