

## Appendix.—List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Mar. 2, 1979 through Mar. 9, 1979]

Date	Name and Location of Applicant	Case No.	Type of Submission
Do	Preway Inc., Wisconsin Rapids, Wis.	DEE-2316	Exception from appliance energy conservation program test procedures (10 CFR, Part 430). If granted: Preway, Inc., would be granted an exception from the appliance energy conservation program test procedure requirements applicable to vented gas and oil space heaters.
Do	Sheridan Oil Co., Inc., Bloomington, Ill.	DEE-2290 and DES-2290.	Allocation exception; request for stay. If granted: Sheridan Oil Co., Inc., would receive a stay of and exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	Smith Service Oil Co., Savannah, Ga.	DEE-2331	Allocation exception. If granted: Smith Service Oil Co., would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	R.C. Strother, Bogalusa, La.	DEE-2301 and DES-2301.	Allocation exception; request for stay. If granted: R.C. Strother would receive a stay of and exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	Thomas Oil Co., Gainesville, Fla.	DEE-2312 and DST-2312.	Allocation exception; request for temporary stay. If granted: Thomas Oil Co. would receive a temporary stay of and exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	Tom McDonald Oil Co. Inc., Tampa, Fla.	DEE-2309	Allocation exception. If granted: Tom McDonald Oil Co., Inc. would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	Toney Petroleum, Inc., Terre Haute, Ind.	DEE-2303 and DST-2303.	Allocation exception; request for temporary stay. If granted: Toney Petroleum, Inc., would receive a temporary stay of and exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	Town & Country Markets Inc., Wichita, Kans.	DES-0163	Request for stay. If granted: Town & Country Markets Inc. would receive a stay of the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Do	Valley Car Wash, Rosemead, Calif.	DES-0168	Request for stay. If granted: Valley Car Wash would receive a stay of the activation of the standby petroleum product allocation regulations with respect to motor gasoline.
Mar. 9, 1979	Rally Oil Co., Linden, N.J.	DEE-2542, DST-0022, DES-2542.	Allocation exception; request for temporary stay; request for stay. If granted: Rally Oil Co. and would receive a temporary stay, stay, and exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

## Notices of Objection Received

Date	Name and location of applicant	Case No.
Mar. 2, 1979	Triangle Shell, Baltimore, Md.	DEO-0180
Mar. 6, 1979	Laketon Asphalt Refining, Inc., Laketon, Ind.	DXE-2113
Mar. 5, 1979	Rhodes Petroleum Corp., Texas	DRO-0181

[FR Doc. 79-10743 Filed 4-5-79; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

## Fuels and Fuel Additives: Gasohol; Marketability

AGENCY: Environmental Protection Agency.

**ACTION:** Notice is hereby given that, effective December 16, 1978, a waiver of the prohibitions and limitations of section 211(f) of the Clean Air Act (Act), 42 U.S.C. 7545(f), as amended, was granted for Gasohol, a fuel consisting of 90% unleaded gasoline and 10% ethyl alcohol, by operation of the Act.

**SUMMARY:** Section 211(f)(1) states that

“[e]ffective upon March 31, 1977, it shall be unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for general use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 [of the Act].” Section 211(f)(3) states that “[a]ny manufacturer of any fuel or fuel additive which prior to March 31, 1977, and after January 1, 1974, first introduced into commerce or increased the concentration in use of a

fuel or fuel additive that would otherwise have been prohibited under [section 211(f)(1)] if introduced on or after March 31, 1977 shall, not later than September 15, 1978, cease to distribute such fuel or fuel additive in commerce \* \* \*

Section 211(f)(4) provides that the Administrator of the Environmental Protection Agency (EPA), “\* \* \* upon application of any manufacturer of any fuel or fuel additive may waive the prohibitions [of section 211(f)], \* \* \* if he determines that the applicant has established that such fuel or fuel additive \* \* \* will not cause or

contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 [of the Act]. If the Administrator has not acted to grant or deny an application within [180] days of receipt of such application, the waiver \* \* \* shall be treated as granted."

