

For the reasons outlined above, the Board of Governors amends 12 CFR Part 201 as set forth below:

**PART 201—[AMENDED]**

1. The authority citation for 12 CFR Part 201 continues to read as follows:

Authority: Secs. 10(a), 10(b), 13, 13a, 14(d) and 19 of the Federal Reserve Act (12 U.S.C. 347a, 347b, 343 et seq., 347c, 348 et seq., 357, 374, 374a and 461); and sec. 7(b) of the International Banking Act of 1978 (12 U.S.C. 347d).

2. Section 201.51 is revised to read as follows:

**§ 201.51 Short-term adjustment credit for depository institutions.**

The rates for short-term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston.....	6	Sept. 9, 1987.
New York.....	6	Sept. 4, 1987.
Philadelphia.....	6	Do.
Cleveland.....	6	Do.
Richmond.....	6	Sept. 5, 1987.
Atlanta.....	6	Sept. 4, 1987.
Chicago.....	6	Do.
St. Louis.....	6	Sept. 9, 1987.
Minneapolis.....	6	Sept. 8, 1987.
Kansas City.....	6	Sept. 4, 1987.
Dallas.....	6	Sept. 11, 1987.
San Francisco.....	6	Sept. 9, 1987.

3. Section 201.52 is revised to read as follows:

**§ 201.52 Extended credit for depository institutions.**

(a) Seasonal credit. The rates for regular seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston.....	6	Sept. 9, 1987.
New York.....	6	Sept. 4, 1987.
Philadelphia.....	6	Do.
Cleveland.....	6	Do.
Richmond.....	6	Sept. 5, 1987.
Atlanta.....	6	Sept. 4, 1987.
Chicago.....	6	Do.
St. Louis.....	6	Sept. 9, 1987.
Minneapolis.....	6	Sept. 8, 1987.
Kansas City.....	6	Sept. 4, 1987.
Dallas.....	6	Sept. 11, 1987.
San Francisco.....	6	Sept. 9, 1987.

(b) Temporary seasonal credit program. At the option of the borrower, interest on credit advanced under the temporary simplified seasonal credit program as revised on February 18, 1986, can be either at the basic discount rate (see § 201.51) or at a rate that is one-half percentage point above the basic rate and that will remain fixed during the time the credit is outstanding. The fixed rate for new loans may be changed as the basic discount rate and extended

credit rates are changed. In no case should such borrowing, including renewals, be outstanding beyond February 1988.

(c) Other extended credit. The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston.....	6	Sept. 9, 1987.
New York.....	6	Sept. 4, 1987.
Philadelphia.....	6	Do.
Cleveland.....	6	Do.
Richmond.....	6	Sept. 5, 1987.
Atlanta.....	6	Sept. 4, 1987.
Chicago.....	6	Do.
St. Louis.....	6	Sept. 9, 1987.
Minneapolis.....	6	Sept. 8, 1987.
Kansas City.....	6	Sept. 4, 1987.
Dallas.....	6	Sept. 11, 1987.
San Francisco.....	6	Sept. 9, 1987.

These rates apply for the first 30 days of borrowing. For credit outstanding for more than 30 days, a flexible rate will be charged which takes into account rates on market sources of funds, but in no case will the rate charged be less than the basic discount rate plus one-half percentage point. Where credit provided to a particular depository institution is anticipated to be outstanding for an unusually prolonged period and in relatively large amounts, the 30-day time period may be shortened.

By order of the Board of Governors of the Federal Reserve System, October 1, 1987.

James McAfee,  
Associate Secretary of the Board.  
[FR Doc. 87-23155 Filed 10-6-87; 8:45 am]  
BILLING CODE 6210-01-M

**EXPORT-IMPORT BANK OF THE UNITED STATES**

**12 CFR Part 404**

**Freedom of Information Reform Act of 1986; Revision of Fees, Fee Waiver Policy and Other Changes**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Final rule.

**SUMMARY:** The Export-Import Bank of the United States (Eximbank) is amending and updating its regulations which govern the processing of requests under the Freedom of Information Act, as amended (FOIA). These changes are necessary to implement certain provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570). Pursuant to Pub. L. 99-570, these amendments are written to follow the

Uniform Freedom of Information Act Fee Schedule and Guidelines, published in the *Federal Register* in final form by the Office of Management and Budget on March 27, 1987.

