or final rule as a result of OMB comment. OMB would also have to record any comments from outside parties which it received and used in making recommendations to the rulemaking agency. The bill is an attempt to hold OMB accountable for its imput into agency regulations. In hearings Jan. 28 before the Senate Subcommittee on Intergovernmental Relations, various witnesses testified that OMB was purposefully obstructing or watering down certain regulations in the environmental, health and safety areas because of political ideology. Witnesses also complained that OMB, while frequently exercising its power over agency regulations, deliberately conducted much of its business orally so as not to leave a record. OMB director James C. Miller testified that he favored a more open process, but, while not prepared to address specific allegations, defended the Office's role in reviewing agency rulemaking.

Courts occasionally make the government pay the piper when agency backlogs and lack of staff are cited as reasons for not responding to a FOIA request within the statutory time limits. In two recent cases, the Immigration and Naturalization Service has been assessed for costs and attorneys fees solely because the judge found the agency had not responded to a request until after a suit was filed. U.S. District Court Judge Gabrielle McDonald, in awarding $170 in costs and $1,125 in attorneys fees, noted that "there is no legal basis stated by [the INS] for not disclosing the requested information." In making the fee award, McDonald found that disclosure was in the public interest "because the public has an interest in making sure the INS is accountable for all its decisions." In an earlier case, the court assessed the INS $170 in costs and $825 in attorneys fees. (Tsega Bahta v. Alan Nelson, Commissioner, INS, Civil Action No. H-85-325, U.S. District Court for the Southern District of Texas, Nov. 27, 1985; and Mehran Parsaei v. Alan Nelson, Civil Action No. H-85-587, U.S. District Court for the Southern District of Texas, Oct. 17, 1985)

The Ninth Circuit has upheld a lower court decision sealing all documents which related to the CIA's involvement with the Hawaiian investment firm of Bishop, Baldwin, Rewald and forcing the firm into involuntary bankruptcy. After being charged with defrauding investors, Ronald Rewald claimed his investment firm was a CIA front. During bankruptcy proceedings, the lower court ruled that Rewald had only a "slight involvement" with the CIA and that he considered himself a "more important, undisclosed associate of the CIA. . .than he was in fact." In upholding the lower court decision to prohibit the use of the sealed classified documents by Rewald in the bankruptcy proceedings, the Ninth Circuit found that "the adjudication of bankruptcy was proper without reference to any CIA involvement." The court also approved a constructive trust on all assets of Rewald and his wife. (In the Matter of: Bishop, Baldwin, Rewald, Dillingham & Wong; Thomas Hayes, Trustee v. Ronald and Nancy Rewald, No. 83-2570, U.S. Court of Appeals for the Ninth Circuit, Dec. 23, 1985)

Researchers with the Natural Resources Defense Council recently pinpointed the number of unannounced U.S. underground nuclear tests using publicly available information. According to the *National Journal*, the researchers cross-checked data on seismic activity, published by the U.S. Geological Survey, with the coordinates of the Nevada nuclear test site. Finally, using a graph produced for a research paper published at the Lawrence Livermore National Laboratory, the NRDC researchers were able to determine that somewhere between 12 and 19 unannounced tests took place in 1980-84.