106th Congress, 1st Session – – – – – – – – – – – – – House Document 106–23

DEVELOPMENTS CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ THAT WAS DECLARED IN EXECUTIVE ORDER NO. 12722 OF AUGUST 2, 1990, PURSUANT TO 50 U.S.C. 1703(c)

FEBRUARY 23, 1999.—Referred to the Committee on International Relations and ordered to be printed

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THE WHITE HOUSE,
Washington, February 17, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

Sincerely,

WILLIAM J. CLINTON.

President's Periodic Report on the National Emergency with respect to Iraq

I hereby report to the Congress on the developments since my last report of August 13, 1998, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) ("IEEPA").

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a U.S. person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. U.S. persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order No. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution ("UNSCR") 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders No. 12724 and No. 12817 (the "Executive Orders"). The report covers events from August 2, 1998 through February 1, 1999.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products every 90 days for a total of 180 days under United Nations supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. UNSCR 986 includes arrangements to ensure equitable distribution of

humanitarian goods purchased with UNSCR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures it would employ in implementation of UNSCR 986. On December 9, 1996, the President of the Security Council received the report prepared by the Secretary General as requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10.

On June 4, 1997, the U.N. Security Council adopted UNSCR 1111, renewing for another 180 days the authorization of Iraqi petroleum sales and purchases of humanitarian aid contained in UNSCR 986 of April 14, 1995. The Resolution became effective on June 8, 1997. On September 12, 1997, the Security Council, noting Iraq's decision not to export petroleum and petroleum products pursuant to UNSCR 1111 during the period June 8 to August 13, 1997, and deeply concerned about the resulting humanitarian consequences for the Iraqi people, adopted UNSCR 1129. This resolution replaced the two 90-day quotas with one 120-day quota and one 60-day quota in order to enable Iraq to export its full $2 billion quota of oil within the original 180 days of UNSCR 1111. On December 4, 1997, the U.N. Security Council adopted UNSCR 1143, renewing for another 180 days, beginning December 5, 1997, the authorization for Iraqi petroleum sales and humanitarian aid purchases contained in UNSCR 986.

On February 20, 1998, the U.N. Security Council adopted UNSCR 1153, authorizing the sale of Iraqi petroleum and petroleum products and the purchase of humanitarian aid for a 180-day period beginning with the date of notification by the President of the Security Council to the members thereof of receipt of the report requested in UNSCR 1153. UNSCR 1153 authorized the sale of $5.256 billion worth of Iraqi petroleum and petroleum products. On March 25, 1998, the Security Council, noting the shortfall in revenue from Iraq's sale of petroleum and petroleum products during the first 90-day period of implementation of UNSCR 1143, due to the delayed resumption in sales and a serious decrease in prices, and concerned about the resulting humanitarian consequences for the Iraqi people, adopted UNSCR 1158. This Resolution reaffirmed the authorization for Iraqi petroleum sales and purchases of humanitarian aid contained in UNSCR 1143 for the remainder of the second 90-day period and set the authorized value during that timeframe to $1.4 billion pending implementation of UNSCR 1153. The 180-day period authorized in UNSCR 1153 began on May 30, 1998. On June 19, 1998, the Security Council adopted Resolution 1175, authorizing the expenditure of up to $300 million on Iraqi oil infrastructure repairs in order to help Iraq reach the higher export ceiling permitted under UNSCR 1153. UNSCR 1175 also reaffirmed the Council's endorsement of the Secretary General's recommendation that the "oil-for-food" distribution plan be ongoing and project-based. On November 24, 1998, the Security Council adopted UNSCR 1210, providing for an additional 180-day period during which Iraqi petroleum and petroleum products may be exported, beginning November 26, 1998, to produce a sum not exceeding $5.256 billion. During the period covered by this report, imports into the United States under the program totaled about 90 million barrels, bringing total imports since December 10, 1996, to approximately 141.5 million barrels.

2. The Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "ISR" or the "Regulations"), administered by the Office of Foreign Assets Control ("OFAC") of the Department of the Treasury, were amended effective November 10, 1998, to authorize U.S. persons to enter into executory contracts for the sale of oilfield parts and equipment to the Government of Iraq in conformity with UNSCR 1153 and UNSCR 1175 (63 *Fed. Reg.* 62942, November 10, 1998). A copy of this amendment to the Regulations is attached.

As previously reported, the Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing of U.S. persons seeking to purchase Iraqi-origin petroleum and petroleum products from Iraq (61 *Fed. Reg.* 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and U.S. Government approval.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization, be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 Escrow Account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the 661 Committee and satisfaction of other conditions established by the United Nations, be paid or payable out of the 986 Escrow Account.

3. Since my last report, OFAC has interdicted 18 violative transactions totaling more than $600,000. Investigations by

OFAC's Enforcement Division are continuing in several cases opened in prior reporting periods involving possible violations of the Iraqi sanctions.

On December 1, 1998, two retired U.S. military officers were convicted in the U.S. District Court for the Southern District of Florida on charges of conspiracy and violation of IEEPA in connection with an attempted sale to Iraq of 35 American-made helicopters located in Canada. Each faces four to five years in prison when sentenced in February 1999.

OFAC continues to investigate the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals ("SDNs") of the Government of Iraq.

4. The Office of Foreign Assets Control has issued hundreds of licensing determinations regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Specific licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, sales of humanitarian supplies to Iraq under UNSCRs 986, 1111, 1143, 1153, and 1210, diplomatic transactions, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, and the protection of preexistent intellectual property rights in Iraq. Since my last report, 65 specific licenses have been issued, most with respect to sales of humanitarian goods.

Since December 10, 1996, OFAC has issued specific licenses authorizing commercial sales of humanitarian goods funded by Iraqi oil sales pursuant to UNSCRs 986, 1111, 1143, 1153, and 1210 valued at nearly $367 million. Of that amount, approximately $335 million represents sales of basic foodstuffs, $18 million for medicines and medical supplies, $9.3 million for water testing and treatment equipment, and nearly $4.5 million to fund a variety of United Nations activities in Iraq. International humanitarian relief in Iraq is coordinated under the direction of the United Nations Office of the Humanitarian Coordinator of Iraq. Assisting U.N. agencies include the World Food Program, the U.N. Population Fund, the U.N. Food and Agriculture Organization, the World Health Organization, and UNICEF. As of December 17, 1998, OFAC had authorized sales valued at more than $42.8 million worth of humanitarian goods during the current reporting period.

5. The expenses incurred by the Federal Government in the six-month period from August 2, 1998 through February 1, 1999, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1.2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the Bureau of Intelligence and Research, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

6. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with relevant United Nations Security Council resolutions. Iraqi compliance with these resolutions is necessary before the United States will consider lifting economic sanctions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access by international relief organizations to all those in need in all parts of Iraq. Eight years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; cessation of all cooperation with the U.N. Special Commission and the International Atomic Energy Agency; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of all forms of political expression, oppression of minorities, and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not comply with UNSC Resolution 688 of April 5, 1991. The Iraqi military routinely harasses residents of the north, and has attempted to "Arabize" the Kurdish, Turkomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring States.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

(3) Part III of the report must include the following information with respect to each reportable transaction (a separate Part III must be submitted for each reportable transaction):

(i) The nature of the transaction, *e.g.*, purchase, sale, swap;

(ii) A description of the product involved;

(iii) The name of the Iranian or third country party or parties involved in the transaction;

(iv) The currency and amount of the transaction, and corresponding United States dollar value of the transaction if not denominated in United States dollars.

(e) *Where to report*Reports must be filed with the Compliance Programs Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW—Annex, Washington, DC 20220. Reports may be submitted by facsimile transmission at 202/622-1657. A copy must be retained for the reporter's records.

(f) *Whom to contact*Blocked Assets Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW—Annex, Washington, DC 20220; telephone: 202/622-2440.