**DATE:** Effective date: November 6, 1987.

**FOR FURTHER INFORMATION CONTACT:**

Gregory Beams, (202) 566-8194 or Steven E. Hendrix, (202) 566-4784, Office of the General Counsel, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Washington, DC 20571.

**SUPPLEMENTARY INFORMATION:** The

Freedom of Information Reform Act of 1986 ("Reform Act") required the Office of Management and Budget to develop and issue a schedule of fees and guidelines applicable to the processing of FOIA requests. After publication of the proposed schedule and guidelines in the *Federal Register* on January 16, 1987, and consideration of numerous comments received, OMB issued its final rule regarding fees and relevant guidelines in the *Federal Register* on March 27, 1987. The Department of Justice provided agencies with advisory fee waiver policy guidance in a Memorandum dated April 2, 1987, issued by the Assistant Attorney General. The following amendments to 12 CFR Part 404 conform to OMB's schedule and guidelines, and utilize the Department of Justice guidance respecting fee waiver policy. Technical changes have also been made to reflect changes in the titles of Eximbank officers, and requirements for the use of specific forms have been deleted.

Eximbank published notice of these amendments to its regulations regarding Disclosure of Information on June 8, 1987, (52 FR 21569). Eximbank received comments from two organizations on the proposed rules. One organization submitted its comments after the comment period had closed. Eximbank fully considered the comments submitted by the organization despite the fact that they were submitted after the comment period had closed. Responses to the comments are provided on a section-by-section basis as follows:

**Responses to Comments**

*Section 404.6(a)(8) Definitions: Representatives of the News Media.*

Both commenters requested Eximbank to reexamine and change its definition of "representative of the news media." Eximbank, following OMB's guidelines, proposed to define "a representative of the news media" as "any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the



public," with "news" defined pursuant to the OMB guidelines as information that is about current events or that would be of current interest to the public. The commenters felt the definition of news should be dropped to preclude determinations by agency officials of what is news.

OMB concluded in the Sectional analysis to its final guidelines that it is reasonable to give some weight to the term "news" when developing the definition of a representative of the news media. Eximbank agrees with OMB's conclusion on this point. Therefore, in the final rule, "news media" is limited to those persons or organizations who disseminate information that is about current events or would be of current interest to the public.

*Section 404.6(a)(8) Definitions: Freelance Journalist.*

One commenter asked that the proposed definition of "freelance journalist" be deleted. The commenter suggested that the criterion in Eximbank's proposed rule for freelancer eligibility—i.e., "demonstrates a solid basis for expecting publication"—is at variance with the way many freelancers work in selling their project only after completion. Further, the commenter asserted that the criterion would work against first-time freelancers.

Eximbank's criteria for freelancer eligibility are taken directly from OMB's final guidelines to the agencies. OMB addressed the issues raised by the commenter in the supplementary information section and sectional analysis accompanying its final guidelines.

Eximbank believes that the OMB concept strikes a workable balance in expanding the "news media" to include freelance journalists but not just anyone calling himself or herself a freelance journalist. For these reasons, Eximbank is retaining the definition of "freelance journalist."

*Section 404.6(e) Charges for Unsuccessful Search.*

One commenter stated that this section omitted the opportunity for the requester to consult with the agency with the object of reformulating the request to meet his or her needs at a lower cost, as provided in the OMB guidelines. Eximbank agrees with this suggestion and has modified its rule accordingly.

*Section 404.6(f) Aggregating Requests.*

One commenter claimed that the proposed rule failed to note the presumption against aggregation when

the requests have been made more than 30 days apart as noted in the OMB guidelines. The presumption described by the commenter is different from the presumption in the OMB guidelines, which contain a presumption in favor of aggregation when requests have been made less than 30 days apart. For requests made more than 30 days apart, the OMB guidelines state that "For requests made over a longer period, however, such a presumption becomes harder to sustain and agencies should have a solid basis for determining that aggregation is warranted in such cases." The only presumption noted in the OMB guidelines is in favor of aggregation and consequently, Eximbank does not believe that any presumption against aggregation need be incorporated into its final rule.