An application for a section 211(f)(4) waiver for Gasohol was received on June 19, 1978, from "Gas Plus", Inc. and the Illinois Department of Agriculture. The expiration of the 180 day review period was December 16, 1978.

Since the Administrator elected not to act to grant or deny the waiver request by December 16, 1978, the waiver was granted by operation of the statute as provided in section 211(f)(4) of the Act. Therefore, as of December 16, 1978, introduction into commerce of Gasohol is not subject to the prohibitions of section 211(f) of the Act.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Moore, Attorney-Advisor, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 755-2816.

Dated: March 29, 1979.

Marvin B. Durning,  
Assistant Administrator for Enforcement.

[FRL-1095-3]

[FR Doc. 79-10727 Filed 4-5-79; 8:45 am]

BILLING CODE 6560-01-M

### Idaho and Montana Departments of Agriculture; Issuance of Specific Exemption to Use Metribuzin to Control Cheatgrass in Winter Wheat

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Programs.

**ACTION:** Issuance of specific exemptions.

**SUMMARY:** EPA Has issued specific exemptions to the Idaho and Montana Departments of Agriculture (hereafter referred to as the "Applicants" collectively and "Idaho" and "Montana" individually) to use metribuzin to control cheatgrass in winter wheat. Idaho's specific exemption ends on April 15, 1979; Montana's specific exemption ends on June 15, 1979.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851.

### SUPPLEMENTARY INFORMATION:

According to the Applicants, cheatgrass (downy brome) is an annual grass weed found in the northern counties of Idaho and in central and eastern Montana. Cheatgrass infestation of winter wheat is a problem every year, but the problem is particularly severe this year due to increased moisture that has produced favorable conditions for seed germination. Idaho estimated that losses of winter wheat due to competition with cheatgrass could reach a high of 85% if an effective herbicide was not applied; Montana estimated a loss of up to 75% of the seriously infested acreage.

Atrazine is registered for cheatgrass control; however, atrazine should not be applied post-emergence and the winter wheat is presently emerging. Therefore, the Applicants proposed a single post-emergence application of metribuzin, distributed under the trade names of Sencor and Lexone. A maximum of 70,000 acres in the following counties of Idaho may require treatment: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, and Nez Perce. A maximum of 160,000 acres in the following counties of Montana may require treatment: Cascade, Chouteau, Fergus, Hill, Ponderosa, Stillwater, Teton, and Yellowstone.

Residues from the proposed use are not likely to exceed levels which have been determined by EPA to be adequate to protect the public health. Application of metribuzin to wheat in these two States is expected to pose minimal hazard to the environment.

After reviewing the applications and other available information, EPA determined that (a) pest outbreaks of cheatgrass on winter wheat have occurred; (b) there is no effective pesticide presently available for use to control cheatgrass in Idaho and Montana; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the cheatgrass is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until April 15, 1979 in Idaho and June 15, 1979 in Montana, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. A single post-emergence application of Lexone 50WP (EPA Reg. No. 352-375) or Sencor 50WP (EPA Reg. 3125-277) may be made at a rate of 0.25 to 0.50 pound active ingredient per acre;

2. Applications will be made with ground or air equipment;

3. Spray mixture volumes of 10-40 gallons per acre will be applied by ground equipment or 5-10 gallons by aircraft;

4. A maximum of 70,000 acres in the Idaho counties named above and 160,000 acres in the Montana counties named above may be treated;

5. All applications will be made by qualified growers or by State-licensed commercial applicators. Information on rates and timing will be furnished by the manufacturers and University of Idaho Extension personnel in Idaho and by the Montana Department of Agriculture, Montana State university specialists, Experiment Station personnel, and county agents in Montana;

6. Precautions will be taken to avoid spray drift to non-target areas;

7. Residue levels of metribuzin and its triazinone metabolites are not expected to exceed 0.75 part per million (ppm) in or on wheat grain, 1.0 ppm in or on wheat straw, and 2.0 ppm in or on wheat forage. Wheat grain and straw with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. Treated fields may not be grazed for 14 days following application;

9. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

10. Idaho and Montana are responsible for ensuring that all of the provisions of these specific exemptions are met, and must submit reports of summarizing the results of these programs by August 30, 1979 in Idaho, and by September 30, 1979 in Montana; and

11. The EPA shall be immediately informed of any adverse effects resulting from the use of metribuzin in connection with these exemptions.

