

remaining bridge spans. This has created a hazardous situation for vessels operating near the bridge, and an immediate extension of navigation restrictions is needed to ensure the safety of vessels transiting the area.

#### Background and Purpose

The Captain of the Port issued a safety zone regulation which restricted traffic in the area of the Wheeling Terminal Railroad Bridge located at mile 89.0 on the Ohio River on July 16, 1993. The bridge is no longer an active bridge and is in the process of being removed. In order to remove the bridge's several spans, the bridge is being demolished with explosives. These explosions create an obvious hazard to vessels transiting the area. This demolition has been occurring in stages with various spans being removed one at a time. The main span was demolished on August 17, 1993. After the explosives on this span were detonated, the steel and other debris from the bridge fell into the sailing line of the Ohio River, creating an unsafe condition for vessels. The contractor immediately commenced clearing operations, but unexpected lift equipment breakdowns and problems associated with the failure of several explosive charges to properly detonate substantially delayed the removal of bridge debris from the channel. Accordingly, explosive charge demolitions planned for the remaining left and right bank spans have lagged significantly behind schedule. The termination date of September 3, 1993 originally established for this safety zone regulation will pass before all the span demolitions are completed. Since it would be unsafe for vessels to attempt to transit the area during the remaining span demolitions, it is necessary to amend the original safety zone regulation to incorporate a revised termination date of September 24, 1993. For the remaining period that this safety zone is in effect, the Captain of the Port will disseminate information as to when traffic may proceed without restriction through Broadcast Notice to Mariners and other means. Traffic will be permitted to proceed without restriction except during the actual demolition of the spans. These restrictions will last approximately 4 hours each. The remaining spans of the bridge are tentatively scheduled to be demolished on August 31, 1993, September 8, 1993, and September 10, 1993. These spans are not over the sailing line.

#### Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of

Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979), it will not have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements. A full regulatory analysis is unnecessary because the Coast Guard expects the impact of this regulation to be minimal due to the relatively short duration of actual traffic restrictions and the relatively small size of the area regulated.

#### Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary because the regulation is categorically excluded from further environmental documentation under section 2.B.2.c. of Commandant Instruction M16475.1B.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Records and recordkeeping, Security measures, Waterways.

#### Temporary Regulation

In consideration of the foregoing, subpart C of 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. 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.T0262 is amended by revising paragraph (b) to read as follows:

§ 165.T0262 Safety Zone: Ohio River.

\* \* \* \* \*

(b) *Effective dates.* This regulation becomes effective at 8 a.m. on August 17, 1993 and will terminate at 8 p.m. on September 24, 1993.

\* \* \* \* \*

Dated: September 3, 1993.

M.W. Brown,

Commander, U.S. Coast Guard, Captain of the Port, Pittsburgh, Pennsylvania.

[FR Doc. 93-23088 Filed 9-20-93; 8:45 am]

BILLING CODE 4810-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 80

[FRL-4732-8]

#### Territory of Guam Petition for Exemption From the Diesel Fuel Sulfur Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of direct final decision.

**SUMMARY:** On May 7, 1993, the Governor of Guam submitted a petition requesting that the U.S. Territory of Guam be considered for an exemption from the sulfur content requirement for motor vehicle diesel fuel, as specified in sections 211 (i) and (g) of the Clean Air Act, as amended (Act). This action is a direct final decision that grants an exemption to Guam from the diesel fuel sulfur content requirement of sections 211 (i) and (g) of the Act. The exemption is based on EPA's finding that it is unreasonable to require persons in Guam to comply with the sulfur content requirement due to Guam's unique geographical, meteorological and economic factors, as well as other significant local factors.

This action is being taken without prior proposal because EPA believes that this final decision is noncontroversial and because the effect of this rulemaking is limited to the Territory of Guam.

**EFFECTIVE DATES:** This action will be effective on November 21, 1993, unless received by October 22, 1993, that someone wishes to submit adverse or critical comments. If notice of intention to submit adverse comments is received, EPA will publish in the *Federal Register* timely notice withdrawing this action and a subsequent notice requesting comment on Guam's petition. Please direct all correspondence to the addresses shown below.

**ADDRESSES:** Comments or notice of intent to submit adverse or critical comments should be submitted (in duplicate if possible) to both dockets with a copy forwarded to Ms. Mary T. Smith, Director, Field Operations and Support Division (6406J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

Copies of information relevant to this petition are available for inspection in public docket A-93-33 at the Air Docket (LE-131) of the EPA, room M-1500, 401 M Street SW., Washington,

DC 20460, (202) 260-7548, between the hours of 8:30 a.m. to noon and 1:30 p.m. to 3:30 p.m. Monday through Friday. A duplicate public docket, R9-GU-93-1, has been established at U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1224, and is available between the hours of 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Whitney Trulove-Cranor, Environmental Protection Specialist, Plans and Program Section, Field Operations and Support Division (6406J), 401 M Street SW., Washington, DC 20460, (202) 233-9036.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

This notice describes EPA's action to approve as a direct final decision Guam's request for exemption from the diesel sulfur content requirement of section 211 of the Act and those related sections of EPA's motor vehicle diesel fuel regulations (40 CFR part 80). The remainder of this notice is divided into eight parts. Section II provides the background for this action. Section III summarizes the contents of the petition by the Governor of Guam. Section IV discusses other relevant issues regarding this decision. Section V presents EPA's proposed final action and underlying rationale. Finally, sections VI through IX address EPA's statutory authority, regulatory designation and economic impacts.

##### II. Background

Section 211(i)(1) of the Act makes it unlawful, effective October 1, 1993, for any person to manufacture, sell, supply, offer for sale or supply, dispense, transport, or introduce into commerce motor vehicle diesel fuel which contains a concentration of sulfur in excess of 0.05 percent (by weight), or which fails to meet a cetane index minimum of 40 (or, alternatively, contains no more than 35 percent aromatics). Section 211(g) makes it unlawful, effective October 1, 1993, for any person to introduce or cause or allow the introduction into any motor vehicle of diesel fuel which such person knows or should know contains a concentration of sulfur in excess of the standard or fails to meet the cetane index minimum. Section 211(i)(3) establishes the sulfur content for fuel used in the certification of heavy-duty diesel vehicles and engines. Section 211(i)(4) requires the Administrator to take final action on any petition filed under section 325,<sup>1</sup> which seeks

exemption from the requirements of section 211(i), within 12 months of the date of such petition.

Section 325 of the Act provides that upon application by the Governor of Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Administrator may exempt any person or source in such territory from various requirements of the Act, including sections 211 (i) and (g). Such exemption may be granted if the Administrator finds that compliance with such requirements is not feasible or is unreasonable due to unique geographical, meteorological, or economic factors of such territory, or such other local factors as the Administrator deems significant.

##### III. Petition for Exemption

On May 7, 1993, the Honorable Joseph F. Ada, Governor of the Territory of Guam, submitted a petition to exempt motor vehicle diesel fuel in Guam from the sulfur content requirements of sections 211(i)(1) and 211(g)(2) of the Act, and the EPA regulations promulgated at 40 CFR part 80. The petition is based on geographical, meteorological, air quality, and economic factors unique to Guam.

If granted, the exemption would apply to all persons in Guam subject to the prohibitions of sections 211(i)(1) and 211(g)(2) of the Act and the diesel fuel requirements in 40 CFR part 80. The exemption would apply to all persons who manufacture, sell, supply, offer for sale or supply, dispense, transport, or introduce into commerce motor vehicle diesel fuel, or who introduce diesel fuel into motor vehicles, in Guam. Guam is not requesting an exemption from the minimum cetane requirement for motor vehicle diesel fuel as set forth in sections 211(i)(1) and 211(g)(2).

The following discussion summarizes the contents of the petition.

##### A. Geography and Location of Guam

Guam is a U.S. Territory and the southern-most island in the Marianas Archipelago, on the southern extension of the undersea Honshu Ridge. Guam is located roughly 3,700 miles west-

southwest of Honolulu and 1,550 miles south of Tokyo. Guam is a small island, measuring approximately 28 miles long and between 4 and 8.5 miles wide, with a total land area of approximately 209 square miles. There are no nearby land masses downwind of Guam within 1000 kilometers (600 miles) that could be affected by emissions from sources on the island.

Guam is composed of two distinct geologic areas of about equal size. The northern region is a high coralline limestone plateau rising up to 850 feet above sea level. The southern region is mountainous, of volcanic origin, with elevations of 700 to 1,300 feet. Separating north from south is a narrow waist which is quite low, being generally less than 200 feet in elevation.

Guam has a population of 133,152. There are approximately 140 miles of primary paved roads and approximately 330 miles of local streets. As of 1991, there were 735 diesel fueled motor vehicles registered in Guam.

##### B. Climate, Meteorology and Air Quality

Guam has a tropical climate and an average annual rainfall of approximately 98 inches. Temperatures range from approximately 60 to 90 degrees Fahrenheit. Consistent trade winds prevail from the northeast and southeast quadrants of the island over 90% of the time. The easterly trade winds are the strongest and most constant throughout the dry season when sustained wind speeds of 15 to 25 mph are very common. This meteorology combined with its geographic location, have a beneficial impact on the island's air quality.

At the present time, Guam is in attainment with all primary national ambient air quality standards (NAAQS), with the exception of sulfur dioxide in two areas. One area is defined by a circle 3.5 kilometers in radius around the Piti Power Plant. The other area is defined by a circle 3.5 kilometers around Tanguisson. Both of these areas are designated nonattainment for sulfur dioxide as a result of monitored and modeled exceedances of the ambient sulfur dioxide standards in the 1970's prior to implementing changes to power generation facilities. The petition claims that Guam's air quality has improved in recent years as the result of elimination of certain power generation facilities and their replacement by newer, cleaner units, as well as the updating of existing large facilities. Guam believes that the area around Piti, in particular, is now in attainment for sulfur dioxide and is in the process of collecting data for a petition for redesignation. As for the nonattainment area around Tanguisson,

<sup>1</sup>Recovery for Small Business Marketers of Petroleum Products"), while the proper reference is to section 325. Congress clearly intended to refer to section 325, as shown by the language used in section 211(i)(4), and the United States Code citation used in section 806 of the Clean Air Act Amendments of 1990, Public Law No. 101-549. Section 806 of the Amendments, which added paragraph i to section 211 of the Act, used 42 U.S.C. 7625-1 as the United States Code designation for section 324. This is the proper designation for section 325 of the Act. Also see 136 Cong. Rec. S17236 (daily ed. October 28, 1990) (statement of Sen. Murkowski).

<sup>1</sup>Section 211(i)(4) mistakenly refers to exemptions under section 324 of the Act ("Vapor

there are no plans to petition for redesignation. However, this nonattainment area only includes two small villages and a U.S. Air Force Annex, none of which attract significant vehicle traffic.

Information provided to the Agency subsequent to the petition indicates that on an annual basis, the diesel-fueled vehicles on Guam are estimated to emit less than 0.1% of the maximum potential sulfur dioxide emissions from other sources on Guam, given the current sulfur content of diesel fuel used in motor vehicles.<sup>2</sup> Therefore, Guam's continued use of diesel fuel with a maximum sulfur content of 0.6% by weight is not expected to have any significant impact on the ambient air quality status of Guam, including the status of the two areas designated as nonattainment for sulfur dioxide, because of the minimal contribution by motor vehicles to the sulfur dioxide levels.