Dated: October 9, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: October 22, 1998.

Elisabeth A. Bresee

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 98-30126 Filed 11-5-98; 3:17 pm]

BILLING CODE 4810-25-F

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 575

Iraqi Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: The Office of Foreign Assets Control is amending the Iraqi Sanctions Regulations to permit U.S. persons to enter into executory contracts for the sale of oilfield parts and equipment to the Government of Iraq in conformity with United Nations Security Council Resolutions No. 1153 and 1175.

EFFECTIVE DATE: November 10, 1998.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief, Licensing (tel.: 202/622-2480) or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the Federal Register. By modem, dial 202/512-1387 and type "/GO FAC," or call 202/512-1530 for disk or paper copies. This file is available for downloading without charge in ASCII and Adobe Acrobat® readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library ("TEL") in the "Research Mall" of the FedWorld bulletin board. By modem, dial 703/321-3339, and select self-expanding file "T11FR00.EXE" in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = http://www.fedworld.gov; FTP = ftp.fedworld.gov (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets Control is available for downloading from the Office's Internet Home Page: http://www.treas.gov/ofac, or in fax form through the Office's 24-hour fax-on-demand service: call 202/622-0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

Background

United Nations Security Council Resolution ("UNSCR") No. 1153 of February 20, 1998, authorizes the exportation from Iraq of $5.256 billion in petroleum and petroleum products within a 180-day period. UNSCR No. 1175 of June 19, 1998, authorizes the exportation to Iraq of the necessary parts and equipment to enable Iraq to achieve the level of exports authorized in Resolution No. 1153. Pursuant to Executive Orders 12722 of August 2, 1990 (55 FR 31803, 3 CFR, 1990 Comp., p. 294), and 12724 of August 9, 1990 (55 FR 33089, 3 CFR, 1990 Comp., p. 297), and in accordance with UNSCRs No. 1153 and 1175, the Office of Foreign Assets Control is amending § 575.522 of the Iraqi Sanctions Regulations, 31 CFR Part 575 (the "Regulations"), to authorize United States persons to enter into executory contracts with the Government of Iraq for the sale and exportation to Iraq of parts and equipment necessary to enable Iraq to export petroleum and petroleum products in accordance with UNSCRs No. 1153 and 1175.

Since the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553)(the "APA") requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply. This final rule imposes no paperwork burden.

List of Subjects in 31 CFR Part 575

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Humanitarian aid, Imports, Iraq, Oil imports, Penalties, Petroleum, Petroleum products, Reporting and recordkeeping requirements, Specially designated nationals, Terrorism, Travel restrictions.

For the reasons set forth in the preamble, 31 CFR part 575 is amended as follows:

PART 575—IRAQI SANCTIONS REGULATIONS

1. The authority citation for part 575 is revised to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2332d; 22 U.S.C. 287c; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); 31 U.S.C. 321(b); 50 U.S.C. 1601-1651, 1701-1706; Pub. L. 101-513, 104 Stat. 2047-2055 (50 U.S.C. 1701 note); E.O. 12722, 55 FR 31803, 3 CFR, 1990 Comp., p. 294; E.O. 12724, 55 FR 33089, 3 CFR, 1990 Comp., p. 297; E.O. 12817, 57 FR 48433, 3 CFR, 1992 Comp., p. 317.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

2. Section 575.522 is amended by revising the section heading, removing the word "and" from the end of paragraph (a)(2), removing the period at the end of paragraph (a)(3) and adding "; and", and adding a new paragraph (a)(4) to read as follows:

§ 575.522 Executory contracts with the Government of Iraq for trade in petroleum, pipeline parts and equipment, humanitarian goods, and oil field equipment authorized.

(a) * * *

(4) The sale and exportation to Iraq of oilfield parts and equipment to the extent necessary to enable Iraq to export petroleum and petroleum products in accordance with United Nations Security Council Resolutions No. 1153

and 1175 and other relevant UNSC Resolutions.

* * * * *

Dated: October 20, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: October 27, 1998.

Elisabeth A. Bresee

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 98–30125 Filed 11–5–98; 3:43 pm]

BILLING CODE 4810–25–F

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ17

Minimum Income Annuity and Gratuitous Annuity

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations to provide that if the Department of Defense (DOD) or the Department of Transportation determines that an individual who is entitled to a minimum income annuity for certain surviving spouses also is entitled to a certain gratuitous annuity. VA will combine the payment of the gratuitous annuity with the minimum income annuity payment. This amendment reflects statutory provisions contained in the National Defense Authorization Act for Fiscal Year 1998. The responsibility for paying the gratuitous annuity was transferred from DOD to VA.

DATES: *Effective Date:* November 10, 1998.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: Section 645 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. 105-85, §645, 111 Stat. 1629, 1801–1802 (1997) (10 U.S.C. 1448 note), transferred responsibility for paying the gratuitous annuity authorized by section 653 of the National Defense Authorization Act, Fiscal Year 1989, Pub. L. 100–456, §653, 102 Stat. 1918, 1991–1992 (1988), from DOD to the Secretary of Veterans Affairs. However, DOD or the Department of Transportation remains responsible for funding this annuity and determining basic eligibility. This gratuitous annuity, initially in the amount of $165 a month, but since adjusted for changes in the Consumer Price Index, is paid to certain surviving spouses of persons who died before November 1, 1953, and were entitled to retired or retainer pay on the date of death. The statute provides that VA will combine the payment of this gratuitous annuity with the payment of the minimum income annuity authorized by Pub. L. 92–425, §4, 86 Stat. 706, 712 (1972) (10 U.S.C. 1448 note). Section 638 of the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104–201, §638, 110 Stat. 2422, 2581 (1996), transferred responsibility for paying a guaranteed minimum annual income (the so-called minimum-income-widow annuity, or minimum income annuity) to the Secretary of Veterans Affairs from DOD. We have amended 38 CFR 3.811 accordingly.

This document merely restates statutory provisions. Accordingly, the provisions of 5 U.S.C. 553 regarding prior notice and public comment and delayed effective date are not applicable.

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule restates statutory provisions which only affect individuals. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of §§603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.105.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: October 29, 1998.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In §3.811, paragraph (d) is redesignated as paragraph (e); and the section heading and the heading for paragraph (a) are revised, a new paragraph (d) is added, and the authority citation at the end of the section is revised, to read as follows:

§3.811 Minimum income annuity and gratuitous annuity.

(a) *Eligibility for minimum income annuity.* * * *

* * * * *

(d) If the Department of Defense or the Department of Transportation determines that a minimum income annuitant also is entitled to the gratuitous annuity authorized by Pub. L. 100–456 as amended, which is payable to certain surviving spouses of servicemembers who died before November 1, 1953, and were entitled to retired or retainer pay on the date of death, VA will combine the payment of the gratuitous annuity with the minimum income annuity payment.

* * * * *

(Authority: Sec. 4, Pub. L. 92–425, 86 Stat. 706, 712, as amended (10 U.S.C. 1448 note))

[FR Doc. 98–30055 Filed 11–9–98; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–80–1–7353; FRL–6173–8]

Approval and Promulgation of Implementation Plans(SIP); Texas: 1990 Base Year Emissions Inventories, 15% Rate of Progress Plans, Contingency Plans, and Motor Vehicle Emission Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Conditional interim final rule.

SUMMARY: In this action, the EPA is granting conditional interim approval of the 15% Rate-of-Progress (ROP) Plans and associated Motor Vehicle Emissions Budgets (MVEB) for the Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas. In addition, EPA is fully approving revisions to the 1990 base year emissions inventories and the contingency plans for the three areas. The 15% ROP Plans and MVEB's are receiving conditional interim approval, instead of full approval, because they rely on emission reductions from the Texas Inspection and Maintenance (I/M) Program which received final conditional interim approval on July 11, 1997 (62 FR