Statutory Authority: Section 18 of the Federal Insecticide, fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: April 2, 1979.

Edwin L. Johnson,  
Deputy Assistant Administrator for Pesticide Programs.

[FRL 1095-5; OPP-180275]

[FR Doc. 79-10728 Filed 4-5-79; 8:45 am]

BILLING CODE 6560-01-M

The above notice of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before April 20, 1982.

Categories within each MGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
 102-2: New well (2.5 mile rule)  
 102-3: New well (1000 ft rule)  
 102-4: New onshore reservoir  
 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper  
 107-CB: Geopressured brine  
 107-CS: Coal seams  
 107-DV: Devonian shale  
 107-PE: Production enhancement  
 107-TF: New tight formation  
 107-RT: Recompletion tight formation

Section 108: Stripper well  
 108-SA: Seasonally affected  
 108-ER: Enhanced recovery  
 108-PB: Pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-9009 Filed 4-2-82; 8:45 am]

**BILLING CODE 6717-01-M**

## ENVIRONMENTAL PROTECTION AGENCY

[AH-FRL-2057-4]

### Fuels; Blends of Ethanol in Unleaded Gasoline

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Interpretation.

**SUMMARY:** This notice announces EPA's interpretation that the "Gasohol" waiver, 44 FR 20777 (April 6, 1979), allows blends containing up to 10 percent anhydrous ethanol in unleaded gasoline.

**DATES:** This interpretation is effective May 5, 1982. However, revisions will be considered based on comments received on or before 60 days from the date of

publication of this notice in the Federal Register.

**ADDRESS:** Send comments to Public Docket EN-82-01, Central Docket Section (A-130), Environmental Protection Agency, Gallery 1—West Tower, 401 M Street, S.W., Washington, D.C. 20460, with a copy forwarded to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Alan P. Loeb, Attorney-Advisor, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, at (202) 382-2668.

**SUPPLEMENTARY INFORMATION:** Under section 211(f) of the Clean Air Act (Act), 42 U.S.C. 7545(f), as amended, no fuel or fuel additive may be introduced into commerce for general use in light-duty vehicles manufactured after model year 1974 which is not "substantially similar" to any fuel or fuel additive utilized in the certification of any 1975 or later model year vehicle. Section 211(f)(4) allows the Administrator to waive that prohibition on certain conditions, and provides that any application for a waiver on which the Administrator fails to act within 180 days is deemed granted. Under this provision, a waiver was granted by operation of the Act on December 16, 1978 to allow introduction into commerce of a fuel consisting of 90 percent unleaded gasoline and 10 percent anhydrous ethyl alcohol (ethanol), known as Gasohol.

EPA has received a request for clarification of the Gasohol waiver from Ashland Oil, Inc. and the Ohio Farm Bureau Federation, Inc. The definition of "Substantially similar" announced at 46 FR 38582 (July 28, 1981) allows up to two percent oxygen by weight for certain additives, including ethanol, and therefore unleaded gasoline containing up to 5.5 percent ethanol by volume could be legally introduced into commerce. Out of concern that the Gasohol waiver may be interpreted as only allowing the introduction into commerce of unleaded gasoline containing 10 percent ethanol, no more and no less, Ashland Oil, Inc. and the Ohio Farm Bureau Federation, Inc. have requested that EPA publish an interpretative rule clarifying that the blending of ethanol in amounts less than 10 percent falls within the scope of the waiver.