#### C. Economic Factors

Guam's remote location and resource-poor economy result in the need to import raw materials and consumer goods, including fuel oil, at unusually high transportation costs. The island has no known oil resources and no operating refinery. Oil companies supplying Guam import diesel from four foreign sources: Singapore, Indonesia, Australia and the Philippines. Essentially all of the island's petroleum products are refined in Singapore. Oil companies in Singapore do not presently refine diesel fuel that meets the 0.05% sulfur requirement and have indicated that Guam's diesel demand is not large enough to justify the multi-million dollar investment that would be necessary to do so. Consequently, low sulfur fuel would have to be imported from the U.S. mainland.

The petition states that it could conceivably cost Guam fuel suppliers between \$14,500,000 and \$22,300,000 annually to comply with the low-sulfur standard. This high cost of compliance is due to several factors: additional transportation costs associated with importing fuel from the mainland; construction of new storage facilities needed to segregate low sulfur and high sulfur fuel, and also to store larger quantities of fuel since shipments would be less frequent and possibly less

reliable coming from the mainland;<sup>3</sup> and the higher purchase price of low sulfur fuel. All fuel suppliers state that these costs would be passed on to Guam's diesel fuel consumers, who already pay between \$1.47 to \$1.58 a gallon, one of the highest rates in the U.S. Yet Guam residents earn incomes well below the national average.<sup>4</sup> Guam estimates that, if it is forced to import low-sulfur diesel fuel from the U.S. mainland, the cost per gallon of diesel fuel would increase by 30-46 cents (compared to the estimated 3 to 5 cents per gallon increase to meet the low-sulfur diesel requirement in the mainland).

#### D. Environmental Factors

The Government of Guam requires operating permits that limit the sulfur content of diesel-fuel for electric generating units to 0.6 percent by weight or less. This obligation limits the importation of No. 2 diesel fuel for all diesel fuel needs to the 0.6 percent or less level. Information derived from proprietary data supplied by the oil companies on Guam shows that No. 2 diesel fuel imports during 1992 had a sulfur content in the range of 0.39 percent to 0.50 percent (by weight) and the cetane index was in the range of 48 to 55. If this exemption is granted, motor vehicles would continue to use diesel fuel with a sulfur content less than 0.6 percent by weight.

As of 1991, there were only 735 diesel-fueled vehicles registered with the Motor Vehicle Division of Guam, representing approximately 1% of the total vehicle population on Guam. The small amount of sulfur dioxide emitted from these vehicles, as noted in section B above, is dispersed by the island's trade winds and presents no health risk nor causes any air quality standard to be exceeded.

#### IV. Other Issues

EPA addressed several other issues in the American Samoa decision<sup>5</sup> and is addressing them here in a manner consistent with its earlier decision.

##### Issue: Sale of Certified Engines

EPA believes that the prohibition against the sale of uncertified engines in Guam (as in American Samoa) should continue to apply. Beginning with

<sup>3</sup> Shipping time from the U.S. mainland to Guam is approximately 18 days; 38 days round-trip. Ships from Singapore to Guam only require 8 days.

<sup>4</sup> In 1988, Guam's per capita income ranked below all fifty states at \$7,174. The national average per capita income for 1988 was \$18,489.

<sup>5</sup> The Agency granted American Samoa's petition for an exemption from the diesel sulfur requirements on July 20, 1992. 57 FR 32010.

model year 1994, some heavy-duty diesel engines probably could be equipped with devices which will be adversely impacted by the level of sulfur in diesel fuel allowed by the exemption being granted today, but it is possible that some emissions benefits can still be accrued. If the use of high-sulfur diesel fuel causes vehicles equipped with aftertreatment devices to emit certain pollutants at higher levels than would be emitted from such engines without the aftertreatment devices, the Agency may consider, among other things, allowing the sale of certified engines without the affected devices. As expressed in the American Samoa exemption, the Agency believes such decisions should be made on a case-by-case basis upon receipt of evidence to support those decisions.

##### Issue: Exemption From Tampering

EPA believes that a blanket waiver from the tampering prohibition for model year 1994 and later heavy-duty engines would allow tampering in situations where such tampering may result in an increase in emissions. For example, removal of an emissions related device that is not affected by the high sulfur fuel or is rendered less effective but not inoperative by the high-sulfur fuel would increase emissions over what would have occurred in the absence of tampering.

Nevertheless, some model year 1994 and later heavy-duty engines may be built with after-treatment devices that may be rendered inoperative by the use of diesel fuel with sulfur content exceeding 0.05% (by weight). The exercise of enforcement discretion may be appropriate to allow the removal of such after-treatment devices. However, EPA shall not allow tampering with an emissions control device that has been or is likely to be rendered less effective, but not rendered inoperative, as a result of the use of higher sulfur fuel unless there is evidence that it may actually cause an increase in certain pollutants as discussed above.

##### Issue: Warranty Exemption

The Agency acknowledges that vehicles which were certified with low sulfur diesel fuel may be unable to meet federal emissions standards if they are fueled on high sulfur diesel fuel. However, EPA believes an exemption from the general warranty provisions of section 207 is unnecessary to protect manufacturers from unreasonable warranty recoveries by purchasers. The emission defect warranty requirements under section 207(a) of the Act require an engine manufacturer to warrant that the engine shall conform at the time of

<sup>2</sup> Memo from Ed Settle, R.W. Beck and Associates, July 1, 1993. This organization does permit applications for major sulfur dioxide sources on Guam and is working on the maintenance plan for the redesignation request of the Cabras-Piti nonattainment area.

sale to applicable emission regulations and that the engine is free from defects which cause the engine to fail to conform with applicable regulations for its useful life. In practice, this warranty is applicable to a specific list of emissions and emissions related engine components.

It has been consistent EPA policy that misuse and/or improper maintenance of a vehicle or engine by the purchaser, including misfueling, may create a reasonable basis for denying warranty coverage for the specific emissions and emissions related engine components affected by this misuse. In this case, while use of fuel exempted from the sulfur content limitation cannot be considered "misfueling", it will have the same adverse effect on emissions control components. Thus, EPA believes that where the use of noncomplying diesel fuel will have an adverse impact on the emissions durability of specific engine parts or systems, such as a trap oxidizer or other after-treatment devices, the manufacturer will have a reasonable basis for denying warranty coverage on that part or other related parts. However, as has consistently been EPA's policy, those components not adversely affected by the misfueling should continue to receive full emissions warranty coverage. In any event, the number of engines likely to be covered in Guam, and the potential for excessive costs or disputes, are extremely small. EPA will expeditiously consider manufacturers' suggestions for remedies to these situations on a case-by-case basis as they occur.

#### *Issue: Recall Liability*

Heavy-duty engine manufacturers are responsible for recalling and repairing engines that do not comply with emission requirements for their useful lives. The EPA tests engine classes to determine whether engines comply with applicable emission standards when properly used and maintained. Under section 207(c), if a substantial number of engines in a specific engine class do not comply when tested, that entire class can be recalled. If a situation arose in which an engine fueled with noncomplying diesel fuel were included in an EPA in-use compliance test program, EPA would determine, on a case-by-case basis, if the noncompliance were the result of the use of noncomplying diesel fuel. If it were determined that the noncomplying diesel fuel was the cause of the engine's failure to meet the applicable emission standards, that fact would be considered before seeking a recall of the class. Given the fact that only high-sulfur diesel fuel (over 0.05% by weight) will

be used in vehicles in Guam, just as in American Samoa, the Agency does not intend to use test results (emissions levels) from those vehicles to show noncompliance by those engines for the purpose of recalling an engine class. In cases in which it was determined that the overall class was subject to recall, however, individual engines would not be excluded from repair on the basis of the fuel used. Manufacturers are responsible for repairing any engine in the recalled class regardless of its history of tampering or malmaintenance. The situation that would occur in Guam is no different and thus the manufacturers should remain liable for performing recall repairs on these engines when required.

#### **V. Final Action**

Because of its remote location and lack of internal petroleum supplies and refining capability, Guam must rely on the importation of diesel fuel and other petroleum products for use in motor vehicles and non-road sources. The refineries currently supplying Guam's diesel fuel needs do not have the capability to produce diesel fuel that meets the sulfur requirement of sections 211(i) and (g) of the Act, and have indicated that Guam's diesel demand is not large enough to justify the multi-million dollar investment that would be necessary to produce 0.05% sulfur diesel fuel. Consequently, Guam would have to import low sulfur fuel from the U.S. mainland.

Guam currently does not obtain any petroleum products from the mainland. The cost of importing low-sulfur diesel fuel from the mainland would add 30-46 cents to the cost per gallon of diesel fuel in Guam. Transportation and fuel costs would rise significantly. In addition, if stationary sources continue to use high-sulfur diesel, importing low-sulfur diesel fuel would require the costly construction of separate storage facilities. Even if Guam were to import low-sulfur diesel fuel for all its diesel fuel needs, new storage facilities would be necessary to store larger quantities of fuel since shipments would be less frequent and possibly less reliable coming from the mainland as explained previously in this document.

By requiring Guam to comply with the sulfur requirement of sections 211(i) and 211(g), a major economic burden would be placed on the persons on Guam with little or no environmental benefit. Although Guam has two areas that are designated nonattainment for sulfur dioxide, various control strategies have been implemented which EPA believes will result in at least one of these areas reaching attainment for

ambient sulfur dioxide standards by 1996.<sup>6</sup> Thus, Guam is in the process of preparing a petition for redesignation for this area. Despite the possibility that the use of high-sulfur diesel fuel may cause increased particulate sulfate emissions in diesel vehicles equipped with trap systems or oxidation catalysts, any increase in sulfate particulates emitted by such vehicles would be dispersed by the island's easterly trade winds and would present a minimal threat to public health or the environment. Because of the small number of diesel vehicles on Guam and the current sulfur content restrictions Guam imposes on diesel fuel, granting this exemption would not likely lead to future problems in maintaining compliance with any National Ambient Air Quality Standards, including sulfur dioxide.

The Environmental Protection Agency's final action is to exempt the Territory of Guam from compliance with the sulfur content requirements for diesel fuel under sections 211(i)(1) and (g)(2) of the Act, and EPA's motor vehicle diesel fuel regulations at 40 CFR part 80. This action does not exempt Guam from the minimum cetane index requirement or the alternative aromatic level requirement in these sections of the Act or EPA regulations. The Agency believes that compliance with the sulfur requirement is unreasonable given the substantial increased costs to persons on Guam and the minimal benefits to Guam's air quality. These impacts would be the direct result of geographical, meteorological and economic factors unique to the Territory of Guam.

This action is being taken without prior proposal because EPA believes that the decision to exempt Guam from the diesel fuel sulfur requirements is noncontroversial and anticipates no significant adverse comments on this action.

In a petition involving very similar factors, EPA exempted American Samoa from these same diesel fuel requirements (56 FR 58243, November 18, 1991). Consistent with this decision, the EPA has decided to approve the exemptions requested by Guam as a direct final decision.

<sup>6</sup> On October 19, 1992, Guam submitted a petition to the EPA requesting that proposed electric generating units on Guam be exempted from several nonattainment area requirements applicable to the Cabras-Piti area, which is one of the sulfur dioxide nonattainment areas on Guam. EPA has proposed to grant the exemption (58 FR 13579, March 12, 1993) on the condition that, within three years from the effective date of the waiver, Guam shall submit to the EPA a request for redesignation of this area to attainment for the sulfur dioxide NAAQS.

The public should be advised that this action will be effective November 22, 1993, unless EPA receives notice by October 21, 1993, that someone wishes to submit adverse or critical comments. If such notice is received, this action will be withdrawn. If it is withdrawn, EPA will publish a notice announcing its withdrawal before the effective date provided in today's notice. A second notice will then request comments on a proposed decision regarding Guam's request.

This procedure allows the opportunity for public comment and opportunity for oral presentation of data as required under section 307(d) of the Act. This procedure also provides an expedited procedure for final action where a decision is not expected to be controversial and no adverse comment is expected. In the event this decision is not finalized by the October 1, 1993 effective date for the low sulfur fuel requirements, EPA will regard Guam as a low priority for enforcement of the diesel sulfur requirement, pending the final decision on Guam's petition.

#### VI. Statutory Authority

Authority for the action described in this notice is in section 325(a)(1) (42 U.S.C. 7625-1(a)(1)) of the Clean Air Act, as amended.

#### VII. Administrative Designation and Regulatory Analysis

Under Executive Order (E.O.) 12291, the Agency must judge whether a regulation is "major" and thus subject to the requirement to prepare a regulatory impact analysis. The decision announced today alleviates any potential adverse economic impacts in Guam and is not a regulation or rule as defined in E.O. 12291. Therefore, no regulatory impact analysis has been prepared.

#### VIII. Impact on Small Entities

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it is required to certify that a regulation will not have a significant adverse economic impact on a substantial number of small business entities. Today's decision is not a rulemaking. Furthermore, the action eases requirements otherwise applicable to affected entities. Thus, it will not result in a significant adverse impact on a substantial number of small business entities.

#### IX. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and

implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

Dated: September 13, 1993.  
Carol M. Browner,  
Administrator.  
[FR Doc. 93-23063 Filed 9-20-93; 8:45 am]  
BILLING CODE 6560-60-P

### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 101-40

[FPMR Amendment G-102]

#### Transportation of Household Goods

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

**SUMMARY:** This regulation contains revised policy concerning the period household goods rate tenders, submitted under the centralized household goods program, will be in effect and updates organizational references. The regulation will enhance the use of electronic data interchange for tender filing and certain other administrative requirements.

**EFFECTIVE DATE:** September 21, 1993.

#### FOR FURTHER INFORMATION CONTACT:

Carla Young, Travel and Transportation Management Branch (6FBX), 913-236-2510.

**SUPPLEMENTARY INFORMATION:** The General Services Administration (GSA) 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 an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

#### Regulatory Flexibility Act

This final rule is not required to be published in the *Federal Register* for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

#### List of Subjects in 41 CFR Part 101-40

Freight, Government property management, Moving of household goods, Office relocation, Transportation.

For reasons set forth in the preamble, 41 CFR part 101-40 is amended as follows:

1. The authority citation for part 101-40 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

#### PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

##### Subpart 101-40.2—Centralized Household Goods Traffic Management Program

2. Section 101-40.202 is revised to read as follows:

**§ 101-40.202 The General Services Administration household goods tender of service (TOS) agreement.**

As part of the centralized household goods traffic management program, GSA has developed a master household goods tender of service (TOS) agreement. This agreement establishes carrier service and performance standards which participating carriers agree to provide. Commercial carriers desiring to participate in this program must enter into individual TOS agreements with GSA, acting on behalf of executive agencies. Carriers that desire to enter into a TOS agreement or agencies desiring additional information should contact the General Services Administration, Travel and Transportation Management Branch (6FBX), 1500 East Bannister Road, Kansas City, MO 64131.

3. Section 101-40.203-1 is revised to read as follows:

**§ 101-40.203-1 Household goods rate tenders.**

GSA will accept or reject household goods carriers' rate tenders (see § 101-40.306) on behalf of executive agencies. Executive agencies shall reject rate tenders not submitted in accordance with this subpart 101-40.2. Household goods carriers' TOS agreements and individual rate tenders covering interstate and intrastate shipments shall be submitted to the Chief, Travel and Transportation Management Branch (6FBX). (See § 101-40.101-1.) Rate tenders shall be effective for a 12-month period beginning October 1 of each year unless a shorter period is prescribed by the Chief, 6FBX. To qualify under the centralized household goods traffic management program, these tenders must be submitted in accordance with instructions issued by the Chief, 6FBX.