*Section 404.6(i) Fee Waivers and Appeals.*

The Freedom of Information Reform Act requires that individual agency regulations set forth procedures and guidelines for determining when FOIA fees should be waived or reduced. Both commenters objected to Eximbank's provision to implement this requirement, which Eximbank based upon the policy guidelines for fee waiver standards issued by the Department of Justice on April 2, 1987. The OMB Guidelines do not provide guidance on when fees should be waived, or address the statutory standard governing the waiver of FOIA fees, 5 U.S.C. 552(a)(4)(A)(iii).

The commenters felt that the Department of Justice guidance restricts the granting of fee waivers beyond what Congress intended in enacting the statute. One commenter recommended that Eximbank simply reiterate the language of the statute regarding waiver of fees, and the other commenter recommended that the fee waiver section be revised relying exclusively on original intent rather than on the Justice Department policy guidance. The commenters also suggested that the Justice guidance requires an agency to judge the newsworthiness of the requested material, or required an agency to assess the intentions of the requester.

Eximbank does not regard the Department of Justice guidance as expanding or restricting the availability of waivers under the statute. In the words of the Memorandum, "The Department of Justice stands committed to encouraging agencies to waive fees under the FOIA whenever the statutory fee waiver standard is met. By the same token, of course, agencies also are expected to respect the balance drawn in the statute, safeguarding federal

funds by granting waivers or reductions only where it is determined that the statutory standard is satisfied."

The Department of Justice guidance as incorporated in Eximbank's regulations provides for a consistent analysis of fee waiver requests by breaking down the statutory standard (5 U.S.C. 552(a)(4)(A)(iii)) into a logical sequence of steps. The information requested as well as the requester's intentions must be considered in determining whether disclosure of the information is or is not, in the words of the Reform Act, "primarily in the commercial interest of the requester." For these reasons, Eximbank believes that its provisions regarding fee waiver are appropriate and consistent with the legislative intent and purpose, and that substantive changes in its fee waiver provisions are not warranted. The language has been slightly modified to clarify the manner in which the provisions will be applied to an individual fee waiver request.

Eximbank has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Eximbank has certified that this rule will not have a significant economic impact on a substantial number of small entities because only a very small percentage of that group will likely be affected by this regulation—i.e., those entities that choose to submit requests for records under the Freedom of Information Act, 5 U.S.C. 552. As a result, neither an initial nor final Regulatory Flexibility Analysis has been or will be prepared. This rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

**List of Subjects in 12 CFR Part 404**

Disclosure of information.

For the reasons set forth in the preamble, 12 CFR Part 404 is amended as set forth below:

**PART 404—[AMENDED]**

1. The authority citation for Part 404 is revised to read as follows:



Authority: 5 U.S.C. 552; 12 U.S.C. 635; Freedom of Information Reform Act of 1986, Pub. L. 99-570; Debt Collection Act of 1982, Pub. L. No. 97-365.

§ 404.3 [Amended]

2. Amend 12 CFR 404.3(d) by removing "Public Affairs Office in Room 1267" and adding in lieu thereof "Office of the Secretary in Room 933".

§ 404.4 [Amended]

3. Amend 12 CFR 404.4(c)(1) by removing "Senior Vice President-Research and Communications" wherever it appears and adding in lieu thereof "Office of the General Counsel".

4. Amend 12 CFR Part 404.4(c)(1) by removing "EIB Form 73-5, described in paragraph (d) of this section, may be used in lieu of a letter for purposes of making the request."

5. Amend 12 CFR 404.4(c)(3) by removing "Senior Vice President-General Counsel" and adding in lieu thereof "General Counsel".

6. Amend 12 CFR Part 404.4(c)(4) by removing "Senior Vice President-General Counsel" and adding in lieu thereof "General Counsel".

7. Remove § 404.4(c)(6) and § 404.4(c)(7) in their entirety, and amend § 404.4(c)(8) by renumbering it as § 404.4(c)(6).

8. Remove 12 CFR 404.4(d).

9. Revise § 404.6 to read as follows:

§ 404.6 Schedule of fees.

(a) *Definitions.* (1) The term "direct costs" means those expenditures which Eximbank actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery.

(2) The term "search" includes all 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 programming.

(3) The term "duplication" refers to 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, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided must be in a form that is usable by requesters.

