Schools Assistance Program for fiscal year (FY) 1989.

SUMMARY: On February 2, 1989, the Department of Education published in the Federal Register a notice inviting applications under the Magnet Schools Assistance Program for FY 1989. The purpose of this notice is to extend the closing date for transmittal of applications from March 17, 1989 to April 3, 1989, to provide applicants additional time to submit applications. Applicants that have already submitted applications will be able to supplement or revise their applications up to April 3, 1989. Three copies of any supplementary information or of the revised application must be received by the Application Control Center by April 3, 1989. The Intergovernmental Review date is also extended from May 16, 1989 to June 5, 1989.

Applicants should note that § 280.10(c) of the regulations requires a local educational agency that is implementing a non-voluntary desegregation plan to have approval for any modification of its desegregation plan, from the court, agency, or official that originally approved the plan. A previously approved desegregation plan that does not include the magnet schools for which a local educational agency is seeking assistance under this program must be modified to include the magnet schools component, and the modified plan with the magnet schools component must be approved by the court, agency, or official that originally approved the plan. All modifications to approved desegregation plans must be approved by the appropriate court, agency, or official by May 1, 1989. Proof of such approval must be submitted to the Department by May 5, 1989.

FOR APPLICATIONS OR INFORMATION CONTACT: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2067, FOB #6, Washington, DC 20202–6440. Telephone (202) 732–4358.

Program Authority: 20 U.S.C. 3021–3032.

Dated: March 23, 1989.

Lauro F. Cavazos,

Secretary of Education.

[FR Doc. 89–7267 Filed 3–24–89; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act (NEPA); Amendments to the Guidelines

AGENCY: Department of Energy.

ACTION: Notice of amendments to the Department of Energy's NEPA guidelines.

SUMMARY: The Department of Energy (DOE) herewith amends section D of its NEPA guidelines by adding to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas under section 3 of the Natural Gas Act, in cases not involving new construction. A categorical exclusion is a class of DOE action which normally does not require the preparation of either an environmental impact statement (EIS) or environmental assessment (EA). The DOE also hereby amends its NEPA guidelines to change the classification in section D of approval or disapproval of an import/export authorization involving minor new construction from the type of actions normally requiring preparation of an EIS to the type of actions normally requiring preparation of an EA but not necessarily an EIS.

DATE: Effective March 27, 1989.

FOR FURTHER INFORMATION CONTACT:

Carol Borgstrom, Director, Office of NEPA Project Assistance, EH–25, U.S. Department of Energy, 1000 Independence Avenue, SW., Rm 3E–080, Washington, DC 20585, (202) 586–4600.

William Dennison, Acting Assistant General Counsel for Environment, GC–11, U.S. Department of Energy, 1000 Independence Avenue, SW., Rm 6A–113, Washington, DC 20585, (202) 586–6947.

SUPPLEMENTARY INFORMATION: On December 15, 1987, the Department of Energy (DOE) published in the Federal Register (52 FR 47662) its National Environmental Policy Act (NEPA) Guidelines. On August 9, 1988 (53 FR 29934), DOE published a notice of proposed changes to section D of its NEPA Guidelines by adding to the list of categorical exclusions in section D, the approval or disapproval of an import/export authorization for natural gas under section 3 of the Natural Gas Act, in cases not involving new construction. In addition, the DOE proposed to change the classification in section D of approval or disapproval of an import/export authorization involving minor new construction from the type of actions normally requiring preparation of an EIS to the type of actions normally requiring preparation of an EA but not necessarily an EIS.

Publication of this notice commenced a 30-day comment period during which public comment was invited. One timely comment and one late comment were received. The timely comment supported the proposed amendments and the concept that eliminating the regulatory burden of unwarranted environmental studies would reduce the cost of energy supplies. This comment noted that if the Federal Energy Regulatory Commission (FERC) has already prepared an EIS or EA, the DOE should be able to rely on the FERC's conclusions and avoid unnecessary duplication of agency work. DOE agrees with this comment, and in the past has relied on FERC-prepared documents to facilitate its NEPA compliance. DOE has, after an independent review, adopted a number of FERC EA's and used them to support findings of no significant impact, and, in one instance, was a cooperating agency for a FERC EIS.

