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OCT 03 2005

NEBRASKA LIBRARY COMMISSION  
LINCOLN, NE 68508

STATE *of* NEBRASKA  
OFFICE OF THE GOVERNOR  
LINCOLN

**EXECUTIVE ORDER**  
**No. 05-08**

**SUPPLEMENTAL EMERGENCY RELIEF: HURRICANE IMPACT ON  
FUEL SUPPLY**

**WHEREAS**, numerous states, including Nebraska, have been declared entitled to federal disaster relief due to the impact of Hurricane Katrina; and

**WHEREAS**, in order to increase the national supply of gasoline and to minimize the potential for diesel supply disruptions caused by the hurricane, the United States Environmental Protection Agency [“EPA”] has waived certain specified requirements of the federal Clean Air Act that require motor vehicle diesel fuel to have a sulfur content that does not exceed 500 parts per million. The federal waiver is effective from August 31, 2005, through September 15, 2005 and applicable in all 50 states; and

**WHEREAS**, in response to the continued shortages of diesel fuel caused by Hurricane Katrina and Hurricane Rita, and due to the EPA waiver, the Internal Revenue Service [“IRS”] has now extended, through October 5, 2005, the penalty relief when dyed diesel fuel is sold for use or used on the national highway system;

**NOW THEREFORE**, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of Nebraska, I hereby direct and order as follows:

1. Effective September 15, 2005, through October 5, 2005, the provisions of Neb. Rev. Stat. § 66-495.01, and any other applicable state statutes which incorporate federal diesel fuel sulphur content standards, shall be waived in the State of Nebraska. This waiver shall not alter or impact existing state laws regarding taxation of diesel fuel for on-road use during this waiver time period.; and

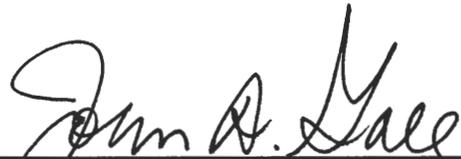
2. This order shall be extended only by issuance of a subsequent executive order, otherwise this Executive Order shall expire at 12:01 a.m. on October 6, 2005.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 28th day of September, in the year of our Lord Two Thousand and Five.



Dave Heineman, Governor  
State of Nebraska

Attest:



John A. Gale, Secretary of State  
State of Nebraska

