

computer matching and is used in conjunction with the requirement for the display of stickers by affected vehicles.

USEPA Response: USEPA agrees with this distinction and has incorporated new language describing the enforcement system into this final approval notice.

Comment: The second IEPA comment concerns recent data IEPA submitted which demonstrates that the required level of enforcement has been attained and is being maintained.

USEPA Response: USEPA accepts the State's demonstration and has concluded that the State's enforcement mechanism meets USEPA policy requirements for approval as part of the State's 1982 ozone and CO SIPs.

Comment: Amoco recommends that USEPA disapprove the existing I/M program in Illinois because the Chicago metropolitan area is not in attainment of the ozone NAAQS. Because a major portion of volatile organic compound emissions are attributed to mobile sources, Amoco supports a strengthening of the current program rather than its approval. Amoco suggests that the Chicago I/M program should be expanded to include more of the metropolitan area and that the existing enforcement mechanism be changed to require a passed emission inspection in order to get license plates for the vehicle each year. Another change recommended by Amoco is to refine the waiver provision by adoption of 8 repair cost ceiling of \$200.00 rather than 8 low emission tuneup requirement.

USCP4 Responses: The April 24, 1989, Federal Register proposed to approve the Illinois I/M program portion of the State's 1982 ozone and CO SIPs. USEPA policy on 1982 SIP approval is contained in the January 22, 1981, Federal Register (46 FR 7182). USEPA has determined that the Illinois I/M program, as designed, meets all Clean Air Act requirements and current policy requirements. While USEPA acknowledges that there are several areas where program improvements could be made and is pursuing such enhancements (see the discussion of the November 2, 1989, Federal Register proposal addressed elsewhere in this notice), if the program meets current USEPA policy requirements, then the design of the program is approvable as a component of the 1982 ozone/CO SIP.

Conclusion

Based on USEPA's proposed rulemaking action and in consideration of the public comments received, USEPA is taking the following final rulemaking actions.

1. The State's I/M program and Transportation Control Measures are approved as part of both the Illinois 1982 ozone and CO SIPs.

2. The State's 1982 CO Plan and attainment demonstration are approved.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 3, 1990. This action may not be challenged later in the proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Hydrocarbons, Intergovernmental cooperation, Ozone.

Note: Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 25, 1990.

William K. Reilly,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

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

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

2. Section 52.720 is amended by adding new paragraph (c)(79) to read as follows:

§ 52.720 Identification of plan.

(79) On March 20, 1986, November 17, 1986, and July 1, 1987, Illinois submitted its vehicle inspection and maintenance plan for the Chicago and East St. Louis areas.

(i) **Incorporation by reference.** (A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter II: Environmental Protection Agency, Part 276, Procedures To Be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions, Adopted at 10 Illinois Register 13954, effective August 13, 1986.

(ii) **Additional material.** (A) "Technical Procedures Memorandum—Enforcement" between the Illinois Secretary of State and the Illinois Environmental Protection Agency, as submitted by Michael J. Hayes,

Manager, Division of Air Pollution Control on July 1, 1987.

3. Section 52.722 is revised to read as follows:

§ 52.722 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approved Illinois' plan for the attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of part D, title I of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) The Administrator finds that the transportation control plans for the East St. Louis and Chicago areas submitted on December 3, 1982, satisfy the related requirements of part D, title I of the Clean Air Act, as amended in 1977.

(c) The Administrator finds that the carbon monoxide control strategy submitted on May 4, 1983, satisfies all requirements of part D, title I of the Clean Air Act, as amended in 1977, except for section 172(b)(6).

[FR Doc. 90-23393 Filed 10-3-90; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. I-234]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This document (1) delegates authority to the Administrators of the Department of Transportation's Operating Administrations and to the Commandant of the U.S. Coast Guard to carry out provisions of the Federal Technology Transfer Act of 1986; (2) codifies the delegation of authority of the Secretary under Section 7005 of the Consolidated Omnibus Budget

Reconciliation Act of 1985 to the Administrator of the Research and Special Programs Administration (RSPA); (3) makes the necessary adjustments in the delegations to reflect the transfer of functions previously carried out by the former Science and Technology Advisor, and the Office of Technology and Planning Assistance, to the Administrator of RSPA; and (4) delegates certain emergency preparedness functions with respect to civil transportation services to the Administrator of RSPA.

