

Name of product/data/publication/information/service	Current fee	Commercial user fee
<b>Additional National Oceanographic Data Center User Fees</b>		
Data Selection/Retrieval:		
Printout .....	103.00	140.00
Magnetic Tape .....	199.00	265.00
Magnetic Diskette .....	64.00	85.00
CD-ROM, Recordable .....	205.00	270.00
Computer Data Transfer (FTP) .....	145.00	190.00
CD-ROM Sets:		
World Ocean Atlas 1994:		
Individual Discs .....	36.00	50.00
Complete Set (10 Discs) .....	360.00	480.00
NOAA Buoy Database:		
Initial Set (thru July 1992):		
Individual Discs .....	42.00	55.00
Complete Set (14 Discs) .....	588.00	780.00
Update Discs (8/92-12/94)		
Individual Discs .....	42.00	55.00
Complete Set (7 Discs) .....	294.00	390.00
Update Disc 1995 (Full Year, Compressed) .....	75.00	100.00
Geosat Altimeter Crossover Difference (T2 GDRs):		
Individual Discs .....	28.00	40.00
Complete Set (6 Discs) .....	168.00	225.00
Geosat Altimeter Crossover Difference:		
Individual Discs .....	22.00	30.00
Complete Set (8 Discs) .....	176.00	235.00
Geosat Geodetic Mission Data:		
Individual Discs .....	38.00	50.00
Complete Set (4 Discs) .....	152.00	200.00

\* Under Development.

† No charge.

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**DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Part 122**

[T.D. 97-35]

**Addition of Midland International Airport to List of Designated Landing Locations for Private Aircraft****AGENCY:** Customs Service, Treasury.**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations by adding the user-fee airport at Midland, Texas (Midland International Airport) to the list of designated airports at which private aircraft arriving in the Continental U.S. via the U.S./Mexican border, the Pacific Coast, the Gulf of Mexico, or the Atlantic Coast from certain locations in the southern portion of the Western Hemisphere must land for Customs processing. This amendment is made to improve the effectiveness of Customs enforcement efforts to combat the smuggling of drugs by air into the United States, and will also help to improve service to the

community, by relieving congestion at Presidio-Lely International, Del Rio International, and Eagle Pass Municipal Airports, which are also located in Texas.

**EFFECTIVE DATE:** June 6, 1997.

**FOR FURTHER INFORMATION CONTACT:** Gay Laxton, Passenger Operations Division, Office of Field Operations, (202) 927-5709.

**SUPPLEMENTARY INFORMATION:****Background**

As part of Customs efforts to combat drug-smuggling efforts, Customs air commerce regulations were amended in 1975 to impose special reporting requirements and control procedures on private aircraft arriving in the Continental United States from certain areas south of the United States. T.D. 75-201. Thus, since 1975, commanders of such aircraft have been required to furnish Customs with timely notice of their intended arrival, and certain private aircraft have been required to land at certain airports designated by Customs for processing. In the last twenty years the list of designated airports for private aircraft has changed and the reporting requirements and control procedures—now contained in Subpart C of Part 122 of the Customs

Regulations (19 CFR subpart C, part 122)—have been amended, as necessary.

In response to a request from community officials from Midland, Texas, on December 3, 1996, Customs published a notice of proposed rulemaking in the **Federal Register** (61 FR 64041) that solicited comments concerning a proposal to amend § 122.24(b), Customs Regulations (19 CFR 122.24(b)), by adding the user-fee airport at Midland, Texas (Midland International Airport) to the list of designated airports at which private aircraft arriving in the Continental U.S. via the U.S./Mexican border, the Pacific Coast, the Gulf of Mexico, or the Atlantic Coast from certain locations in the southern portion of the Western Hemisphere must land for Customs processing.

The public comment period for the proposed amendment closed February 3, 1997. More than 40 comments were received from individual residents, local private companies, and local, state, and federal government officials, all offering overwhelming support for the proposal. Accordingly, Customs has decided to adopt the proposed amendment to Part 122 of the Customs Regulations.

The addition of Midland International Airport to the list of designated landing sites for private aircraft will improve the effectiveness of Customs drug-

enforcement programs relative to private aircraft arrivals, as Midland is adjacent to the Southwest Border of the U.S. and is on a regularly traveled flight path. Further, the designation will enhance the efficiency of the Customs Service, as the airport is close to the normal work location for inspectional personnel assigned to the Del Rio-Eagle Pass-El Paso-Laredo-Presidio Ports-area. In this regard, it is pointed out that the private aircraft processing services Customs provides at the Presidio, Del Rio, and Eagle Pass Airports will continue; designating Midland International Airport is meant to provide an alternative airport to these other airports in order to relieve air traffic congestion at those locations.