(4) The term "review" refers to the process of examining documents located in response to a request that is for a

commercial use to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(5) The term "commercial request" refers to 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. In determining whether a requester belongs in this category, Eximbank must determine the use to which a requester will put the documents requested. Where Eximbank has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, Eximbank may seek additional clarification before assigning the request to a specific category.

(6) The term "educational institution" refers to 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.

(7) The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as that term is referenced in paragraph (a)(5) of this section, 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.

(8) The term "representative of the news media" refers to 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 would 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 Eximbank may also look to the past publication record of a requester in making this determination.

(b) *Fees to be charged—general.* Eximbank will charge fees that recoup the full allowable direct costs it incurs, and will use the most efficient and least costly methods to comply with requests for documents made under the FOIA. Eximbank may 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, and does not result in an ultimate cost to the requester greater than it would be if Eximbank had performed these tasks. Eximbank will not contract out responsibilities which the FOIA provides that it alone may discharge, such as determining applicability of an exemption, or determining whether to waive or reduce fees. When documents responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs, such as the Government Printing Office or the National Technical Information Service, Eximbank will inform requesters of the steps necessary to obtain records from those sources.

(1) *Manual searches for records.* Eximbank will charge for search and review work performed by its employees according to the following fee schedule:

Clerical, hourly rate—\$12.00  
Professional, hourly rate—\$24.00

(2) *Computer searches for records.* Eximbank will charge the actual direct cost of providing the service. This will include the cost of operating the central processing unit for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search. Operator/programmer salary will be calculated at basic pay plus 16 percent. Average rates for CPU operating costs and operator-programmer salaries involved in FOIA searches will be established and periodically revised to reflect actual direct costs. These rates will be available upon request.

(3) *Review of records.* Only requesters who are seeking documents for commercial use will be charged for time



Eximbank spends reviewing records to determine whether they are exempt from mandatory disclosure. Charges will be assessed only for the initial review, i.e., the review undertaken the first time Eximbank analyzes the applicability of a specific exemption to a particular record or portion of a record. Eximbank will not charge for review at the administrative appeal level of an exemption already 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 costs for such a subsequent review may be assessed. Eximbank will charge for employee time spent in review according to the rates set forth in paragraph (b)(1) of this section.

(4) *Duplication of records.* The per page charge for paper copy reproduction of documents is \$.25. For copies prepared by computer, such as tape or printouts, or for other methods of reproduction or duplication, Eximbank will charge according to their actual direct cost. If Eximbank estimates that duplication charges are likely to exceed \$25.00, it will notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such notice will offer a requester the opportunity to confer with Eximbank personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(5) *Other charges.* Complying with requests for special services such as those listed below is entirely at the discretion of Eximbank. Eximbank will recover the full costs of providing services such as those enumerated below to the extent that it elects to provide them:

(i) Certifying that records are true copies;

(ii) Sending records by special methods such as express mail, etc. (Charges will not be made for ordinary packaging and mailing.)

(6) *Restrictions on assessing fees.* With the exception of requesters seeking documents for a commercial use, Eximbank will provide the first 100 pages of duplication and the first two hours of search time without charge. Except for commercial use requesters, Eximbank will not begin to assess fees until after it has provided the free search and reproduction, and will not charge a fee in any case of \$6.00 or less. For example, for a request that involved two hours and ten minutes of search time and resulted in 105 pages of documents, Eximbank would determine

the cost of only 10 minutes of search time and only five pages of reproduction. If this cost was equal to or less than \$6.00, no charges would result. For searches made by computer, when the cost of the search (including the operator time and the cost of operating the computer to process a request) equals the equivalent dollar amount of two hours of the salary of the person performing the search, Eximbank will begin to assess charges for computer search.

(c) *Fees to be charged—categories of requesters.* There are four categories of FOIA requesters, with specific levels of fees for each category prescribed by law. Requesters in each category must reasonably describe the records sought.

(1) *Commercial use requesters.* When Eximbank receives a request for documents for commercial use, it will assess charges which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Inclusion in this fee category is determined not by the identity of the requester, but by the use to which the information will be put. Commercial use requesters are not entitled to two hours of free search time nor 100 free pages of reproduction of documents. Eximbank will recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records.

(2) *Educational and non-commercial scientific institution requesters.* Eximbank will provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters 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, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. To be included in this category it must be apparent from the nature of the request that the request serves a scholarly research goal of the institution, rather than an individual goal.

(3) *Requesters who are representatives of the news media.* Eximbank will provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in paragraph (a)(8) of this section, and his or her request must not be made for a 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 a commercial use.

(4) *All other requesters.* Eximbank will charge requesters who do not fit into any of the categories above 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. Requests from record subjects for records about themselves filed in Eximbank systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974 which permit fees only for reproduction.

(d) *Charging interest—notice and rate.* Eximbank will begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the billing was sent. Receipt of the fee at Eximbank will stay the accrual of interest. Interest will be at the rate prescribed in Section 3717 of Title 31 U.S.C. and will accrue from the date of the billing.

(e) *Charges for unsuccessful search.* Eximbank will assess charges for time spent searching, even if it fails to locate the records or if records located are determined to be exempt from disclosure. Prior to undertaking a search, if Eximbank estimates that search fees are likely to exceed \$25.00, it will notify the requester of the estimated amount of the fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. The notice will offer the requester the opportunity to consult with agency personnel with the object of reformulating the request to meet the requester's needs at lower cost.

(f) *Aggregating requests.* A requester may not file multiple requests at the same time each seeking a portion of a document or documents, solely in order to avoid payment of fees. When Eximbank reasonably believes that a requester or 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, Eximbank may aggregate any such requests and charge accordingly. In no case will Eximbank aggregate multiple requests on unrelated subjects from one requester.

(g) *Method of payment and advance payments.* All payments to Eximbank shall be in the form of cash, check, or money order payable to the Export-Import Bank of the United States. Eximbank will not require a requester to make an advance payment—i.e., payment before work is commenced or continued on a request, unless:



(1) Eximbank estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00, in which case Eximbank will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up the full estimated charges in the case of requesters with no history of payment or;

(2) 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), in which case Eximbank will require the requester to pay the full amount owed plus any applicable interest or demonstrate that he has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before Eximbank begins to process a new request or a pending request from the requester. The administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after Eximbank has received fee payments described above.

(h) *Effect of the Debt Collection Act of 1982 (Pub. L. 97-365)*. In accordance with the provisions and authorities of the Debt Collection Act of 1982, Eximbank reserves the right to disclose information to consumer reporting agencies and to use collection agencies, where appropriate, to encourage payment of fees.

(i) *Fee waivers and appeals*. (1) Eximbank will waive or reduce applicable fees upon request, only if it determines that in the particular instance, disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and the disclosure is not primarily in the commercial interest of the requester.

(i) In determining whether disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, Eximbank will consider the following factors:

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

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

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

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

(ii) In determining whether disclosure of the information is not primarily in the commercial interest of the requester, Eximbank will consider the following factors:

(A) 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

(B) 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.

(2) The requester in all cases has the burden of presenting sufficient evidence or information to justify the requested waiver or reduction. The requester may use the procedures set forth in § 404.5 to appeal the denial of a waiver request under this section.

Hart Fessenden,  
General Counsel.

[FR Doc. 87-23176 Filed 10-6-87; 8:45 am]

BILLING CODE 6690-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 87-ACE-09]

#### Alteration of Control Zone; Hutchinson, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final Rule.

**SUMMARY:** The nature of this action is to correct the legal description of the Hutchinson, Kansas, Municipal Airport control zone. The latitude coordinates contain an error and should read "lat. 38°03'56" N." This action will not increase the size of the existing airspace.

**EFFECTIVE DATE:** October 14, 1987.

**FOR FURTHER INFORMATION CONTACT:** Dale Carnine, Airspace Specialist, Traffic Management and Airspace

Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that the latitude coordinates for the Hutchinson, Kansas, Municipal Airport control zone are incorrectly cited in the published description. Action is taken herein to correct this error. The latitude coordinates cited as "lat. 38°06'56" N." should be changed to read "lat. 38°03'56" N." Since this action does not increase the size of the Hutchinson control zone and only corrects a typographical error, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than thirty (30) days. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

#### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.171 [Amended]

2. By amending § 71.171 as follows:

#### Hutchinson, Kansas [Revised]

Within a 5-mile radius of Hutchinson Municipal Airport (lat. 38°03'56" N., long.