EFFECTIVE DATE: October 4, 1990 for § 1.22; October 4, 1990, for the delegations under the Federal Technology Transfer Act of 1986 (§ 1.43(a)(14)); December 1, 1980, for the delegation of emergency preparedness functions (§ 1.53(e)); April 7, 1986, for the delegation under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985; (§ 1.53(a)(8)); and October 1, 1987, for adjustments in delegations with respect to functions formerly carried out by the Science and Technology Advisor and the Office of Technology and Planned Assistance (§§ 1.23, 1.53(h), 1.64)).

FOR FURTHER INFORMATION CONTACT: Barbara Betsock, Deputy Chief Counsel, Research and Special Programs Administration, DCC-1, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone number (202) 366-4400, or Steven E. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone number (202) 366-9307.

SUPPLEMENTARY INFORMATION: Section 2 of the Federal Technology Transfer Act of 1986 [Pub. L. No. 99-502; 15 U.S.C. 3710a] authorizes the head of each Federal agency to permit the agency's laboratories to enter into cooperative research and development agreements with other agencies, state and local governments, and the private sector, and to negotiate agreements to license Government-owned inventions. This amendment delegates the authority of the Secretary of Transportation to enter into such agreements to the Administrators of the Department's Operating Administrations and the Commandant of the U.S. Coast Guard.

This amendment also delegates to the Administrator of RSPA the authority to collect pipeline user fees under Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272; 49 U.S.C. App 1682a). Section 7005 of that Act mandates the collection of user fees with respect to

pipeline facilities regulated for safety by the RSPA.

This amendment also deletes references to the Science and Technology Advisor and the Office of Technology and Planning Assistance, and relegates the necessary authority to carry out their functions to the Administrator of RSPA. Those functions were transferred to the RSPA Office of Research and Technology in 1987.

Further, this amendment also relegates authority to the Administrator of RSPA certain emergency preparedness functions that have been delegated to the Secretary. These functions involve exercise of the Secretary's authority with respect to the assignment of priorities and the allocation of civil transportation services in the event of domestic or national security emergencies. The functions have long been carried out by the Director of the Office of Emergency Transportation, within RSPA, through Departmental Order, DOT 1900.7C, Department of Transportation Crisis Action Plan, of December 1, 1980.

In addition, this amendment makes a technical correction by incorporating into the Code of Federal Regulations the delegation with respect to emergency preparedness. These delegations are set forth in Departmental Order, DOT 1900.7C, but had not been included in the Code.

Since these amendments relate to Departmental management, procedures, and practice, notice and public comment are unnecessary. The delegations of authority to the Administrators of the Operating Administrations to carry out the provisions of the Federal Technology Transfer Act of 1986 are effective as of the date of publication of this Final Rule; the delegation to the Administrator of RSPA for certain emergency preparedness functions became effective on December 1, 1980 (effective date of Departmental Order DOT 1900.7C); the delegation of authority of the Secretary under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to the RSPA Administrator became effective on April 7, 1986 (date of enactment); the adjustments in delegations with respect to the Science and Technology Advisor and the Office of Technology and Planning Assistance became effective on October 1, 1987 (date functions were transferred).

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended as follows:

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

Authority: 49 U.S.C. 322.

§ 1.22 [Amended]

2. Section 1.22 is amended by revising paragraph (a) by removing "Science and Technology Advisor," and paragraph (e) by removing the words "and Technology and Planning Assistance," inserting the word "and" before "Intergovernmental," and changing the semicolon after the word "Consumer Affairs" to a period.

§ 1.23 [Amended]

3. Section 1.23 is amended by removing the words "sharing of related technology in developing and promoting DOT programs," and the words "and technical assistance;" in paragraph (e) and by removing and reserving paragraph (i).

4. Section 1.45 is amended by adding a new paragraph (a)(14) to read as follows:

§ 1.45 Delegations to all Administrators.

(a) * * *

(14) Carry out the functions vested in the Secretary by section 2 of the Federal Technology Transfer Act of 1986, (Pub. L. No. 99-502; 15 U.S.C. 3710a), which authorize agencies to permit their laboratories to enter into cooperative research and development agreements.

5. Section 1.53 is amended by adding new paragraph (a)(8), (e) and (h) to read as follows:

§ 1.53 Delegations to the Administrator of the research and special programs.