DOE also has elected to address the late comment, which urged that LNG projects not involving facility construction or the significant expansion of such facilities should not require either an EA or an EIS. DOE believes that experience is the most reliable basis for determining whether a class of action normally requires further documentation, and the extent of analysis and documentation required. As noted in the proposed modification of the NEPA guidelines, none of the import/export cases processed since the inception of the DOE in 1977 through May 31, 1988, not involving new construction, were found to have a significant effect on the human environment. Further, most of the nine new construction cases processed involved relatively minor new construction, such as construction of a relatively short pipeline or expanding an existing pipeline by adding new connecting looping or compression, or converting an interstate oil pipeline to an interstate natural gas pipeline using an existing right-of-way. These cases required preparation of an EA but not an EIS. Conversely, the two cases processed over the past ten years that did result in preparation of an EIS involved major new construction, i.e., in one case, construction of 36 miles of pipeline looping and a new gas-fired combined cycle powerplant, and in the other case, 257 miles of pipeline looping in five States plus related facilities.

DOE believes that this history of performance is sufficient basis to raise the rebuttable presumption necessary to establish a categorical exclusion under which approval or disapproval of an import/export authorization for natural gas (including LNG) under section 3 of the NGA would normally not require preparation of either an EIS or an EA where new construction is not involved. DOE also believes that the same

performance history is sufficient to raise the presumption that natural gas import/export authorization actions under section 3, involving relatively minor new construction, would require preparation of an EA but not necessarily an EIS. This would include actions involving relatively minor expansion of LNG facilities. DOE's experience does not provide a basis upon which to classify such LNG actions differently from other natural gas cases involving minor new construction as suggested by one commentor. Major pipeline construction, or construction of LNG terminals, regasification or storage facilities, or other related facilities; or the significant expansion of such facilities, pipelines or LNG terminals, will continue to be classified as actions normally requiring an EIS.

The classification of particular actions under section D only raises a presumption as to what environmental documentation and analysis is required. Each action will be evaluated on a case-by-case basis to determine environmental effects and the applicable NEPA procedural requirements.

The DOE has consulted with the Council on Environmental Quality (CEQ) regarding these amendments to section D of DOE's NEPA guidelines, in accordance with 40 CFR 1507.3. CEQ had no objection to the proposed amendments. Therefore, DOE hereby adopts the proposed amendments to section D of its NEPA guidelines effective immediately.

Issued in Washington, DC, on March 7, 1989.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

The DOE NEPA Guidelines are hereby amended in Section D with respect to natural gas actions and functions to read as follows:

DOE NEPA GUIDELINES

Section A—[no change]
Section B—[no change]
Section C—[no change]
Section D—Typical Classes of Actions

* * * * *

CLASSES OF ACTIONS GENERALLY APPLICABLE TO AUTHORIZATIONS TO IMPORT/EXPORT NATURAL GAS PURSUANT TO SECTION 3 OF THE NATURAL GAS ACT

Normally do not require EA's or EIS's	Normally requires EA's but not necessarily EIS's	Normally requires EIS's
Approval of new authorization or amendment of existing authorization which does not involve new construction but only requires operational changes, such as an increase in natural gas throughput, change in transportation or change in storage operations.	Approval of disapproval of an application involving minor new construction, such as a relatively short pipeline, adding new connections, looping or compression to an existing natural gas pipeline or converting an existing oil pipeline to a natural gas pipeline using the same right-of-way.	Approval of disapproval of an application involving major new natural gas pipeline construction or related facilities, such as construction of new liquid natural gas (LNG) terminals, regasification or storage facilities; or a significant expansion of an existing pipeline or related facility, or LNG terminal, regasification or storage facility

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BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of $199.6 million, plus accrued interest, in crude oil violation amounts obtained from Getty Oil Company, Case No. KEF-0124. The OHA has determined that the funds will be distributed in accordance with the January 18, 1989 Order of the United States District Court for the District of Delaware, as well as the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

DATE AND ADDRESS: Application for refund must be filed by October 31, 1989, and should be addressed to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision sets forth the final procedures that the DOE has formulated to distribute crude oil overcharge funds obtained from Getty Oil Company. The funds are being held in an interest-bearing escrow account pending distribution by the DOE.

The OHA has decided to distribute these funds in accordance with the January 18, 1989 Order of the United States District Court for the District of Delaware and the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the states, the federal government, and injured purchasers of refined products. Refunds to the states will be distributed in proportion to each state's consumption or petroleum products during the period of price controls. Refunds to eligible purchasers will be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate injury.

Applications for refund must be filed by October 31, 1989, and should be sent to the address set forth at the beginning of this notice. The information which claimants should include in their applications is explained in the Decison, which immediately follows. Any claimant that has already filed a crude oil refund application need not file again.

Date: March 21, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 21, 1989.

Decision and Order

Implementation of Special Refund Procedures

Name of Firm: Getty Oil Company.
Date of Filing: January 31, 1989.
Case Number: KEF-0124.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement refund procedures to distribute funds received as a result of enforcement proceedings. 10 CFR