#### **Inapplicability of the Regulatory Flexibility Act and Executive Order 12291**

This amendment expands the list of designated airports at which private aircraft may land for Customs processing. Although before a determination was made to proceed with this final rule a previous document on this subject provided notice for public comment, this amendment is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this document are exempt from consideration under E.O. 12866.

#### **Drafting Information**

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch.

#### **List of Subjects in 19 CFR Part 122**

Air carriers, Air transportation, Aircraft, Airports, Customs duties and inspection, Drug traffic control, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Security measures.

#### **Proposed Amendment to the Regulations**

For the reasons stated above, part 122, Customs Regulations (19 CFR part 122), is amended as set forth below:

#### **PART 122—AIR COMMERCE REGULATIONS**

1. The authority citation for Part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644; 49 U.S.C. App. 1509.

2. In § 122.24, the listing of airports in paragraph (b) is amended by adding, in appropriate alphabetical order, "Midland, TX" in the column headed "Location" and, on the same line, "Midland International Airport" in the column headed "Name".

Approved: March 26, 1997.

**George J. Weise,**

*Commissioner of Customs.*

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[IN54-1a; FRL-5819-3]

#### **Approval and Promulgation of State Implementation Plan; IN**

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

**ACTION:** Direct final rule.

**SUMMARY:** In this action, EPA is approving the following as revisions to the Indiana State Implementation (SIP) plan: A Rate-Of-Progress (ROP) plan to reduce volatile organic compound (VOC) emissions in Clark and Floyd Counties by 15 percent (%) by November 15, 1996; 1996 corrections to Clark and Floyd Counties' 1990 base year emission inventory (to establish an accurate base line for the 15% ROP plan); construction permits requiring VOC emission control at Rhodes, Incorporated (Rhodes) in Charlestown, Clark County; and a ridesharing program affecting commuters in Clark and Floyd Counties. The plan and control measures help protect the public's health and welfare by reducing the emissions of VOC that contribute to the formation of ground-level ozone, commonly known as urban smog. High concentrations of ground-level ozone can aggravate asthma, cause inflammation of lung tissue, decrease lung function, and impair the body's defenses against respiratory infection. The 15% ROP plan's control measures are expected to reduce VOC emissions in Clark and Floyd Counties by 17,215 pounds (lbs) per day. In this action, EPA is approving the above requested SIP revisions through a "direct final" rulemaking; the rationale for this approval is set forth below.

**DATES:** The "direct final" rule, is effective July 7, 1997, unless EPA receives adverse or critical comments by June 6, 1997. If the effective date is

delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the documents relevant to this action are available at the above address for public inspection during normal business hours.

#### **FOR FURTHER INFORMATION CONTACT:**

Mark J. Palermo, Environmental Protection Specialist, at (312) 886-6082.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on 15% ROP Requirements**

On November 15, 1990, Congress enacted amendments to the 1977 Clean Air Act (Act); Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. Section 182(b)(1) requires States with ozone nonattainment areas classified as moderate and above to submit a SIP revision known as a "15% ROP plan." This plan must reflect an actual reduction in typical ozone season weekday VOC emissions of at least 15% in the area during the first 6 years after enactment (i.e., by November 15, 1996). The emission reductions needed to achieve the 15% requirement must be calculated using a 1990 anthropogenic VOC emissions inventory as a baseline, minus emission reductions occurring by 1996 from the: (1) Federal Motor Vehicle Control Program (FMVCP) measures for the control of motor vehicle exhaust or evaporative emissions promulgated before January 1, 1990; and (2) gasoline Reid Vapor Pressure (RVP) regulations promulgated by November 15, 1990 (see 55 FR 23666, June 11, 1990). In addition, the plan must account for net growth in emissions within the nonattainment area between 1990 and 1996.

In Indiana, two ozone nonattainment areas are required to be covered by a 15% ROP plan: the Lake and Porter Counties portion of the Chicago severe ozone nonattainment area, and the Clark and Floyd Counties portion of the Louisville moderate ozone nonattainment area. Today's rulemaking action addresses only the plan for Clark and Floyd Counties; the Lake and Porter Counties 15% ROP plan has been addressed in an April 3, 1997, rulemaking action (see 62 FR 15844).

##### **II. Indiana's 15% ROP Plan Submittal**

The Act requires States to observe certain procedural requirements in