(a) * * *

(8) Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985, as it relates to pipeline safety user fees.

(3) **Emergency preparedness.** Carry out the functions related to emergency preparedness vested in the Secretary by 49 U.S.C. 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 58 U.S.C. App. 2061 et seq.; Executive Order 10480, as amended; Executive Order 12148; Executive Order 12656; Reorganization Plan No. 3 of 1978; and such other statutes, executive orders, and other directives as may pertain to emergency preparedness.

(h) *Science and technology.* (1) With respect to scientific and technological matters, serve as principal advisor to the Secretary and representative of the Department to the academic community, the private sector, professional organizations, and other Government agencies.

(2) Serve as principal liaison official for the Department of Transportation with the Office of Science and Technology Policy in the Executive Order of the President.

(3) Serve as Chairperson of the Department of Transportation's Research and Development Coordinating Council.

(4) Serve as Chairperson of the Department of Transportation Navigation Council.

(5) Serve as primary official responsible for coordination and oversight of the Department's implementation of section 2 of the Federal Technology Transfer Act of 1986 (Pub. L. No. 99-502; 15 U.S.C. 3710a), relating to the transfer of Federal technology to the marketplace.

§ 1.64 [Removed]

6. Section 1.64 is removed and reserved.

Issued on: September 24, 1990
Samuel K. Skinner,
Secretary of Transportation.
 [FR Doc. 90-23435 Filed 10-3-90; 8:45 am]
BILLING CODE 4910-62-M

Federal Highway Administration

49 CFR Part 387

[FHWA Docket No. MC-121]

RIN 2125-AB65

Minimum Levels of Financial Responsibility for Motor Carriers; Self-Insurance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule makes permanent an interim rule published in the Federal Register on June 18, 1986 at 51 FR 22080. The rule permits certain for-hire motor carriers of property to satisfy the FHWA's financial responsibility requirements by providing evidence that they have received approval from the Interstate Commerce Commission (ICC) to self-insure and have maintained a "satisfactory" safety rating assigned by the FHWA.

EFFECTIVE DATE: This rule is effective November 5, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366-4049, or Mr. Charles E. Medalen, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except on legal holidays.

SUPPLEMENTARY INFORMATION: The FHWA published an interim-final rule (Docket No. MC-121; Amdt. No. 83-18) in the Federal Register on June 18, 1986 (51 FR 22080), permitting certain for-hire motor carriers of property to satisfy their financial responsibility requirements by providing evidence that they have received approval from the ICC to self-insure and have maintained a "satisfactory" safety rating assigned by the FHWA (49 CFR § 387.7(d)(3)). The ICC allows carriers to self-insure for bodily injury and property damage, subject to certain conditions. Those conditions require motor carriers to do the following (see 49 CFR 1043.5):

1. Submit carrier quarterly and annual financial statements to the Commission. The statements must include a certification by an appropriate carrier official verifying the accuracy of the information provided. Disclosure is also required of affiliated companies which provide support services for the operations of the motor carrier.

2. File quarterly claim reports detailing the number, dollar amount, nature of its claims experience, and quarterly reports detailing pending court cases relating to or arising from claims experience;

3. Immediately notify the ICC of any pending or contingent liability claim(s) which individually exceed \$50,000 or collectively exceed \$250,000;

4. Maintain an irrevocable \$1 million line of credit, notify the ICC immediately upon any draw-down of the credit line, have unrestricted access to the entire credit line, and draw-down from the credit line only to satisfy bodily injury and property damage claims;

5. In the event of a draw-down, provide the ICC with a plan detailing the motor carrier's proposed response to future liability claims;

6. Notify the ICC prior to the effective date of any change or cancellation of the credit line, or of renewal of the credit line;

7. Maintain a net worth of at least \$2 million, and notify the ICC at any time that its net worth falls below that figure, at which time the motor carrier will have 30 days to correct the situation or face termination of the authority to self-insure; and

8. Acknowledge that the Commission retains the authority to terminate the motor carrier's self-insurance authorization at any time if it appears to the ICC that the motor carrier's financial arrangements fail to provide satisfactory protection for the public.

The ICC made its interim rule (49 CFR 1043.5) final on February 6, 1987 (52 FR 3815).

The ICC has allowed motor carriers subject to its jurisdiction to become self-insurers for the past four years. As of May 1990, the Commission had received 88 applications for self-insurance. Fifty-six applications have been granted; nineteen applications have been denied; five have been dismissed or rejected; seven have been withdrawn by the applicant; and one is being processed. Even though 56 applications have been granted, the ICC's records indicate that only 20 motor carriers are actively using their self-insurance authority.

The FHWA promulgated its self-insurance regulation as an interim final rule without opportunity for prior notice and comment. The agency believed "that the seriousness and extent of the current insurance cost and availability problems facing motor carriers of property is good cause to take immediate action. The difficulties engendered by the current crisis are affecting all motor carriers and require immediate action if the agency is going to provide some measure of relief." (51 FR 22082) However, the rule did request subsequent comments from the public. Only six comments were received. All but one of them supported the FHWA's action. The Department of the Army opposed allowing motor carriers of hazardous substances to be self-insurers. The Army questioned the effectiveness of such a program screening out unqualified carriers. It was concerned that recovery of damages from self-insured motor carriers would be difficult, especially when catastrophic accidents occurred. It also believed there was reason to doubt the government could adequately regulate this complex area.

Although self-insurance has proved to be less important than anticipated in resolving the insurance crisis of the mid-1980's, it has functioned effectively for a small number of ICC-authorized motor carriers. Despite the Army's concern, the ICC has received no complaints alleging that a self-insured motor carrier has failed to pay an adjudicated claim arising from a motor vehicle accident. The FHWA is therefore making the June 18, 1986 interim rule final.

The FHWA has determined that this action does not constitute a major rule

DEPARTMENT OF TRANSPORTATION

Office of the Secretary
[49 CFR Part 1]
(OST Docket No. 1; Amdt. 1-234)

Organization and Delegation of Powers and Duties

AGENCY: Department of Transportation (DOT), Office of the Secretary

ACTION: Final Rule

SUMMARY : This document (1) delegates authority to the Administrators of the Department of Transportation% Operating Administrations and to the Commandant of the U.S. Coast Guard to carry out provisions of the Federal Technology Transfer Act of 1986; (2) codifies the delegation of authority of the Secretary under Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to the Administrator of the Research and Special Programs Administration (RSPA); (3) makes the necessary adjustments in the delegations to reflect the transfer of functions previously carried out by the former Science and Technology Advisor, and the Office of Technology and Planning Assistance, to the Administrator of RSPA; and (4) delegates certain emergency preparedness functions with respect to civil transportation services to the Administrator of RSPA.

EFFECTIVE DATE: [insert publication date] for the delegations under the Federal Technology Transfer Act of 1986; December 1, 1980, for the delegation of emergency preparedness functions; April 7, 1986, for the delegation under Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985; and October 1, 1987, for adjustments in delegations with respect to functions formerly carried out by the Science and Technology Advisor and the Office of Technology and Planning Assistance.

FOR FURTHER INFORMATION CONTACT: Barbara **Betsock**, Deputy Chief Counsel, Research and Special Programs Administration, DCC-1, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone number (202) 366-4400, or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, U.S. Department of Transportation, 400 Seventh Street, **S.W.**, Washington, **D.C.** 20590, telephone number (202) **366-9307**.

SUPPLEMENTARY INFORMATION: Section 2 of the Federal Technology Transfer Act of 1986 (Pub. L. No. **99-502**; 15 U.S.C. § 3710a) authorizes the head of each Federal agency to permit the agency's laboratories to enter into cooperative research and development agreements with other agencies, state and local

governments, and the private sector, and to negotiate agreements to license Government-owned inventions. This amendment delegates the authority of the Secretary of Transportation to enter into such agreements to the Administrators of the Department's Operating Administrations and the Commandant of the U.S. Coast Guard.

This amendment also delegates to the Administrator of RSPA the authority to collect pipeline user fees under Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272; 49 U.S.C. App. § 1682a). Section 7005 of that Act mandates the collection of user fees with respect to pipeline facilities regulated for safety by the RSPA.

This amendment also deletes references to the Science and Technology Advisor and the Office of Technology and Planning Assistance, and redelegates the necessary authority to carry out their functions to the Administrator of RSPA. Those functions were transferred to the RSPA Office of Research and Technology in 1987.

Further, this amendment also redelegates authority to the Administrator of RSPA certain emergency preparedness functions that have been delegated to the Secretary. These functions involve exercise of the Secretary's authority with respect to the assignment of priorities and the allocation of civil

transportation services in the event of domestic or national security emergencies. The functions have long been carried out by the Director of the Office of Emergency Transportation, within RSPA, through Departmental Order, DOT **1900.7C**, Department of Transportation Crisis Action Plan, of December 1, 1980.

In addition, this amendment makes a technical correction by incorporating into the Code of Federal Regulations the delegations with respect to emergency preparedness. These delegations are set forth in Departmental Order, DOT **1900.7C**, but had not been included in the Code.

Since these amendments relate to Departmental management, procedures, and practice, notice and public comment are unnecessary. The delegations of authority to the Administrators of the Operating Administrations to carry out the provisions of the Federal Technology Transfer Act of 1986 are effective as of the date of publication of this Final Rule: the delegation to the Administrator of RSPA for certain emergency preparedness functions became effective on December 1, 1980 (effective date of Departmental Order DOT **1900.7C**); the delegation of authority of the Secretary under Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to the RSPA Administrator became effective on April 7, 1986 (**date of enactment**); **the adjustments in**

delegations with respect to the Science and Technology Advisor and the Office of Technology and Planning Assistance became effective on October 1, 1987 (date functions were transferred).

LIST OF SUBJECTS in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

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

AUTHORITY: 49 U.S.C. 322.

2. Section 1.22 is amended by revising paragraph (a) by deleting "**Science and Technology Advisor,**" and paragraph (e) by deleting the words "**and Technology and Planning Assistance,**" inserting the word "**and**" before "**Intergovernmental,**" and changing the semicolon after the words "**Consumer Affairs**" to a period.

3. Section 1.23 is amended by deleting the words "sharing of related technology in developing and promoting DOT programs,** and the words **"and technical assistance;**** in paragraph (e) and by removing and reserving paragraph (i).

4. Section 1.45 is amended by adding a new paragraph (a)(14) to read as follows:

§ 1.45 Delegations to all Administrators.

* * * * *

(a) * * * * *

(14) Carry out the functions vested in the Secretary by Section 2 of the Federal Technology Transfer Act of 1986, (Pub. L. No. 99-502; 15 U.S.C. § 3710a), which authorizes agencies to permit their laboratories to enter into cooperative research and development agreements.

5. Section 1.53 is amended by adding new paragraphs (a)(8), (e) and (h) to read as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs.

* * * * *

(a) * * * * *

(8) Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985, as it relates to pipeline safety user fees.

* * * * *

(e) Emergency preparedness. Carry out the functions related to emergency preparedness vested in the Secretary by 49 U.S.C. §§ 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 50 U.S.C. App. § 2061 et seq.; Executive Order 10480, as amended; Executive Order 12148; Executive Order 12656; Reorganization Plan No. 3 of 1978; and such other statutes, executive orders, and other directives as may pertain to emergency preparedness.

* * * * *

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(h) Science and technology. (1) With respect to scientific and technological matters, serve as principal advisor to the Secretary and representative of the Department to the academic community, the private sector, professional organizations, and other Government agencies.

(2) Serve as principal liaison official for the Department of Transportation with the Office of Science and Technology Policy in the Executive Office of the President.

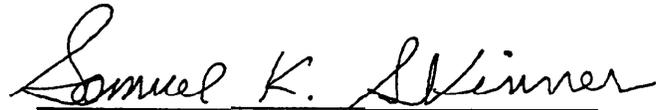
(3) Serve as Chairperson of the Department of **Transportation's** Research and Development Coordinating Council.

(4) Serve as Chairperson of the Department of Transportation Navigation Council.

(5) Serve as primary official responsible for coordination and oversight of the Department's implementation of Section 2 of the Federal Technology Transfer Act of 1986, (Pub. L. No. 99-502; 15 U.S.C. **§ 3710a**), relating to the transfer of Federal technology to the marketplace.

I 6. Section 1.64 is removed and reserved.

Issued on: September 24, 1990


Samuel K. Skinner
Samuel K. **Skinner**
Secretary of Transportation

**CERTIFIED TO BE A
TRUE COPY OF THE ORIGINAL:**


LINDA W. SENESE
CERTIFYING OFFICER