SUMMARY: The Federal Trade Commission, with the concurrence of the assistant Attorney General in charge of the Antitrust Division of the Department of Justice, has issued a formal interpretation establishing their policy with regard to disclosure, in certain subsequent actions or proceedings, of materials filed with either enforcement agency under the premerger notification program. If premerger notification materials are to be placed on the public record in an administrative or judicial action or proceeding, including one unrelated to the original transaction, the staffs of the Commission and the Antitrust Division have been instructed to give the submitting person 10 days' notice, whenever possible, regardless of whether the submitting person is a party to the action or proceeding. In the event that circumstances preclude 10 days' notice, the staffs are instructed to give the submitting person as much notice as possible. The purpose of this notice is to permit the submitting person to seek appropriate protection for confidential materials, should it wish to do so.

This interpretation represents a modification of prior policy as reflected in the Statement of Basis and Purpose to the Premerger Notification Rules published in the **Federal Register** on July 31, 1978.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a (Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976), requires that certain persons contemplating certain mergers or acquisitions file Notificiation and Report Forms with the Commission and Assistant Attorney General and wait designated periods before consummation of such transaction. Section 803.30 of the rules implementing the Act authorizes the Commission, with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, to issue formal interpretations and to publish a summary of each Commission formal interpretation in the **Federal Register.**

Copies of the formal interpretation are available in the Public Reference Room of the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Room 130, Washington, D.C. 20580.

By direction of the Commission.

Carol M. Thomas,

Secretary.

Formal Interpretation

In accordance with the provisions of § 803.30 of the Commission's premerger notification rules, 16 CFR 803.30, the Commission, with the concurrence of the Assistant Attorney general in charge of the Antitrust Division of the Department of Justice, issues this formal interpretation.

Section 7A(h) of the Clayton Act, 15 U.S.C. 18a(h), exempts documents or information submitted pursuant to the premerger notification program from Freedom of Information Act disclosure and forbids public disclosure "except as may be relevant to any administrative or judicial action or proceeding." Neither the statue nor the premerger notification rules, 16 CFR 801.1 *et seq.*, require advance notice to the submitting person before premerger submissions are made public in a proceeding, but the Statement of Basis and Purpose to the Premerger Notification Rules states that submitting persons will be given "reasonable notice, when possible," before premerger submissions are placed on the public record in any proceeding to which the submitting person is not a party. 43 FR 33450, 33519 (July 31, 1978).

The Commission and the Assistant Attorney General have determined that a flexible 10 day notice requirement would not hinder the administration of the premerger notification program.

Accordingly, it is hereafter the policy of each agency to instruct its staff to give a submitting person 10 days' notice, whenever possible, before placing on the public record in any administrative or judicial action or proceeding any documents or information submitted pursuant to the Premerger Notification Program, regardless of whether the submitting person is a party to the action or proceeding. In cases where 10 days' notice is not feasible—for example, where a temporary restraining order is being sought—staff is instructed to give the submitting person as much advance notice as reasonably can be given, advise the court or administrative agency that the material was obtained under the premerger notification program, and request that the tribunal receive the material *in camera* for sufficient time to afford the submitting person an opportunity to seek a protective order, if appropriate.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 9863 Filed 3-31-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 0, 1, 2, 3, 157, 284, 375, 376

[Docket No. RM80-45]

Recodification of Rules Reflecting the Establishment of the FERC and Certain Rules Concerning Its Operation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to promulgate permanent rules concerning the Commission, its establishment, organization, mission, and functions and to revoke obsolete provisions promulgated by the FPC. The Commission has relied on many of the FPC rules since its creation, with additional necessary procedural provisions of its own placed in Part 0.

The recodification moves to Subchapter W, and restates many of the provisions basic to the Commission's operation currently contained in Subchapter A. A new Subpart A is added to Part 1 and contains definitions applicable to all Commission rules and regulations.

The changes in this final rule do not alter any legal requirement of the Commission's regulations; the changes only conform the procedures of the Commission to existing law and practice and begin the process of reorganizing the regulations for clarity.

EFFECTIVE DATE: Because this is a rule of agency organization, procedure and practice, it is effective March 28, 1980.

FOR FURTHER INFORMATION CONTACT: MaryJane Reynolds, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8000-E, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357-8455.

March 28, 1980.

I. Background

The Federal Energy Regulatory Commission ("Commission") was created by Title IV of the Department of Energy Organization Act ("DOE Act"). In accordance with that statute the Commission has assumed many of the responsibilities of the Federal Power Commission ("FPC").[1]

Shortly after its creation, interim regulations were promulgated setting forth the functions, powers and duties of the newly created FERC 18 CFR, Part 0. For other operational and internal rules, the Commission has temporarily relied upon FPC rules (*e.g.*, the FERC has used the FPC Sunshine rules.) The purpose of this rule is to promulgate permanent rules concerning the Commission, its establishment, organization, mission, functions and method of operation and to revoke obsolete provisions promulgated by the FPC.

The new regulations are codified in Parts 375 and 376. Part 375 sets forth rules governing the Commission *per se*. Subpart A concerns the establishment of the Commission, custody of records, the official seal, and transcripts, proceedings from other agencies and attendant provisions. Subpart A is essentially a recodification of Subpart O. Subpart B sets forth the procedures for Commission meetings under the Government in the Sunshine Act: it is essentially a recodification of the FPC Sunshine rule set forth in its § 1.3a. Subpart C recodifies the delegations of authority to certain office heads. Those delegations were previously found in § 3.5

Part 376 sets forth the organization, mission, and functions of the Commission and certain provisions concerning operations during emergency conditions. These rules replace provisions previously found in Part 3 of the regulations.

These rules also add a new Subpart A to existing Part 1. This subpart will contain definitions generally applicable to all of the provisions of the Commission codified in Title 18 of the Code of Federal Regulations. Presently it is limited to definitions of the terms in the new Parts 375 and 376. Subpart A also contains rules of construction of terms used in the regulations.

II. Summary

Following is a Cross-reference table. It shows the derivation by old section number, for the new regulations.

[1] It also acquired certain responsibilities from the Interstate Commerce Commission ("ICC") with regard to establishing oil pipeline rates under the Interstate Commerce Act. In addition, the Commission was given responsibility to review certain actions of the Secretary of the Department of Energy. Subsequently Congress has passed additional legislation expanding the responsibilities of the Commission.

Regulation	Derivation (references are to present regulations unless otherwise specified)
Subpart A	
§ 375.101:	
(a)	§ 0.1; § 0.2; § 3.2; Sec. 401(a) DOE Act.
(b)	§ 0.4(a); first sentence of § 1.1(a)(2); § 3.6(a).
(c)	§ 1.1(b).
(d)	Sec. 401(b), DOE Act; § 1.1(c).
(e)	Sec. 401(e) DOE Act; § 1.1(d).
(f)	Sec. 401(f), DOE Act; § 1.1(e).
§ 375.102:	
(a)	§ 1.2(a).
(b)	§ 1.2(b).
§ 375.103	
§ 375.104	§ 0.3.
§ 375.105:	
(a)	§ 0.4(c).
(b)	§ 0.4(b).
(c)	§ 0.4(b), (d), (e), (f), (g), (i); § 1.2(c).
Subpart B	
§ 375.201	None.
§ 375.202:	
(a)(1)	§ 1.3a(a)(2).
(a)(2)	
(a)(3)	§ 1.3a(b).
(a)(4)	§ 1.3a(d).
(b)	§ 1.3a(b)(3).
§ 375.203:	
(a)	§ 1.3a(b)(1).
(b)	§ 1.3a(b).
(c)	§ 1.3a(c).
§ 375.204:	
(a)	§ 1.3a(f)(1).
(b)	§ 1.3a(f)(2) Proviso.
(c)	§ 1.3a(f)(3).
(d)	§ 1.3a(f) (4), (5), and (6).
§ 375.205:	
(a)	§ 1.3a(d)(1).
(b)	§ 1.3a(d)(2).
§ 375.206:	
(a)	§ 1.3a(d)(3)(i).
(b)	§ 1.3a(d)(3)(ii).
(c)	§ 1.3a(d)(3)(iii).
(d)	§ 1.3a(e)(1).
(e)	§ 1.3a(e)(2).
(f)(1)	§ 1.3a(e)(5).
(f)(2)	§ 1.3a(e)(6).
Subpart C	
§ 375.301 through	§ 3.5.
§ 375.331	§ 0.5.
Part 376; Subpart A	
§ 376.101	§ 3.1.
§ 376.102	§ 3.2; § 3.4.
§ 376.103	§ 3.3.
§ 376.104	Subpart B of Part 3.
§ 376.105	Sec. 401(c) § 3.4(b).
Subpart B	
§ 376.201	§ 3.7(a).
§ 376.202	§ 3.7(b)(1).
§ 376.203	§ 3.7(b)(2).
§ 376.204:	
(a)	§ 3.7(c)(1).
(b)	§ 3.7(c)(3).
(c)	§ 3.7(c)(4).
§ 376.205	§ 3.7(c)(5).
§ 376.206	§ 3.7(c)(6), (d).
§ 376.207	§ 3.7(e).
§ 376.208	§ 3.7.(f).

III. Effective Date

Pursuant to section 553 of Title 5 of the United States Code, this rule is being issued without prior notice and comment because it is a rule of agency organization, procedure and practice. For the same reasons, and because the amendments to the regulations contained in this rule are necessary to conform the Commission's regulations to existing law and practices and to provide the public with essential new provisions respecting Commission practice, the Commission finds good cause to have the amendment of this rule made effective March 28, 1980.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 553 (1977))

In consideration of the foregoing, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. Chapter I is amended by adding a new Subchapter W to read as follows:

SUBCHAPTER W—REVISED GENERAL RULES

PART 375—THE COMMISSION

Subpart A—General Provisions

Sec.

Subpart B—Procedures for Sunshine Meetings

Subpart C—Delegations

Authority: Dept. of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 442 (1978); Administrative Procedure Act (5 U.S.C. 553 (1977))

Subpart A—General Provisions

§ 375.101 The Commission.

(a) *Establishment.* The Federal Energy Regulatory Commission is an independent regulatory commission within the Department of Energy established by section 401 of the DOE Act.

(b) *Offices.* The principal office of the Commission is at 825 North Capitol Street, NE., Washington, D.C. 20426. Regional offices are maintained at Atlanta, Ga., Chicago, Ill., Fort Worth, Texas, New York, N.Y., and San Francisco, Calif.

(c) *Hours.* Unless the Chairman otherwise directs, the offices of the Commission are open each day, except Saturdays, Sundays, and Holidays, from 8:30 a.m. to 5:00 p.m.

(d) *Sessions.* The Commission may meet and exercise its powers at any place in the United States. The time and place of meetings of the Commission are announced in advance as provided in § 375.204.

(e) *Quorum.* A quorum for the transaction of business consists of at least three members present.

(f) *Action by Commissioners or representatives.* The Commission may, by one or more of its members or by such agents as it may designate, conduct any hearing, or other inquiry necessary or appropriate to its functions, except that nothing in this paragraph supercedes the provisions of section 556, of Title 5, United States Code relating to Administrative Law Judges.

§ 375.102 Custody and authentication of Commission records.

(a) *Custody of official records.* (1) The Secretary shall have custody of the Commission's seal, the minutes of all action taken by the Commission, the transcripts, electronic recordings, or minutes of meetings closed to public observation, its rules and regulations, and its administrative orders.

(2) The Executive Director shall have custody of records of the Commission except records designated in paragraph (a)(1) of this section.

(b) *Authentication of Commission action.* All orders and other actions of the Commission shall be authenticated or signed by the Secretary or the Secretary's designee.

§ 375.103 Official seal.

The Commission hereby prescribes as its official seal, judicial notice of which shall be taken pursuant to section 401(e) of the DOE Act, the imprint illustrated below and described as follows:

A circle, the outside border of which shall consist of two concentric circles enclosing the words "Department of Energy" and "Federal Energy Regulatory Commission." Within the inner circle shall appear a stylized eagle with head facing to its right. Its body shall be in the shape of a tapered shield, widest at the top, consisting of nine vertical stripes. The top of the shield contains five equally-spaced light color stars representing the five members of the Commission appointed by the President under Title IV of the DOE Act. Identical stylized wings appear on either side of the shield, each incorporating twenty stylized feathers protruding from a solid color wing-like shape. Below the eagle shall appear five squares, arranged in a horizontal line. Each of these squares shall contain a circle representing an area of the Commission's responsibility. The first square at the left of the line shall include a stylized representation of a pipeline; the second square shall represent a hydroelectric power facility; the third, and center square, shall represent a natural gas flame; the fourth square shall represent a drilling rig; the fifth square shall represent a stylized lightning bolt.

§ 375.104 Transfer of proceedings from other agencies to the Commission.

(a) *Transfer of pending proceedings.* Pursuant to the authorization provided in section 705(b)(2), and the provisions of section 705(b)(1) of the DOE Act, all proceedings and applications pending at the time such Act took effect, before any department, agency, commission, or component thereof, the functions of which have been transferred to the Commission by the Act, have been transferred in accordance with the joint regulations issued by the Commission and the Secretary of Energy on October 1, 1977. Those joint regulations appear as an appendix to this section.

(b) *Substitution of Commission for other agencies in court proceedings.* Pursuant to section 705(e) of the DOE Act, the Commission authorizes the Solicitor of the Commission to file the appropriate pleadings to substitute the Commission for the Interstate Commerce Commission or the Federal Power Commission as necessary in any pending court litigation, responsibility for which is transferred to the Commission.

§ 375.105 Filings.

(a) *Filings in pending proceedings.* All filings in proceedings referred to in § 375.104 shall be made with the Secretary.

Appendix to § 375.104

PART 1000—TRANSFER OF PROCEEDINGS TO THE SECRETARY OF ENERGY AND THE FEDERAL ENERGY REGULATORY COMMISSION

§ 1000.1 Transfer of proceedings.

(a) *Scope.* This part establishes the transfer of proceedings pending with regard to those functions of various agencies which have been consolidated in the Department of Energy and identifies those proceedings which are transferred into the jurisdiction of the Secretary and those which are transferred into the jurisdiction of the Federal Energy Regulatory Commission.

(b) *Proceedings transferred to the Secretary.* The following proceedings are transferred to the Secretary:

(1) All Notices of Proposed Rulemaking, pending and outstanding, which have been proposed by the Department of Energy;

(2) All Notices of Inquiry which have been issued by the Department of Energy;

(3) All Requests for Interpretations which have been filed pursuant to 10 CFR Part 205, Subpart F, and on which no interpretation has been issued, with the Office of General Counsel of the Department of Energy;

(4) All Applications for Exception Relief which have been filed pursuant to 10 CFR Part 205, Subpart D, and on which no final decision and order has been issued, with the Office of Exceptions and Appeals of the Department of Energy;

(5) All petitions for special redress, relief or other extraordinary assistance which have been filed pursuant to 10 CFR Part 205, Subpart R, and on which no order has been issued, with the Office of Private Grievances and Redress of the Department of Energy;

(6) All appeals from Remedial Orders, Exception Decisions and Orders, Interpretations issued by the Office of General Counsel, and other agency orders which have been filed pursuant to 10 CFR Part 205, Subpart H, and on which no order has been issued prior to October 1, 1977, with the Office of Exceptions and Appeals of the Department of Energy;

(7) All applications for modification or rescission of any DOE order or interpretation which have been filed

pursuant to 10 CFR Part 205, Subpart J, and on which no order has been issued prior to October 1, 1977, with the Office of Exceptions and Appeals of the Federal Energy Administration;

Note.—For a document relating to procedures for natural gas import and export proceedings see 42 FR 61856, Dec. 7, 1977.

(8) All applications for temporary stays and stays which have been filed pursuant to 10 CFR Part 205, Subpart I, and on which no order has been issued, with the Office of Exceptions and Appeals of the Department of Energy;

(9) All applications which have been filed with the Office of Regulatory Programs of the Department of Energy and on which no final order has been issued;

(10) All investigations which have been instituted and have not been resolved by the Office of Compliance of the Department of Energy;

(11) All Notices of Probable Violation which have been issued prior to October 1, 1977, by the Office of Compliance of Department of Energy;

(12) All Notices of Proposed Disallowance which have been issued prior to October 1, 1977, by the Office of Compliance of Department of Energy;

(13) All Prohibition Orders which have been issued pursuant to 10 CFR Part 303 and as to which no Notice of Effectiveness has been issued;

(14) From the Department of the Interior:

(i) The tentative power rate adjustments for the Central Valley Project, California, proposed on September 12, 1977 (42 FR 46619, September 16, 1977).

(15) From the Interstate Commerce Commission:

(i) Ex Parte No. 308 (Sub-No. 1)—Investigation of Common Carrier Pipelines.

(16) From the Federal Power Commission:

(i) Cases:

(A) Northwest Pipeline Corporation, Docket No. CP75-340.

(B) Midwestern Gas Transmission Co., Docket NO. CP77-458, *et al.*

(C) St. Lawrence Gas Company, Docket No. G-17500.

(D) U.S.D.I. Bonneville Power Administration, Docket No. E-9563.

(E) U.S.D.I. Southwestern Power Administration, Docket No. E-7201.

(F) U.S.D.I. Southeastern Power Administration, Docket No. E-6957.

(G) Tenneco InterAmerica, Inc., Docket No. CP77-561.

(ii) Applications:

(A) Maine Public Service Co., Docket No. E-6751, (ERA Docket No. IE-78-1).

(B) Northern States Power Co., Docket No. E-9589, (ERA Docket No. IE-78-2).

(C) Arizona Public Service Co., Docket No. IT-5331, (ERA Docket No. IE-78-3).

(D) Niagara Mohawk Power Corp., Docket No. E-7022, (ERA Docket No. IE-77-6).

(E) Maine Public Service Co., Docket No. IT-6027, (ERA Docket No. PP-12).

(F) Boise Cascade, Docket No. E-7765, (ERA Docket No. PP-52).

(G) Bonneville Power Administration, Docket No. IT-5959, (ERA Docket No. PP-10).

(H) EPR—Oregon (Geothermal Steam Leases).

(I) EPR—Utah (Geothermal Steam Leases).

(J) EPR—Idaho (Geothermal Steam Leases).

(K) EPR—Oregon (Geothermal Steam Leases).

(L) EPR—Idaho (Geothermal Steam Leases).

(iii) Rulemakings:

(A) Implementation of Sections 382(b) and 382(c) of the Energy Policy and Conservation Act of 1975. Docket No. RM77-3.

(B) New Form Nos:

151, Docket No. RM76-19.
153, Docket No. RM76-27.
154, Docket No. RM76-33.
156, Docket No. RM76-32.
157, Docket No. RM76-21.
158, Docket No. RM76-31.
159, Docket No. RM76-23.
160, Docket No. RM76-20.
161, Docket No. RM76-26.
162, Docket No. RM76-34.
155, Docket No. RM76-28.
163, Docket No. RM76-30.
164, Docket No. RM76-25.

(C) Procedures for the Filing of Federal Rate Schedules Docket No. RM77-9.

(iv) Project withdrawals and power site revocations:

(A) Project 1021, 1226, 1606, and 1772—(Wyoming)—U.S. Forest Service (Applicant).

(B) Project Nos. 1021, 1226, 1606, and 1772—(Wyoming)—U.S. Forest Service (Applicant).

(C) Project Nos. 220 and 691—(Wyoming)—Cliff Gold Mining Co. (Applicant for P-691) The Colowyo Gold Mining Co. (Applicant for P-220).

(D) Project No. 1203—(Wyoming)—F. D. Foster (Applicant).

(E) Project No. 1241—(Wyoming)—F. B. Hommel (Applicant).

(F) Project No. 847—(Oregon)—H. L. Vorse (Applicant).

(G) Project No. 907—(Colorado)—S. B. Collins (Applicant).

(H) Project No. 941—(Colorado)—Marian Mining Company (Applicant).

(I) Project Nos. 347 and 418—(Colorado)—Jones Brothers (Applicant for P-347) Frank Gay et al. (Applicant for P-418).

(J) Project Nos. 373, 521, 937, 1024, 1415, 1546, 1547, and 1025—( )—U.S. Forest (Applicant).

(K) Project No. 163—(Colorado)—James F. Meyser and Edward E. Drach (Applicants).

(L) Project Nos. 385, 445, 506, 519, 1220, 1296, 1418, 1519, 1576, 1615, 1616, 1618, 1678, 1682, and 1750—(Colorado)—U.S. Forest Service (Applicant).

(M) DA-117—(Alaska)—Bureau of Land Management (Applicant).

(N) Project No. 114—(Alaska)—Elizabeth H. Graff et al. (Applicant).

(O) DA-222—(Washington)—Bureau of Land Management (Applicant).

(P) DA-562—(Oregon)—U.S. Geological Survey (Applicant).

(Q) DA-601—(Idaho)—Bureau of Land Management (Applicant).

(R) DA-509—(Colorado)—Fed. Highway Admin. (Applicant).

(S) Da-616—(Idaho)—U.S. Forest Service (Applicant).

(T) DA-1—(South Carolina)—U.S. Forest Service (Applicant).

(U) DA-1116—(California)—U.S. Geological Survey (Applicant).

(V) DA-154—(Arizona)—U.S. Geological Survey (Applicant).

(W) DA-1098—(California)—Merced Irrigation District (Applicant).

(c) *Proceedings transferred to the Commission.* There are hereby transferred to the jurisdiction of the Federal Energy Regulatory Commission the following proceedings:

(1) From the Interstate Commerce Commission:

(i) Ex Parte No. 308—Valuation of Common Carrier Pipelines.

(ii) I&S 9164—Trans Alaska Pipeline System—Rate Filings (including I&S 9164 (Sub-No. 1), NOR 36611, NOR 36611 (Sub-No. 1). NOR 36611 (Sub-No. 2), NOR 36611 (Sub-No. 3), NOR 36611 (Sub-No. 4)).

(iii) I&S 9089—General Increase, December 1975, Williams Pipeline Company.

(iv) I&S 9128—Anhydrous Ammonia, Gulf Central Pipeline Company.

(v) NOR 35533 (Sub-No. 3)—Petroleum Products, Southwest & Midwest Williams Pipeline.

(vi) NOR 35794—Northville Dock Pipeline Corp. et al.

(vii) NOR 35895—Inexco Oil Company v. Belle Fourche Pipeline Co. et al.

(viii) NOR 36217—Department of Defense v. Interstate Storage & Pipeline Corp.

(ix) NOR 36423—Petroleum Products Southwest to Midwest Points.

(x) NOR 36520—Williams Pipeline Company—Petroleum Products Midwest.

(xi) NOR 36553—Kerr-McGee Refining Corporation v. Texoma Pipeline Co.

(xii) Suspension Docket 67124—Williams Pipeline Co.—General Increase.

(xiii) Valuation Docket 1423—Williams Pipeline Company (1971–1974 inclusive).

(2) To remain with the Commission until forwarding to the Secretary:

The following proceedings will continue in effect under the jurisdiction of the Commission until the timely filing of all briefs on and opposing exceptions to the initial decision of the presiding Administrative Law Judge, at which time the Commission shall forward the record of the proceeding to the Secretary for decision on those matters within his jurisdiction:

(i) *El Paso Eastern Co., et al.*, Docket No. CP 77–330, *et al.*

(ii) *Tenneco Atlantic Pipeline Co., et al.*, Docket No. CP 77–100, *et al.*

(iii) *Distrigas of Massachusetts Corp., et al.*, Docket No. CP 70–196, *et al.*

(iv) *Distrigas of Massachusetts Corp., et al.*, Docket No. CP 77–216, *et al.*

(v) *Eascogas LNG, Inc., et al.*, Docket No. CP 73–47, *et al.*

(vi) *Pacific Indonesia LNG Co., et al.*, Docket No. CP74–160, *et al.*, (except as provided in paragraph (c)(3) of this section).

(3) The Amendment to Application of Western LNG Terminal Associates, filed on November 11, 1977, in *Pacific Indonesia LNG Co., et al.*, FPC Docket No. CP74–160, et al., ERA Docket No. 77–001–LNG, is transferred to the jurisdiction of the Commission until timely filing of all briefs on and opposing exceptions to the Initial Decision of the presiding Administrative Law Judge on that Amendment, at which time the Commission shall forward a copy of the record of that proceeding to the Secretary of Energy for decision on those matters within his jurisdiction. (If the Commission waives the preparation of an initial decision, the Commission will forward a copy of the record after completion of the hearing, or after the timely filing of any briefs submitted to the Commission, whichever occurs later.)

(d) *Residual clause.* All proceedings (other than proceedings described in paragraphs (b) and (c) of this section) pending with regard to any function of the Department of Energy, the Department of Energy, Department of the Interior, the Department of Commerce, the Department of Housing and Urban Development, the Department of Navy, and the Naval Reactor and Military Applications Programs which is transferred to the Department of Energy (DOE) by the DOE Organization Act, will be conducted by the Secretary. All proceedings (other than proceedings described in paragraphs (b) and (c) of this section) before the Federal Power Commission or Interstate Commerce Commission will be conducted by the Federal Energy Regulatory Commission.

(Department of Energy Organization Act, Pub. L. 95–91; EO 12009, 42 FR 46267)

[42 FR 55534, Oct. 17, 1977, as amended at 43 FR 21434, May 18, 1978; 43 FR 21658, May 19, 1978]

(b) *Filings in connection with functions transferred to the Commission.* All persons required to file periodic or other reports with any agency or commission whose functions are transferred under such Act to the Commission shall file such reports which relate to those transferred functions with the Secretary. The Commission hereby continues in effect all previously-approved forms for making periodic or other reports.

(c) *Where to make filings.* All filings of documents with the Commission shall be made with the Secretary. The address for filings to be made with the Secretary is: Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426. Where a document to be filed with the Secretary is hand-delivered, it shall be submitted to Room 3110, 825 North Capitol Street, NE., Washington, D.C. 20426. Documents received after regular business hours are deemed to have been filed on the next regular business day.

Subpart B—Procedures Under the Government in the Sunshine Act

§ 375.201 Purpose.

The purpose of this subpart is to set forth the Commission procedures for conduct of its official business in accordance with the provisions of 5 U.S.C. 552b. The Commission may waive the provisions set forth in this subpart to the extent authorized by law.

§ 375.202 Definitions and limitations on definitions.

(a) *Definitions.* For purposes of this subpart:

(1) "Meeting" means the deliberations of at least a quorum of the Commission where such deliberations determine or result in the joint conduct of official Commission business, except that such term does not include deliberations to determine whether to conduct a closed meeting.

(2) "Portion of a meeting" means the consideration during a meeting of a particular topic or item separately identified in the notice of Commission meeting described in § 375.204.

(3) "Open" when used in the context of a Commission meeting or a portion thereof, means the public may attend and observe the deliberations of the Commission during such meeting or portion of a meeting consistent with the provisions of § 375.203.

(4) "Closed" when used in the context of a Commission meeting or a portion thereof, means that the public may not attend or observe the deliberations of the Commission during such meeting or portion of such meeting.

(b) *Limitations on other definitions in this chapter.* For purposes of this subpart: (1) Transcripts, minutes and electronic recordings of Commission meetings (whether or not prepared at the direction of the Commission) are not part of the "formal record" as defined in § 1.1(f)(19) of this chapter; and

(2) Transcripts, minutes and electronic recordings of Commission meetings (whether or not prepared at the direction of the Commission) are not part of the "public record" of the Commission as defined in § 1.36(c)(2) of this chapter.

§ 375.203 Open meetings.

(a) *General rule.* Except as provided in § 375.206, meetings of the Commission will be open meetings.

(b) *Public participation in open meetings.* (1) Members of the public are invited to listen and observe at open meetings.

(2)(i) Subject to the provisions of paragraph (b)(2) (ii), (iii), and (iv) of this section, members of the public may record discussions at Commission meetings by means of electronic or other devices (including tape recorders, stenotype, stenomask, or shorthand). The photographing of Commission meetings by still or movie camera, or by video taping without lighting aids, is permitted.

(ii) Due to the limited space of the Commission meeting room, use of recording or photographic equipment which would require the user to move about the room during the meeting is not allowed. Recording and photographic equipment may be set up and used only in the public areas of the Commission meeting room as designated by the Commission.

(iii) Except for portable equipment which is used at an individual's seat in the audience, equipment must be in place and ready to use prior to the start of the meeting or set up during a recess of the meeting. Such equipment may be removed only at the conclusion of the meeting or during a recess. A pre-arranged recess for the set up or removal of equipment may be requested through the Commission's Director of the Division of Public Information.

(iv) No microphones may be placed on the tables used by the Commissioners and Staff.

(c) *Physical arrangements.* The Secretary shall be responsible for seeing that ample space, sufficient visibility, and adequate acoustics are provided for public observation of open meetings.

§ 375.204 Notice of meetings.

(a) *Public announcements of meetings*—(1) *General rule.* Except to the extent that information described in § 375.205(a) (involving closed meetings) is exempt from disclosure, the Secretary shall announce at least one week before each Commission meeting, the time, place, and subject matter of the meeting, whether it is an open meeting or closed meeting, and the name and telephone number of the official designated by the Commission to respond to requests for information about the meeting.

(2) *Abbreviated notice.* If the Commission determines by a majority of its members by a recorded vote that Commission business requires that a Commission meeting be called with less than one week's notice as prescribed in paragraph (a)(1) of this section, the Secretary shall make public announcements of the time, place, and subject matter of such meeting and whether open or closed to the public, at the earliest practicable time.

(3) *Change in the time or place.* If there is a change in time or place of a meeting following the public announcement prescribed in paragraph (a)(1) or (2) of this section the Secretary shall publicly announce such change at the earliest practicable time.

(4) *Change in the subject matter or the determination to open or close a meeting.* The subject matter of a meeting, or the determination of the Commission to open or close a meeting or a portion of a meeting, may be changed following the public announcement prescribed in paragraph (a) (1) or (2) of this section only if:

(i) The Commission determines by a recorded vote by a majority of the membership that Commission business so requires and that no earlier announcement of the change is possible; and

(ii) The Secretary publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(b) *Stricken items.* Notwithstanding the provisions of paragraph (a) of this section, individual items that have been announced for consideration at Commission meetings may be deleted without vote or notice.

(c) *Definitions.* For the purpose of this section, "earliest practicable time", means as soon as practicable, which should in few, if any, instances be later than the commencement of the meeting or portion of the meeting in question.

(d) *Informing public of meeting announcements.* (1) The Secretary shall use reasonable means to assure that the public is fully informed of the public announcements required by this section. For example, such announcements may be posted on the Commission's public notice boards, published in official Commission publications, or sent to the persons on a mailing list maintained for those who want to receive such material.

(2) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in a preceding announcement, and the name and telephone number of the official designated by the Commission to respond to requests for information about the meeting shall also be submitted by the Secretary for publication in the **Federal Register.**

(e) *Issuance of list of Commission actions.* Following each Commission meeting, the Secretary shall issue a list of Commission actions taken which shall become effective as of the date of issuance of the related order (or date designated therein) or other document, which the Secretary shall issue in due course, in the manner prescribed by the Commission.

§ 375.205 Closed meetings.

(a) Meetings will be closed to public observation where the Commission properly determines, according to the procedures set forth in § 375.206, that such meeting or portion of the meeting or disclosure of information to be considered at the meeting is likely to: (1) Disclose matters that are (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and are (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of the Commission;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552): *Provided,* That such statute: (i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose the trade secrets and commerical or financial information obtained from a person and privileged or confidential, which may include geological or geophysical information and data, including maps, concerning wells;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, including personnel and medical files and similar files;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures, or;

(vi) Endanger the life or physical safety of law enforcement personnel.

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be:

(i) In the case of an agency which regulates currencies, securities, commodities, or financial institutions, likely to:

(A) Lead to significant financial speculation in currencies, securities, or commodities, or

(B) Significantly endanger the stability of any financial institution; or

(ii) Likely to frustrate significantly implementation of a proposed Commission action, except that paragraph (a)(9)(i) of this section shall not apply where the Commission has already disclosed to the public the content or nature of such proposed action, or where the Commission is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the Commission's issuance of a subpoena, or the Commission's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Commission of a particular case:

(i) Of formal Commission adjudication pursuant to the procedures in 5 U.S.C. 554; or

(ii) Otherwise involving a determination on the record after opportunity for a hearing.

(b) Commission meetings shall not be closed pursuant to paragraph (a) of this section when the Commission finds that the public interest requires that they be open.

375.206 Procedures to close meetings.

(a) *General rule.* A meeting or a portion of a meeting may be closed only when the Commission votes by a majority of the membership to close the meeting. A separate vote shall be taken with respect to each Commission meeting or portion of a meeting which is proposed to be closed to the public or with respect to any information which is proposed to be withheld. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Commission member participating in such vote shall be recorded and no proxies shall be allowed.

(b) *Request for closed meeting.* Whenever any person whose interests may be directly affected by a meeting or a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraphs (a) (5), (6), or (7) of § 375.205, the Commission, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(c) *Release of vote.* Within one day of any vote taken pursuant to paragraph (a) or (b) of this section, the Secretary of the Commission shall make publicly available a written copy of such vote reflecting the vote of each member. If a portion of a meeting is to be closed to the public, the Secretary shall, within one day of the vote taken pursuant to paragraph (a) or (b) of this section, make publicly available a full written explanation of the Commission's action closing the portion together with a list of all persons expected to attend the meeting and their affiliation. The information required by this paragraph shall be disclosed except to the extent that it is exempt from disclosure under the provisions of § 375.205(a).

(d) *Certification.* Prior to a determination that a meeting should be closed pursuant to paragraph (a) or (b) of this section, the General Counsel of the Commission shall publicly certify that, in his opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Secretary of the Commission as part of the transcript, recording, or minutes required by paragraph (e).

(e) *Transcripts, recordings, minutes.* (1) The Secretary shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to § 375.205(a)(8), (9)(i), or (10), the Secretary shall maintain either a transcript or recording, or a set of minutes. Any such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All agenda documents considered in connection with any Commission action shall be identified in such minutes.

(2) The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(f) *Public availability of transcripts, records, minutes.* (1) Within a reasonable time after the adjournment of a meeting closed to the public, the Commission shall make available to the public, in the Division of Public Information of the Commission, Washington, D.C., the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeing, except for such item or items of such discussion or testimony as the Director of Public Information determines may be withheld under § 375.204. Copies of such transcript, or minutes, or a transcription of such recording shall be furnished to any person at the actual cost of duplication or transcription.

(2) The determination of the Director of the Division of Public Information to withhold information pursuant to paragraph (f)(1) of this section may be appealed to the Chairman of the Commission, in accordance with § 1.36 of this chapter.

Subpart C—Delegations

§ 375.301 Purpose.

The purpose of this subpart is to set forth the authorities which the Commission has delegated to staff officials. Any action by a staff official under the authority of this subpart may be appealed to the Commission in accordance with § 1.7(d) of this chapter.

§ 375.311 Delegations during emergency conditions.

For delegations of Commission authority during emergency conditions, see Subpart B of Part 376 of this chapter.

PART 376—ORGANIZATION, MISSION, AND FUNCTIONS; OPERATIONS DURING EMERGENCY CONDITIONS

Subpart A—Organization, Mission, and Functions

Sec.

Subpart B—Commission Operation During Emergency Conditions

Authority: Dept. of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, (5 U.S.C. 553 (1977)).

Subpart A—Organization, Mission, and Functions

§ 376.101 Purpose.

This subpart sets forth the organization, mission and functions of the Commission, and its offices and divisions.

§ 376.102 Organization.

The Commission is established as an independent regulatory Commission within the DOE by the DOE Act. The Commission is composed of five members appointed by the President, by and with the advice and consent of the Senate. One of the members is designated by the President as the Chairman. To carry out its mission and functions, the Chairman has organized the Commission into a number of major offices, some of which are further organized into divisions and lower units. The organization of the Commission staff structure may be obtained from the Division of Public Information.

§ 376.103 Mission.

The Commission is responsible for developing, managing, and directing energy regulatory programs and activities assigned to it by statute, executive orders, or by the Secretary, DOE. The Chairman serves as the chief executive officer of the Commission and is responsible for the conduct of all Commission executive and administrative functions. In carrying out its mission, the Commission and its employees are not subject to the supervision or direction of any other official of DOE.

§ 376.104 Functions.

The functions of the Commission include: (a) All functions vested in the Commission under the DOE Act;

(b) All functions delegated to the Commission by the Secretary of Energy in accordance with the DOE Act; and

(c) All functions vested in the Commission by statute.

§ 376.105 Chairman.

(a) *Administrative head of agency.* The Chairman is the administrative head of the Commission.

(b) *Administrative responsibilities.* The Chairman is responsible on behalf of the Commission for the executive and administrative operation of the Commission, including functions of the Commission with respect to—

(1) The appointment and employment of Administrative Law Judges in accordance with the provisions of Title 5, United States Code.

(2) The selection, appointment, and fixing of the compensation of such personnel as he deems necessary, including an Executive Director.

(3) The supervision of personnel employed by or assigned to the Commission, except that each Commissioner may select and supervise personnel for his personal staff.

(4) The distribution of business among personnel and among administrative units of the Commission.

(5) The procurement of services of experts and consultants in accordance with section 3109 of Title 5, United States Code.

Subpart B—Commission Operation During Emergency Conditions

§ 376.201 Emergency condition defined.

For purposes of this subpart, emergency conditions (a) shall commence (1) at the time of an armed attack upon the United States, or its territories or possessions;

(2) At the time the Commission is officially notified of the likelihood or imminence of such an attack; or

(3) At a time specified by the authority of the President; and

(b) Shall continue until the Commission is officially notified of the end of such conditions.

§ 376.202 Authority to move Commission offices.

The Commission may provide for removal of its headquarters to any location in the United States for the duration of emergency conditions. Consistent with directives of the Chairman, the Commission officer or employee in charge of a regional office of the Commission may move such office to a new location in the United States for the duration of emergency conditions.

§ 376.203 Mailing address of Commission during emergency conditions.

The Chairman may direct that during the continuance of emergency conditions, communications, filings, reports, or other submittals to the Commission shall be addressed to the Federal Energy Regulatory Commission, Official Mail and Messenger Service, United States Postal Service to such or other address as the Commission may designate.

§ 376.204 Delegation of Commission's authority during emergency conditions.

(a) *Delegation of authority to one or two Commissioners.* During emergency conditions, the Commission shall function as usual, if a quorum of the Commission is available and capable of acting. If by reason of such conditions a quorum of the Commission is not available and capable of acting, all functions of the Commission are delegated to the Commissioner or Commissioners who are available and capable of acting.

(b) *Delegation of authority to Commission staff.* (1) When, by reason of emergency conditions, there is no Commissioner available and capable of acting, the functions of the Commission are delegated to the first five members of the Commission staff on the list set forth in paragraph (b)(2) of this section who are available and capable of acting.

(2) The list referred to paragraph (b)(1) of this section is: (i) Executive Director;

(ii) Director, Office of Electric Power Regulation;

(iii) Director, Office of Pipeline and Producer Regulation;

(iv) General Counsel;

(v) Executive Assistant to the Chairman;

(vi) Deputy Director, Office of Electric Power Regulation;

(vii) Deputy Director, Office of Pipeline and Producer Regulation;

(viii) Deputy General Counsel;

(ix) Solicitor;

(x) Assistant Director and Division heads, Office of Electric Power Regulation; Assistant Director and Division heads, Office of Pipeline and Producer Regulation, and Assistant General Counsel; in order of seniority;

(xi) Remaining Commission staff members, in order of seniority;

(3) For purposes of paragraph (b)(2) of this section order of seniority shall be based on the highest grade and longest period of service in that grade but without regard to the particular office or Division to which assigned.

(c) *Reconsideration of staff action taken under delegations.* Action taken pursuant to the delegations provided for in this section shall be subject to reconsideration by the Commission, acting with a quorum, within thirty days after the date upon which public notice is given that a quorum of the Commission has been reconstituted and is functioning.

§ 376.205 Delegation of Chairman's authority during emergency conditions.

When, by reason of emergency conditions, the Chairman is not available and capable of acting, his functions are delegated to the Commissioner available and capable of acting and who is designated by the President. Until such time as the President designates, or if no such Commissioner is designated, such functions are delegated to the Commissioner designated by the Chairman as Acting Chairman, but if such Acting Chairman is not available and capable of acting such functions are delegated to the Commissioner who is available and capable of acting and who has the longest tenure as a member of the Commission. If there is no Commissioner available and capable of acting, such functions are delegated to the person on the Commission staff who is available and capable of acting and who is highest on the list set forth in § 376.204(b)(2).

§ 376.206 Delegation of functions of certain Commission staff members.

When, by reason of emergency conditions, the Secretary, Executive Director, Director of any Office or Division, or officer in charge of a regional office, is not available and capable of carrying out his functions, such functions are delegated to staff members designated by the Chairman to perform such functions. If no staff member so designated is available and capable of carrying out his functions, such functions are delegated to the next subordinate employee in the Office or Division of the highest grade and longest period of service in that grade.

§ 376.207 Personnel and fiscal functions.

Subject to modifications or revocation by authority of the Executive Director, during the continuation of emergency conditions authority to effect temporary appointments of such additional officers and employees, to classify and allocate positions to their proper grades, to issue travel orders, and to effect emergency purchases of supplies, equipment and services shall be exercised by the respective Directors of Offices and officials in charge of regional offices, their deputies, or staff in line of succession, as may be required for the discharge of the lawful duties of such organization.

§ 376.208 Effect upon existing Commission requirements.

All outstanding Commission orders, rules and regulations shall remain in force and effect during the continuance of emergency conditions, except to the extent modified in accordance with authority exercised under this subpart.

PART 0—FUNCTIONS, POWERS, AND DUTIES OF THE FEDERAL ENERGY REGULATORY COMMISSION [DELETED]

2. Part 0 is deleted in its entirety.

PART 1—RULES OF PRACTICE AND PROCEDURE

3. Part 1 is amended by deleting paragraphs (a) through (e) of § 1.1 and reserving the same for future use; and by amending the introductory sentence of § 1.1(f) to read as follows:

§ 1.1 The Commission.

(a)–(e) [Reserved]

(f) *Definitions.* The following definitions apply to all provisions of this Part 1, except:

(1) Subpart A; and

(2) As otherwise required by the context of a term.

* * * * *

§§ 1.1, 1.36, 1.38, 1.40 and 1.41 [Amended]

4. Part 1 is further amended in § 1.1(f)(23) by deleting the reference to "§ 3.5" and inserting in lieu thereof the words "Subpart C of Part 375"; in § 1.36(a) by deleting the references to "§§ 1.3 and 1.3a" and inserting in lieu thereof the reference "Subpart B of Part 375"; in § 1.36(c)(14) by deleting the words "§ 1.3a of this Part" and inserting in lieu thereof the reference "Subpart B of Part 375"; in § 1.38(a)(2) and § 1.40(a)(2) by deleting subclauses (i), (ii), and (iii) and by reserving the same for future use; in § 1.41(a)(3)(i) by deleting subclauses (A), (B) and (C) and reserving the same for future use; and by adding at the end of Part 1 a new Subpart A to read as follows:

Subpart A—Definitions and Rules of Construction

Authority: Dept. of Energy Organization Act, (42 U.S.C. 7010–7352); E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, (5 U.S.C. 553 (1977)).

Subpart A—Definitions and Rules of Construction

§ 1.101 Definitions.

For purposes of this chapter, except as otherwise provided:

(a) "Chairman" means the Chairman of the Federal Energy Regulatory Commission.

(b) "Commission" means the Federal Energy Regulatory Commission.

(c) "Commissioner" and "Member" mean a member of the Commission.

(d) "Secretary" means the Secretary of the Commission.

(e) "Executive Director" means the Executive Director of the Commission.

(f) "General Counsel" means the General Counsel of the Commission.

(g) "DOE Act" means the Department of Energy Organization Act.

(h) "DOE" means the Department of Energy.

§ 1.102 Words denoting number, gender, and so forth.

In determining the meaning of any provision of this chapter, unless the context indicates otherwise:

(a) Words imparting the singular include and apply to several persons, parties, and things;

(b) Words imparting the plural include the singular;

(c) Words used in the present tense include the future as well as the present;

(d) "Oath" includes affirmation and "sworn" includes affirmed; and

(e) Words imparting one gender include the other gender as well.

§ 1.3a [Deleted]

5. Part 1 is further amended by deleting § 1.3a in its entirety.

PART 2—GENERAL POLICY AND INTERPRETATIONS

§ 2.1 [Amended]

6. Section 2.1(a)(1)(xi) is amended in subclause (F) by deleting the reference to "§ 3.5(a)(10)" and inserting in lieu thereof the reference "§ 375.302(j)"; and in subclause (G) by deleting the reference to "§ 3.5(a)(6)" and inserting in lieu thereof the reference "§ 375.302(f)".

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

§ 3.5 [Redesignated as §§ 375.302—375.310]

7. Part 3 of Subchapter A is amended by redesignating paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i) of § 3.5 as § 375.302, § 375.303, § 375.304, § 375.305, § 375.306, § 375.307, § 375.308, § 375.309 and § 375.310 respectively.

§§ 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7 [Deleted];

§ 3.4 [Amended]

§§ 3.100—3.102; 3.104—3.186 [Deleted]

§ 3.103 [Amended]

8. Part 3 is further amended by deleting § 3.1, § 3.2, § 3.3, § 3.5, § 3.6 and § 3.7 and reserving the same for future use; by deleting all provisions of § 3.4, except paragraph (d)(14) which is redesignated paragraph "(a)"; by deleting the references to "§ 1.3a" and "§ 1.1(b)" in § 3.8(b) and inserting the references "§ 375.206" and "§ 375.101(c)" respectively in lieu thereof; by deleting the words "Section 1.3a" in § 3.8(j) and inserting the reference "§ 375.206" in lieu thereof; by deleting all provisions of subpart B, except the first two sentences of § 3.103.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§ 157.101 [Amended]

9. Section 157.101(b)(1) of Part 157 is amended by deleting the reference "§ 3.5(f)(1)(iv)" and inserting in lieu thereof the reference "§ 375.307(a)(4)".

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

§ 284.208 [Amended]

10. Section 284.208(c) of Part 284 is amended in clauses (2) and (4)(ii) by deleting the reference "§ 3.5(f)(1)(iv) where it appears and inserting the reference "§ 375.307(a)(4)" in lieu thereof.

PART 375—THE COMMISSION

11. Section 375.302 of Part 375 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (7) as (g); (8) as (h); (9) as (i); (10) as (j); (11) as (k); (12) as (l); (13) as (m); (13)(i) as (m)(1); (13)(ii) as (m)(2); (14) as (n); (15) as (o); (16) as (p); (17) as (q); (18) as (r); (19) as (s); (20) as (t); (21) as (u); (22) as (v); (22)(i) as (v)(1); (22)(ii) as (v)(2); and by revising the introductory language of that section to read as follows:

§ 375.302 Delegations to the Secretary.

The Commission authorizes the Secretary, or in the Secretary's absence, the Secretary's designee to:

(a) * * *

* * * * *

12. Section 375.303 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (5)(i) and (e)(1); (5)(ii) as (e)(2); (6) as (f); (6)(i) as (f)(1); (6)(ii) as (f)(2); (6)(iii) as (f)(3); (6)(iv) as (f)(4); (6)(v) as (f)(5); (6)(vi) as (f)(6); and (7) as (g); and by revising the introductory language of that section to read as follows:

§ 375.303 Delegations to the Chief Accountant.

The Commission authorizes the Chief Accountant, or in the Chief Accountant's absence, the Chief Accountant's designee to:

(a) * * *

* * * * *

13. Section 375.304 is amended in its introductory language to read as follows:

§ 375.304 Delegations to the Administrative Law Judges.

The Commission authorizes the Chief Administrative Law Judge; * * *

14. Section 375.305 is amended by renumbering paragraphs (1) as (a); (2) as (b); and (3) as (c); and by revising the introductory language of that section to read as follows:

§ 375.305 Delegations to the Solicitor.

The Commission authorizes the Solicitor, or in the Solicitor's absence, the Solicitor's designee to:

(a) * * *

* * * * *

14. Section 375.306 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (7) as (g); (8) as (h); and (9) as (i); and by revising the introductory language of that section to read as follows:

§ 375.306 Delegations to the Oil Pipeline Board.

The Commission authorizes the Oil Pipeline Board to:

(a) * * *

* * * * *

16. Section 375.307 is amended by renumbering paragraphs (1) as (a); (1)(i) as (a)(1); (1)(ii) as (a)(2); (1)(iii) as (a)(3); (1)(iv) as (a)(4); (1)(v) as (a)(5); (1)(v)(A) as (a)(5)(i); (1)(v)(B) as (a)(5)(ii); (1)(vi) as (a)(6); (1)(vii) as (a)(7); (1)(viii) as (a)(8); (1)(ix) as (a)(9); (1)(x) as (a)(10); (2) as (b); (2)(i) as (b)(1); (2)(ii) as (b)(2); (2)(iii) as (b)(3); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (6)(i) as (f)(1); (6)(ii) as (f)(2); (7) as (g); (8) as (h); (9) as (i); and (10) as (j); by deleting the words "subparagraphs (2)(i) or (2)(ii)" in paragraph (b)(3) and inserting the words "subparagraphs (b)(1) or (2)(ii)" in paragraph (b)(3) and inserting the words "subparagraphs (b)(1) or (b)(2)" in lieu thereof; and by revising the introductory language of that section to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline and Producer Regulation.

The Commission authorizes the Director of the Office of Pipeline and Producer Regulation or in the Director's absence, the Director's designee to:

(a) * * *

* * * * *

17. Section 375.308 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (7) as (g); (8) as (h); (9) as (i); (10) as (j); (11) as (k); (12) as (l); (13) as (m); (14) as (n); (15) as (o); (16) as (p); (17) as (q); (18) as (r); (19) as (s); (20) as (t); (21) as (u); (22) as (v); (23) as (w); (24) as (x); (25) as (y); (26) as (z); (26)(i) as (z)(1); (26)(ii) as (z)(2); (26)(ii)(A) as (z)(2)(i); (26)(ii)(B) as (z)(2)(ii); (26)(ii)(C) as (z)(2)(iii); (27) as (aa); (28) as (bb); (29) as (cc); (30) as (dd); (31) as (ee); (32) as (ff); (33) as (gg); (34) as (hh); (35) as (ii); (36) as (jj); and (37) as (kk) and by revising the introductory language of that section to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

The Commission authorizes the Director of the Office of Electric Power Regulations, or in the Director's absence, the Director's designee to:

(a) * * *

* * * * *

18. Section 375.309 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c) and (4) as (d); and by revising the introductory language of that section to read as follows:

§ 375.309 Delegations to the Director of the Office of Enforcement.

The Commission authorizes the Director of the Office of Enforcement, or in the Director's absence, the Director's designee to:

(a) * * *

* * * * *

19. Section 375.310 is amended by renumbering subparagraph (1) as (a); and by revising the introductory language of that section to read as follows:

§ 375.310 Delegations to the Director of the Office of Opinions and Review.

The Commission authorizes the Director of the Office of Opinions and Review, or in the Director's absence, the Director's designee to:

(a) * * *

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[FR Doc. 80-9872 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 14

List of Standing Advisory Committees; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document reissues the agency's list of standing advisory committees. Certain amendments made to the list were in error. This document gives the corrected, current list contained in § 14.100 (21 CFR 14.100).

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: Section 14.100 *List of standing advisory committees* (21 CFR 14.100) was revised in the **Federal Register** of April 13, 1979 (44 FR 22318). Subsequent amendments were made to § 14.100 at 44 FR 28321; May 15, 1979 (two amendments), 44 FR 29048; May 18, 1979, 45 FR 8587; February 8, 1980, 45 FR 10332; February 15, 1980. But these amendments were made to the old § 14.100, i.e., the section before the April 13, 1979 revision. The April 13, 1979 revision already incorporated changes made in the amendments in the **Federal Register** of both May 15, 1979 and May 18, 1979. The amendments made in the **Federal Register** of both February 8, 1980 and February 15, 1980 were incorrectly designated. Therefore, § 14.100 is being reissued below.

§ 14.100 List of standing advisory committees.

Standing advisory committees and the dates of their establishment are as follows:

(a) *Office of the Commissioner, Board of Tea Experts.* (1) Date established: March 2, 1897.

(2) Function: Advises on establishment of uniform standards of purity, quality, and fitness for consumption of all tea imported into the United States under 21 U.S.C. 42.

(b) *Bureau of Biologics*—(1) Advisory review panels for biological products, and the dates of their establishment are as follows:

(i) [Reserved]

(ii) *Blood and Blood Derivatives Panel.*—Established August 24, 1973.

(iii) *Vaccines and Related Biological Products Advisory Committee.* (*a*) Date established: December 31, 1979.

(*b*) Function: Reviews and evaluates available data on the safety and effectiveness of vaccines intended for use in the diagnosis, prevention, or treatment of human diseases.

(2) Function: Review and evaluate available data on the safety and effectiveness of biological products.

(c) *Bureau of Drugs*—(1) *Anesthetic and Life Support Drugs Advisory Committee.* (i) Date established: May 1, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology and surgery.

(2) *Anti-Infective and Topical Drugs Advisory Committee.* (i) Date established: April 10, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases, dermatological disorders, and ocular disease.

(3) *Arthritis Advisory Committee.* (i) Date established: April 5, 1974.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

(4) *Cardiovascular and Renal Drugs Advisory Committee.* (i) Date established: August 27, 1970.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

(5) *Drug Abuse Advisory Committee:* (i) Date established: May 31, 1978.

(ii) Function: Advises on the scientific and medical evaluation of information gathered by the Department of Health, Education, and Welfare and the Department of Justice on the safety, efficacy, and abuse potential of drugs and recommends actions to be taken on the marketing, investigation, and control of such drugs.

(6) *Endocrinologic and Metabolic Drugs Advisory Committee.* (i) Date established: August 27, 1970.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

(7) *Fertility and Maternal Health Drugs Advisory Committee.* (i) Date established: March 23, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

(8) *Gastrointestinal Drugs Advisory Committee.* (i) Date established: March 3, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

(9) *Oncologic Drugs Advisory Committee.* (i) Date established: September 21, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

(10) *Peripheral and Central Nervous System Drugs Advisory Committee.* (i) Date established: June 4, 1974.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

(11) *Psychopharmocologic Drugs Advisory Committee.* (i) Date established: June 4, 1974.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

(12) *Pulmonary-Allergy Drugs Advisory Committee.* (i) Date established: February 17, 1972.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

(13) *Radiopharmaceutical Drugs Advisory Committee.* (i) Date established: August 30, 1967.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

(14) *Advisory review panels for over-the-counter (OTC) drugs.* (i) Dates established—*(a) Antimicrobial Panel.* Established March 16, 1972;

(*b*) [Reserved]

(*c*) *Miscellaneous Internal Drug Products Panel.* Established July 16, 1973; and

(*d*) *Miscellaneous External Drug Products Panel.* Established July 16, 1973.

(ii) Function: Review and evaluate available data on the safety and effectiveness of nonprescription drug products.

(d) *Bureau of Medical Devices.* (1) Advisory panels for medical devices, and the dates of their establishment are as follows:

(i) *Circulatory Systems Devices Panel.* Established April 28, 1978.

(ii) *Clinical Chemistry and Hematology Devices Panel.* Established April 28, 1978.

(iii) *General Medical Devices Panel.* Established April 28, 1978.

(iv) *Immunology and Microbiology Devices Panel.* Established April 28, 1978.

(v) *Obstetrics-Gynecology and Radiologic Devices Panel.* Established April 28, 1978.

(vi) *Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel.* Established April 28, 1978.

(vii) *Respiratory and Nervous System Devices Panel.* Established April 28, 1978.

(viii) *Surgical and Rehabilitation Devices Panel.* Established April 28, 1978.

(2) Function: Review and evaluate available data on the safety and effectiveness of devices currently in use and make recommendations for their regulation.

(3) *Device Good Manufacturing Practice Advisory Committee.* (i) Date established: August 12, 1976.

(ii) Function: Reviews proposed regulations for good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and makes recommendations on the feasibility and reasonableness of the proposed regulations.

(e) *Bureau of Radiological Health*—(1) *Medical Radiation Advisory Committee.* (i) Date established: October 31, 1963.

(ii) Function: Advises on the formulation of policy and development of a coordinated program for the application of ionizing radiation in the healing arts.

(2) *Technical Electronic Product Radiation Safety Standards Committee.* (i) Date established: October 18, 1968.

(ii) Function: Advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation under 42 U.S.C. 263f(f)(1)(A).

(f) *National Center for Toxicological Research, Science Advisory Board.* (i) Date established: June 2, 1973.

(2) Function: Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Effective date. This reissuance is effective April 1, 1980.

Dated: March 26, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9769 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 561

[FAP 8H5186/T54; FRL 1452-2]

Tolerances for Pesticides in Animal Feeds; N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a feed additive regulation related to the experimental use of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal. The renewal was requested by BASF Wyandotte Corp. This rule will permit the marketing of cottonseed meal while further data are collected on the subject pesticide.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 (202) 755-2196.

SUPPLEMENTARY INFORMATION: On September 12, 1978, the EPA announced (43 FR 40456) that in response to a pesticide petition (FAP 8H5186) submitted by BASF Wyandotte Corp., Agricultural Chemicals Div., 100 Cherry Hill Road, Parsippany, NJ 07054, 21 CFR 561.197 was being established to permit residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride to growing cotton in a proposed experimental program with a tolerance limitation of 2 parts per million (ppm) in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). This experimental program expired September 5, 1979.

BASF Wyandotte Corp. has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the plant growth regulator to the growing raw agricultural commodity cotton.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may result in cottonseed meal from the agricultural use provided for in the experimental use permit, the feed additive regulation should be renewed along with the tolerance limitation. (A related document concerning the renewal of temporary tolerances for residues of the subject pesticide in or on cotton forage; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; eggs; and milk appears elsewhere in today's **Federal Register.**)

Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register,** file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective April 1, 1980, 21 CFR 561.197 is amended as set forth below.

Part 561, § 561.197 is amended as follows:

§ 561.197 [Amended]

In § 561.197, the date at the end of the last line of paragraph (a) is changed from "September 5, 1979" to "March 25, 1981."

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)).

Dated: March 25, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-9787 Filed 3-31-80; 8:45 am]

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