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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 82-325]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Mediterranean fruit fly quarantine and regulations which quarantine California and impose restrictions on the movement of regulated articles from regulated areas in California, by adding a portion of San Joaquin County to the list of regulated areas. This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of regulated articles from the portion of San Joaquin County added to the list of regulated areas.

DATES: Effective date of amendment July 6, 1982. Written comments concerning this interim rule must be received on or before September 7, 1982.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 641 of the Federal Building between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule would have an estimated annual effect on the economy of less than $100,000; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause 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.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1 for this rulemaking action.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from a portion of San Joaquin County in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that approximately 30 small entities move such articles interstate from such portion of San Joaquin County. Further, the overall economic impact from this action is estimated to be less then $100,000.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the Mediterranean fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments are being solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedemann, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in California, the Mediterranean fruit fly quarantine and regulations were made effective on July 20, 1981 (46 FR 37706-37713), and amendments to the quarantine and regulations were made on August 7, August 19, and September 2, 1981, and on June 1, June 17, and July 2, 1982 (46 FR 40203-40205, 42072-42073, 44144-44145; 47 FR 23682-23683, 26121-26122, and 28909-28911). The quarantine and regulations are set forth 7 CFR 301.78 through 301.78–10.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States, the quarantine and regulations restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of articles designated as regulated articles from areas designated as regulated areas. For the reasons explained below, it is necessary to amend the quarantine and regulations on an emergency basis by adding a portion of San Joaquin County to the list of regulated areas. Regulated areas are listed in § 301.78–3 of the quarantine and regulations (7 CFR 301.78–3).

Prior to the effective date of this document, all of San Mateo County and portions of Santa Clara and Santa Cruz Counties were designated as regulated areas. However, based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California, it has been determined that the Mediterranean fruit fly now occurs in a portion of San Joaquin County. Therefore, in order to prevent the further spread of the Mediterranean fruit fly, it is necessary as an emergency measure to amend § 301.78–3(c) of the quarantine and regulations (7 CFR 301.78–3(c)) to add to the list of regulated areas the following area in San Joaquin County in which the Mediterranean fruit fly now occurs:

San Joaquin County. That portion of San Joaquin County bounded by a line beginning where Interstate 5 intersects with the Calaveras River, then easterly along the Calaveras River to a point where it intersects with West Lane, then easterly along an imaginary line to the point where Cherryland Road intersects with Waterloo Road, then northeasterly along Waterloo Road to its intersection with Beyer Lane, then southerly along Beyer Lane to its intersection with the Stockton Terminal and Eastern Railroad, then easterly along said railroad to its intersection with Baldwin Lane, then southerly along Baldwin Lane to its intersection with State Highway 26, then easterly along State Highway 26 to its intersection with Alpine Road, then southerly along Alpine Road to its intersection with the Southern Pacific Railroad, then easterly along said railroad to a point lying due north of the junction of Farmington Road and Kaiser Road, then southerly along an imaginary line to the junction of Farmington Road and Kaiser Road, then southerly along Kaiser Road to the point where it ends, then southerly along an imaginary line to its intersection with Lone Tree Creek, then westerly along an imaginary line to the point where Union Road intersects with Lovelace Road, then westerly along Lovelace Road to its intersection with Airport Way (Durham Ferry Road), then westerly along an imaginary line to a point where Interstate 5 intersects with Manila Road, then westerly along Manila Road to its end, then westerly along an imaginary line to the beginning of Carlin Road, then westerly along Carlin Road to the point where Carlin Road intersects with Roberts Road, then northerly along Roberts Road to its intersection with Mueller Road, then due north along an imaginary line to its intersection with the San Joaquin River, then northerly and easterly along the San Joaquin River to its intersection with the Smith Canal, then easterly along the Smith Canal to its intersection with Interstate 5, then northerly along Interstate 5 to its intersection with the Calaveras River, the point of beginning.

List of Subjects in 7 CFR Part 301

Agricultural commodites, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, § 301.78–3(c) of the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78–3(c)) is revised to read as follows:

§ 301.78–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

San Joaquin County. That portion of San Joaquin County bounded by a line beginning where Interstate 5 intersects with the Calaveras River, then easterly along the Calaveras River to a point where it intersects with West Lane, then easterly along an imaginary line to the point where Cherryland Road intersects with Waterloo Road, then northeasterly along Waterloo Road to its intersection with Beyer Lane, then southerly along Beyer Lane to its intersection with the Stockton Terminal and Eastern Railroad, then easterly along said railroad to its intersection with Baldwin Lane, then southerly along Baldwin Lane to its intersection with State Highway 26, then easterly along State Highway 26 to its intersection with Alpine Road, then southerly along Alpine Road to its intersection with the Southern Pacific Railroad, then easterly along said railroad to a point lying due north of the junction of Farmington Road and Kaiser Road, then southerly along an imaginary line to the junction of Farmington Road and Kaiser Road, then southerly along Kaiser Road to the point where it ends, then southerly along an imaginary line to its intersection with Lone Tree Creek, then westerly along an imaginary line to the point where Union Road intersects with Lovelace Road, then westerly along Lovelace Road to its intersection with Airport Way (Durham Ferry Road), then westerly along an imaginary line to a point where Interstate 5 intersects with Manila Road, then westerly along Manila Road to its end, then westerly along an imaginary line to the beginning of Carlin Road, then westerly along Carlin Road to the point where Carlin Road intersects with Roberts Road, then northerly along Roberts Road to its intersection with Mueller Road, then due north along an imaginary line to its intersection with the San Joaquin River, then northerly and easterly along the San Joaquin River to its intersection with the Smith Canal, then easterly along the Smith Canal to its intersection with Interstate 5, then northerly along Interstate 5 to its intersection with the Calaveras River, the point of beginning.

San Mateo County. The entire county.

Santa Clara County. That portion of the county beginning at a point where Interstate 280 intersects the San Mateo-Santa Clara County line; then southeasterly along Interstate 280 to its intersection with El Monte Avenue; then northeasterly along said avenue to its intersection with Foothill Expressway; then southeasterly along said expressway to its intersection with Fremont Avenue; then east on Fremont Avenue to its intersection with Hollenbeck Avenue; then north on Hollenbeck Avenue to its intersection with El Camino Real; then southeasterly on El Camino Real to its intersection with Fair Oaks Avenue; then northerly on said avenue to its intersection with Central Expressway; then easterly on said expressway to its intersection with Lawrence Expressway; then northerly on Lawrence Expressway to its intersection with State Route 237; then due north from said intersection along an imaginary line to its intersection with the Alameda-Santa Clara County line; then westerly along said county line to the San Mateo-Santa Clara County line; then southerly along said county line to the point of beginning. Also, that portion of the county beginning at a point where Old Santa Cruz Highway intersects the Santa Cruz-Santa Clara county line; then northeasterly along an imaginary line from said intersection to Mt. Thayer; then southeasterly along an imaginary line from Mt. Thayer to the north end of Loma Prieta Road; then southerly along Loma Prieta Road to its intersection with the Santa Cruz-Santa Clara County line; then northerly along said line to the point of beginning.

Santa Cruz County. That portion of the county north and west of a line beginning at a point where Loma Prieta Road intersects the Santa Clara-Santa Cruz County line; then southerly along an imaginary line from said intersection to the northeast corner boundary line of the Forest of Nisene Marks State Park; then southerly along the eastern boundary of said State park to its intersection with Aptos Creek Road; then southerly along Aptos Creek Road to its intersection with Soquel Drive; then westerly along Soquel Drive to its intersection with State Route 1; then westerly along State Route 1 to its intersection with

Swift Street; then southerly along Swift Street to the Pacific Ocean where the line ends.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 30th day of June 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-18176 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Parts 500 and 503

[Docket No. ERA-R-80-24]

Powerplant and Industrial Fuel Use Act of 1978; Cogeneration Exemption; Final Rules

AGENCY: Department of Energy.

ACTION: Final rules.

SUMMARY: The Department of Energy (DOE) is revising its final rules governing the cogeneration exemption under the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (46 FR 59872, 59914, December 7, 1982) ("final rules") by adopting in final form some of the rule modifications set forth in its Notice of Proposed Rulemaking (45 FR 53368, August 11, 1980) ("August 11 NOPR") to exclude from the definition of "electric generating unit," and hence from the definition of "electric powerplant," any cogeneration facility less than half of the *net* annual electric power generation of which is sold to or exchanged with an electric utility for resale. DOE is also adopting revisions to its eligibility criteria for the cogeneration exemption under § 503.37 of the final rules, first, to permit the oil and gas savings calculation to be made on the basis of a Regional Estimates Table or other reasonable estimate; second, to clarify its intention that in meeting the oil and natural gas savings requirement for the exemption, facilities that are non-jurisdictional under the Act may be included; and third, to clarify the basis upon which a petitioner may qualify under the public interest criterion. Finally, DOE is revising the definition of "Cogeneration facility" to broaden the number of facilities which can seek to qualify for the exemption.

EFFECTIVE DATE: The final rules adopted herein shall become effective on August 6, 1982. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions included in § 503.47 of this final rule will be submitted for approval to the Office of Management and Budget (OMB). These provisions are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Fuels Conversion Division, Fuels Program, Economic Regulatory Administration, Forrestal Building, 1000 Independence Avenue SW., Room GA-093, RG-62, Washington, D.C. 20585, (202) 252-1774

Henry K. Garson, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2967

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8108.

SUPPLEMENTARY INFORMATION:

I. Background

On May 17, 1979, the Economic Regulatory Administration (ERA) of DOE published its interim rules for new facilities ((44 FR 28950) ("interim rules")). Sections 503.37 and 505.27 of the interim rules provided the requirements for obtaining a permanent cogeneration exemption from the prohibitions of Title II of FUA for, respectively, new powerplants and new major fuel burning installations (MFBI's). In its August 11 NOPR, ERA proposed to amend the foregoing provisions of the final rules so as to encourage cogeneration in those regions of the country where there is a potential for oil and gas savings, while ensuring that new alternate fuel fired capacity would not be deferred. The public comment period on the August 11 NOPR expired on November 7, 1980. To date, DOE has taken no further action on the August 11 NOPR.

In its final rules, DOE adopted the interim cogeneration exemption rules in final form, consolidating the powerplant and MFBI sections into § 503.37. Noting that it was "currently in the process of reviewing its cogeneration policies" (46 FR 59882 December 7, 1981), DOE simplified the procedures for obtaining the exemption but deferred action on substantive revisions recommended by the commenters.

In recognition of the important role cogeneration technologies can play in assisting the Nation to meet the energy goals of increased fuel efficiency and oil and natural gas savings, DOE is now finalizing several aspects of its August 11 NOPR concerning cogeneration. Consistent with the directive of the President's Task Force on Regulatory Relief, to "[R]educe the burdens of existing and future regulations * * * and insure well reasoned regulations * * *" (Executive Order No. 12291), these revisions will have the effect of minimizing unnecessary regulatory intervention in fuel use decisionmaking by private industry.

II. Comments

A. *Definition of Cogeneration Facility.* Under § 500.2 of DOE's final rule, a "cogeneration facility" must generate electricity that constitutes more than ten (10) percent and less than ninety (90) percent of the useful energy output of the facility. In response to comments received concerning this standard, DOE has concluded that the 10 percent minimum could exclude many energy-saving cogeneration facilities from eligibility for an exemption under the Act. Specific examples of both topping and bottoming cycle cogenerators have been described where it would not be possible to convert 10 percent of the thermal energy to electricity. Despite the fact that these configurations are less common, DOE believes that such systems should be able to take advantage of the cogeneration exemption, and is therefore adopting a 5 percent minimum electrical output test in lieu of the prior 10 percent minimum test.

B. *Definition of Electric Generating Unit.* Section 103(a)(7)(A) of FUA defines "powerplant," in part, as "any stationary electric generating unit, consisting of a boiler, a gas turbine, or a combined cycle unit, which produces electric power for purposes of sale or exchange * * *" Excluded from the definition of "electric generating unit" under section 102(a)(7)(B) of FUA, however, is any cogeneration facility, less than half of the annual electric power of which is sold or exchanged for resale, "as determined by the Secretary."

Under the foregoing definition, as interpreted in DOE's final rules, a cogenerator performing an essentially industrial function could be designated as a powerplant if more than 50 percent of its electrical output is sold or exchanged, even though such electrical output constitutes a small percentage of the total energy output of the facility. Designation as a powerplant would subject the facility to the Title II prohibitions applicable to new powerplants, which, unlike the Title II prohibitions applicable to new MFBI's, prohibit oil and natural gas use both in boilers and non-boilers, and prohibit the construction of new powerplants without alternate fuel burning capability.

The August 11 NOPR stated that the foregoing definition of electric generating unit "might result in the designation of most new industrial cogenerators as powerplants and discourage persons planning new facilities from including cogeneration capacity due to the regulatory requirements of obtaining an exemption" (45 FR 53369). DOE proposed several alternatives for remedying this problem. Under one alternative, electricity sold by the cogenerator to the grid would be offset by purchases of electricity by the cogenerator for its own use. The resulting focus on the percentage of *net* electrical power which is sold or exchanged to persons other than the cogenerator would minimize the number of essentially industrial cogenerators falling within the definition of electric generating unit, thereby minimizing the number of industrial facilities which would be subject to the prohibitions applicable to new electric powerplants.

Comments received by DOE generally endorsed revision of the definition of electric generating unit. DOE has determined that adoption of the foregoing proposal will help encourage cogeneration in a manner consistent with the purposes of the Act, and with the President's directive, described *supra*, to minimize regulatory burdens. The definition of "electric generating unit" adopted herein therefore excludes any cogeneration facility, less than half of the net annual electric power generation of which is sold or exchanged for resale. Excluded from the phrase "net annual electric power generation" are sales or exchanges among owners of the cogenerator, *and* sales or exchanges to or with a utility for resale to the cogenerating supplier.

C. *Calculation of Oil and Gas Savings.* To qualify for a cogeneration exemption under § 503.37(a)(1), a petitioner under the current final rule must certify that it would consume less oil or natural gas with its cogeneration facility than without it. DOE has received many comments recommending that this test should encompass oil and gas savings which would be realized in facilities which are not subject to the prohibitions of the Act, as well as in those that are. DOE already explicitly authorizes oil and gas savings attributable to sub-jurisdictional units (under 100 MM Btu per hour heat input rate) to be included in the foregoing oil and gas savings calculation, but does not explicitly address the issue of the inclusion of other non-jurisdictional units, such as heaters, kilns and other fuel combustors. In response to the comments on this issue, DOE wishes to clarify at this time that it will permit a petitioner under § 503.37(a)(1) to calculate its oil and gas savings on the basis of *total* savings attributable to the proposed cogeneration facility, regardless of the status under FUA of the units in which such fuel may be burned.

Many commenters felt that the evidentiary requirement in § 503.37(b)(1)(iv) for a 10-year forecast of utility electrical generation which would be displaced by the proposed cogenerator was onerous and unwarranted. In the August 11 NOPR, DOE proposed to permit use of a Regional Estimates Table provided therein or other estimate of oil and gas savings by the petitioner in lieu of the 10-year forecast. Commenters endorsed this proposal. DOE is therefore adopting this revision to the evidentiary requirement to permit petitioners to employ the 10-year forecast, the Regional Estimates Table (reproduced herein), or any other estimate of oil and gas savings which might better reflect petitioner's specific situation.

D. *Public Interest Criterion.* In response to comments, DOE is revising § 503.37(a)(2) of its final rules to clarify that the conditions indicated therein, technical innovation and maintaining industry in urban areas, are exemplary only, and that other evidence may be presented to convince DOE that grant of the exemption would be in the public interest.

III. Procedural Matters

A. *Selection 102 of the National Environmental Policy Act (NEPA).* DOE has determined that adoption of these rules in final form is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of NEPA. Therefore, the preparation of an Environmental Impact Statement for these rules is not required.

B. *Regulatory Flexibility Act.* DOE has determined that the rules adopted herein in final form will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Accordingly, DOE certifies that this rule is not likely to have a significant economic impact on a substantial number of small entities within the meaning of that Act. Therefore, DOE is not required to publish a final regulatory flexibility analysis under section 603 of that Act.

C. *Executive Order No. 12291.* DOE has determined that the rules adopted herein in final form are not major rules under Executive Order No. 12291, which requires the preparation of a Regulatory Impact Analysis for major regulations. These final rules will not be likely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs of prices for consumers, industries, geographic regions, or Federal, State or local government agencies. DOE does not consider it likely that these rules will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no Regulatory Impact Analysis is required. These final rules were submitted to OMB for review at least 10 days prior to their publication.

List of Subjects in 10 CFR Parts 500 and 503

Business and industry; Electric powerplants; Energy conservation; Natural gas; Petroleum.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500 and 503, Subchapter E, "Alternate Fuels" of Chapter II, Tile 10 of the Code of Federal Regulations, are amended as set forth below.

Issued in Washington, D.C. on June 25, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 500—DEFINITIONS

For the reasons set out in the Preamble, Part 500 of Chapter II, Title 10 of the Code of Federal Regulations is amended by revising the definitions of "Cogeneration facility" and "Electric generating unit" in § 500.2, *General definitions,* to read as follows:

§ 500.2 General definitions.

* * * * *

"Cogeneration facility" means an electric powerplant or a major fuel burning installation that produces:

(1) Electric power; and

(2) Any other form of useful energy (such as steam, gas or heat) that is, or will be used, for industrial, commercial, or space heating purposes. In addition, for purposes of this definition, electricity

generated by the cogeneration facility must constitute more than five (5) percent and less than ninety (90) percent of the useful energy output of the facility.

* * * * *

"Electric generating unit" does not include:

(1) * * *

(2) Any cogeneration facility from which less than 50 percent of the net annual electric power generation is sold or exchanged for resale. Excluded from "net annual electric power generation" are sales or exchanges: (i) Among owners of the cogeneration facility; and (ii) To or with an electric utility for resale by the utility to the cogenerating supplier.

Note.—* * *

* * * * *

PART 503—NEW FACILITIES

Subpart D—Permanent Exemptions for New Facilities

For the reasons set out in the Preamble, Subpart D of Part 503 of Chapter II, Title 10 of the Code of Federal Regulations is amended by revising paragraphs (a)(2) and (b)(1)(iv) and adding a new paragraph (e) to § 503.37 (Cogeneration) as follows:

§ 503.37 Cogeneration.

(a) *Eligibility.* * * *

(1) * * *

(2) Demonstrating that:

(i) It would be in the public interest to grant an exemption to the cogeneration facility because of special circumstances such as technical innovation, maintaining industry in urban areas, or other reasons which convince DOE that granting of the exemption would be in the public interest; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) * * *

(1) * * *

(i) * * *

(ii) * * *

(iii) * * *

(iv) The petitioner may include the oil or gas that would be consumed by powerplants to generate electricity supplied to the grid to the extent that such electricity, if petitioner cogenerates, will no longer be supplied by the grid. The oil or gas portion must be based on:

(A) A 10-year forecast that includes new construction and retirement of plants within those 10 years;

(B) The Regional Estimates Table set out in paragraph (e) of this section; or

(C) Other estimates of oil and gas savings which better reflect petitioner's specific situation.

* * * * *

(e) *Regional estimates of oil and gas savings.* The following table provides regional estimates of the number of Btu's of oil/gas which may be expected to be saved per kilowatt hour (kWh) of electricity displaced by cogenerated electricity. These estimates may be used by a petitioner in calculating oil/gas savings pursuant to paragraph (b) of this section.

TABLE—REGIONAL ESTIMATES OF OIL/GAS SAVINGS ATTRIBUTABLE TO ELECTRICITY BACKED OFF THE GRID BY COGENERATION [1]

Region name		Oil/gas savings Btu/kWh
NPCC	New England, New York	7,200
MAAC	Pennsylvania, New Jersey, Maryland, Delaware, D.C.	4,700
SERC	Virginia, N. Carolina, S. Carolina, Georgia, Alabama, Tennessee, Eastern Mississippi, Florida panhandle.	300
Florida	Florida (except panhandle)	8,900
ECAR	Ohio, W. Virginia, Kentucky, Indiana, Southern Michigan.	100
MAIN	Illinois, Eastern Wisconsin, Eastern Missouri, Northern Michigan.	200
SPP	Western Mississippi, Arkansas, Northern Louisiana, Southern and Western Missouri, Kansas, Northern and Eastern Texas, Oklahoma, Eastern New Mexico.	7,000
ERCOT	Texas (except SPP areas)	9,900
MARCA	Eastern Montana, N. Dakota, Minnesota, Iowa, Nebraska, Western Wisconsin.	800
WSCC/East	Southern Idaho, Central Montana, Utah, Wyoming, Colorado, Western New Mexico, Arizona.	1,000
WSCC/West	California, Oregon, Washington, Nevada, Areas served by Bonneville Power Administration.	7,000

[1] Data are based upon expected utility capacity and oil/gas use in 1988 (*Preliminary Data on Incremental Utility Oil and Gas Consumption*, May, 1980).

Example: The proposed cogeneration project is located in Eastern Mississippi, and would displace one million kilowatt hours (kWh) from the grid each year. To determine oil/gas savings associated with electricity backed off the grid:

1. The above table identifies your region as "SERC."

2. The oil/gas savings for your region according to the table are 300 Btu/kWh.

3. The annual oil/gas savings attributable to electricity backed off the grid by your cogenerator is: 1,000,000 kWh × 300 Btu/kWh = 300,000,000 Btu.

[FR Doc. 82-18216 Filed 7-2-82; 8:45 am]

BILLING CODE 6450-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

[Revision 1, Amdt. 2]

Procurement Assistance; Eligibility Requirements for Certificate of Competency Applicants

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This notice withdraws the amendment made to 13 CFR 125.5, regarding eligibility requirements for certificate of competency applicants for procurement assistance, on May 24, 1982, by the final rule published at 47 FR 22347–22349. That final rule was erroneously published in the **Federal Register** prior to approval by the Office of Management and Budget pursuant to the provisions of Executive Order 12291. Therefore, SBA is hereby withdrawing that rule at this time pending such review and approval, and restoring 13 CFR 125.5 to its status prior to May 24, 1982.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Moffitt, Director, Office of Industrial Assistance, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–7035.

List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Small businesses, Technical assistance, Certificates of competency.

PART 125—PROCUREMENT ASSISTANCE

Accordingly, 13 CFR 125.5 is revised to read as follows:

§ 125.5 Certificate of competency program.

The Certificate of Competency program is authorized under section 8(b)(7) (A), (B), and (C) of the Small Business Act. A Certificate of Competency (COC) is a written instrument issued by SBA to a Government contracting officer, certifying that a small concern (or group of such concerns) named therein possesess the responsibility and/or eligibility to perform a specific Government procurement (or sale) contract.

Issuance

(a) Government procurement officers, and officers engaged in the sale and disposal of Federal property, upon determining and documenting that a small business lacks certain elements of