The data presented to EPA for evaluation of the Gasohol waiver request and engineering judgment demonstrate that the emissions effect of blends containing up to 10 percent

anhydrous ethanol in unleaded gasoline would be the same or less than that for the full 10 percent ethanol blend. This is based on the conclusions that the effect on tailpipe emissions is generally due to a change in air-fuel ratio and the effect on evaporative emissions is generally due to a change in fuel volatility characteristics. Both of these changes are generally proportional to the alcohol content in gasoline.

As noted, the Gasohol waiver was granted by operation of law. The lack of a concurrent decision document meant that there was no explanation of the precise scope of the waiver. Although there is no technical reason why that waiver should not have extended to blends containing less than 10 percent anhydrous ethanol, there was a potential for confusion over whether the waiver had this effect, necessitating this clarification.

Therefore, introduction into commerce of blends of less than 10 percent ethanol in unleaded gasoline was waived by the Gasohol waiver, as of December 16, 1978. Notice of this fact is hereby formally given.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not required to undergo "notice and comment" under the provisions of 5 U.S.C. 553(b), or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on smaller business entities.

Under Executive Order 12291, all applicable regulations must be reviewed by the Office of Management and Budget before publication, and for major rules an agency must prepare a Regulatory Impact Analysis. Because this interpretative rule is not a major rule as that term is defined in the Executive Order, no Regulatory Impact Analysis has been made. This action is not major because it is not likely to result in:

- (1) An annual adverse effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Office of Management and Budget (OMB) has reviewed this rule, and any comments received from OMB are located in Public Docket EN-82-01.

Dated: March 30, 1982.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 82-9095 Filed 4-2-82; 8:45 am]

BILLING CODE 6560-50-M

[W-EN-FRL 2091-7]

**Issuance of Final General NPDES Permit for Oil and Gas Operations on the Outer Continental Shelf (OCS) Off Southern California: Correction**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final general NPDES permit: Correction.

**SUMMARY:** On Thursday, February 18, 1982 Region 9 of the Environmental Protection Agency published at 47 FR 7312 notice of a final general NPDES permit for oil and gas operations on the outer continental shelf off southern California. Part III K. of the fact sheet stated "The final NPDES general permit issued today is effective immediately." However, administrative error resulted in the omission of the February 18, 1982 effective date in the final permit printed on page 7324. The effective date of the permit should be inserted to read "The permit shall become effective on February 18, 1982."

Dated: March 1, 1982.

Frank M. Covington,  
Director, Water Management Division.

[FR Doc. 82-8954 Filed 4-2-82; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

[FEMA-652-DR]

**Indiana; Amendment to Notice of Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Notice of a major disaster for the State of Indiana (FEMA-652-DR), dated March 20, 1982, and related determinations.

**DATE:** March 26, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

**SUPPLEMENTARY INFORMATION:** The Notice of a major disaster for the State of Indiana dated March 26, 1982, is hereby amended to include the following areas among those areas

determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 26, 1982:

De Kalb, La Porte and Marshall Counties for Individual Assistance only

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-8990 Filed 4-2-82; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-654-DR]

**Michigan; Major Disaster and Related Determinations**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA-654-DR), dated March 29, 1982 and related determinations.

**DATED:** March 29, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of March 29, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Michigan resulting from severe storms and flooding beginning on or about March 12, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such major disaster exists for Individual Assistance purposes in the State of Michigan.

In order to provide Federal assistance to individuals and families, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the individual and family grant program to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Gary Pierson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Michigan to have been affected adversely by this declared major disaster.

Berrien and Monroe Counties for Individual Assistance only

(Catalog of Federal Domestic Assistance No. 83-300, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-8988 Filed 4-2-82; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-653-DR]

**Major Disaster and Related Determinations**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA-653-DR), dated March 26, 1982, and related determinations.

**DATED:** March 26, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of March 26, 1982, the President declared a major disaster as follows: