(5) Should securities activities be limited to subsidiaries of banks of a certain asset size, banks with a certain composite ratio, like the "Uniform Financial Institutions Rating system", FDIC Press Release PR 126, 1979; FDIC (P-H) p. 5079 for a definition of "composite ratio";

(6) Should nonmember banks obtain FDIC's prior approval before establishing or acquiring subsidiaries, which will engage in securities activities in all cases, in some cases, or not at all;

(7) Do the potential benefits, if any, that would be available to insured nonmember banks as a result of competing in the securities area through subsidiaries offset potential disadvantages to the banks and the public?

(8) Are there any perceived public harms in insured nonmember banks competing in such activities.

The FDIC is also requesting comment on how to determine if a subsidiary is in fact a bona fide subsidiary and not the alter ego of the parent insured nonmember bank. The policy statement issued by the FDIC indicates that, in the opinion of the Board of Directors of the FDIC, Section 21 of Glass-Steagall does not reach the securities activities of a bona fide subsidiary of an insured nonmember bank. If the subsidiary is, however, merely the alter ego of the parent bank, the bank may be deemed to be engaged in securities activities in violation of Section 21 of Glass-Steagall. The FDIC is therefore soliciting comments on whether it would be appropriate to define the term "bona fide" by listing a number of criteria. Would any of the following be appropriately included if criteria were established:

(1) Whether the bank and the subsidiary have the same or similar names so that the public might be confused as to the separate identity of the two;

(2) Whether the subsidiary maintains separate accounting and other records or conducts separate board meetings;

(3) Whether the subsidiary operates out of the same facilities as the parent bank;

(4) Whether the subsidiary has the same directors, officers, and employees as the parent bank and if there are separate employment contracts;

(5) Whether the subsidiary is adequately capitalized.

The public is also invited to address the following general issues:

(a) What additional criteria, if any, should be considered? Is it appropriate at all to try to define "bona fide"? If a definition is developed and criteria used, should certain criteria be given more weight than others in making the assessment?

(b) Comments addressing these issues and any other aspects of the general subject of permitting subsidiaries of insured nonmember banks to engage in securities activities will be welcomed.

List of Subjects in 12 CFR Part 337

Insured nonmember banks, Glass-Steagall Act, Subsidiaries, Securities activities.

By order of the Board of Directors.


Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 82-26347 Filed 9-23-82; 8:45 am]

BILLING CODE 6714-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements Docket 40823; PSDR-78A]

Statements of General Policy; Extension of Comment Period

AGENCY: Civil Aeronautics Board.

ACTION: Extension of comment period.

SUMMARY: This action extends until November 29, 1982 the filing date for comments in advance notice of proposed rulemaking proceeding that considers alternatives for changing the duration of experimental certificates awarded to U.S. air carriers to provide foreign air transportation in limited designation international market.

DATES: Comments by November 29, 1982.

Reply comments by December 14, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 40823, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Donald H. Horn, Associate General Counsel, Office of the General Counsel, 202-673-5025, or Joseph A. Brooks, Office of the General Counsel, 202-673-5442 or Jeffrey B. Gaynes, Legal Division, Bureau of International Aviation, 202-673-5035; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: By Advance Notice of Proposed Rulemaking, PSDR-78, 47 FR 32442 July 27, 1982, the Board invited comment on its policy with respect to certificates in limited-designation international markets. Specifically, the Board asked for comment on alternatives that would change the duration of experimental certificates awarded to U.S. air carriers that provide service in these markets.

The comment deadline was September 27, 1982.

Pan American World Airways (Pan Am) has requested an extension of this deadline. Pan Am states that recent Congressional action on Section 531 of the Airport and Airway Improvement Act of 1982, and Title V of the Tax Equity and Fiscal Responsibility Act of 1982 greatly affect the issues presented by the current rulemaking. Citing the possibility that the Board will shortly issue an order discussing the impact of the new legislation, Pan Am suggests that the comment date on this rulemaking be deferred until an order is issued.

After consideration of the foregoing, there appears to be good cause to grant a reasonable extension of time. A 60-day extension should suffice at this point for interpretation of the new legislation.

Accordingly, under authority delegated in 14 CFR 385.20(d), the time for filing comments is extended to November 29, 1982 and the time for reply comments is extended to December 14, 1982.

List of Subjects in 14 CFR Part 399

Administrative practice and procedure, Advertising, Air carriers, Antitrust, Archives and records, Consumer protection, Freight forwarders, Grant program-transportation, Hawaii, Motor carriers, Puerto Rico, Railroads, Reporting requirements, Travel agents, Virgin Islands.
Regulatory Flexibility Act

The statement required by the Regulatory Flexibility Act (Pub. L. 96–354) about the effect of the proposed rule on small business remains the same as set forth in PSDR–73.

[Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324]


Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 82–26355 Filed 6–23–82; 8:45 am]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 167

[Docket No. 78N–0364]

Virgin Olive Oil, Refined Olive Oil, and Refined Olive-Residue Oil; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for virgin olive oil, refined olive oil, and refined olive-residue oil based on the “Recommended International Standard for Olive Oil, Virgin and Refined, and Refined Olive-Residue Oil” (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for these foods.


SUPPLEMENTARY INFORMATION: In the Federal Register of February 23, 1979 (44 FR 10742), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard for virgin olive oil, refined olive oil, and refined olive-residue oil. The Codex standard was submitted to the United States for consideration for acceptance by the Codex Alimentarius Commission whose worldwide food standards program is sponsored jointly by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO).

Sixty-five comments were received in response to the advance notice of proposed rulemaking. The majority of the comments favored establishing a U.S. standard because they wanted the sale of lower quality “refined olive-residue oil” as higher priced pure or refined olive oil to be curtailed. A number of comments opposing these standards objected to the requirement that the name for olive oil obtained by solvent extraction would be “refined olive-residue oil.” The comments pointed out that solvent extraction is a commonly used method of obtaining high quality oil from oilseeds such as safflower and cotton seeds, but that the names of these oils are not required to include the word “residue” as the name of solvent-extracted olive oil would be required to do.

FDA acknowledges that solvent extraction is a standard procedure for removing oil from substances having low oil contents, such as safflower and cotton seeds. Olives, however, have a high oil content and the oil is easily removed by a mechanical or physical process, such as pressing. Solvent extraction of oil from olives is used to remove the residual oil from the pomace and pits remaining from pressing operations. Solvent-extracted olive oil is lower in quality than pressed olive oils due to the higher free fatty acid content caused by breakdown to triglycerides by enzymes liberated from the olive material during the pressing operations. As the free fatty acid content increases, the flavor and keeping quality of the oil deteriorate and the oil must undergo several refining processes to make it suitable for human consumption. For these reasons, the agency believes that it is reasonable to identify a solvent extracted olive oil as a “residue oil.”

Many of the opposing comments also expressed the opinion that the “refined olive-residue oil” referred to by the Codex standard is actually “grade B glycerol olive oil,” a very low quality oil that should not be permitted for sale in the United States.

The agency advises that refined olive-residue oil and grade B glycerol olive oil are not the same food. Grade B glycerol olive oil is an esterified oil produced by reacting very low quality olive-residue oil (high in free fatty acids), or alternatively, distilled fatty acids, with glycerol to form triglycerides. The result, after refining, is an edible oil, but, because it is retrieved from low quality material, it is not considered saleable in most countries of the world including the United States.

Several comments indicated that there is some confusion as to the proper labeling and nomenclature for various types of olive oils.

The name “virgin olive oil” may be used only for the oil resulting from the first pressing of the olives and which is suitable for human consumption without further processing. The name “refined olive oil” refers to the oil obtained from subsequent pressings and which is made suitable for human consumption by refining processes which neutralize the acidity and remove particulate matter. Oil extracted from olive pomace and pits by chemical means and refined to make it edible must be labeled either “refined olive-residue oil” or “refined extracted olive-residue oil.” Blends of virgin olive oil and refined olive oil may be labeled as “olive oil,” but blends of olive oil with other edible fats or oils must be labeled in accordance with 21 CFR 102.37.

In view of the fact that no data were submitted to support the need for this standard, FDA has concluded that there is not sufficient need to warrant proposing a U.S. standard at this time for virgin olive oil, refined olive-oil, and refined olive-residue oil under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for virgin olive oil, refined olive oil, and refined olive-residue oil based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for virgin olive oil, refined olive-oil, and refined olive-residue oil upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.


William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–26179 Filed 9–23–82; 8:46 am]

BILLING CODE 4160–05–M
ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
(A-4-FRL 2200-7; FL-003)

Approval and Promulgation of Implementation Plans; Florida:
Proposal for TSP Nonattainment Areas

AGENCY: Environmental Protection Agency.
ACTION: Proposed rule.

SUMMARY: EPA today proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Florida Department of Environmental Regulation (DER) for the Hillsborough County (Tampa) and Duval County (Jacksonville) particulate nonattainment areas. This action is based on the State’s submittal of a control strategy and regulations as required by Part D of Title I of the Clean Air Act (CAA) of 1977. An improvement in the air quality in Hillsborough and Duval Counties is expected from this action. The public is invited to submit written comments.

DATE: To be considered, comments must be received on or before October 25, 1982.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV’s Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by the Florida DER may be examined during normal business hours at the following locations:

- Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365
- Bureau of Air Quality Mgmt., Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT:
Barry Gilbert of EPA Region IV’s Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, telephone 404/681-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: In the March 3, 1978 Federal Register (43 FR 8962 at 8960), a number of areas within the State of Florida were designated as not attaining certain national ambient air quality standards (NAAQS). Hillsborough and Duval Counties were designated nonattainment for the secondary ambient standard for total suspended particulates (TSP). On September 11, 1978 (FR 40412), the size of these nonattainment areas were reduced. The Florida DER has developed particulate regulations requiring reasonably available control technology (RACT) in the violating areas so that the TSP secondary standard can be attained and maintained.

General Discussion

The implementation plan revision developed for these areas by the Florida DER under Part D of Title I of the CAA was submitted for EPA’s approval on February 27, 1981. Action on this submittal was delayed until control strategies were submitted by Florida. The revision has now been reviewed by EPA in light of the CAA of 1977, EPA regulations, and additional guidance. Section 172(b) of the Clean Air Act contains the minimum requirements for approval of Part D plans for designated nonattainment areas.

The two areas in Florida designated as nonattainment for total suspended particulate are defined as follows: The portion of downtown Jacksonville area in Duval County located just north and west of the St. Johns River and east of I-95 and just south of Trout River, and the portion of Hillsborough County that falls within the area of the circle having a centerpoint at the intersection of U.S. 41 South and State Road 60 and a radius of 12 kilometers.

The application of RACT to existing stationary sources is a required part of the particulate nonattainment corrective portion of the State Implementation Plan. Agency personnel investigated the major source categories that represent the type of sources that are located in the two Florida nonattainment areas to assist in defining emission limitations. These categories include (1) phosphate process operations, (2) Portland cement plants, (3) electric arc furnaces, (4) sweat or pot furnaces, and (5) materials handling, sizing, screening, crushing, and grinding operations.

The Florida Environmental Regulation Commission adopted these regulatory and non-regulatory SIP revisions following the required public hearings and participation on January 21, 1981. The control strategies, as approved and adopted for the local program agencies (the Duval County Bio-Environmental Service Division and the Hillsborough County Environmental Protection Commission) were submitted to EPA on March 16 and April 20, 1982, respectively. In preparing the plan, both agencies prepared an extensive inventory of air pollution sources in and impacting the nonattainment area. Using this data base, the primary source categories were modelled following EPA guidelines to determine their respective contribution to the ambient air concentrations. The agencies then evaluated this information and proposed an implementation plan which, by applying RACT to traditional point and industrial process fugitive sources, would result in attainment of the TSP secondary standard by July 31, 1988.

The attainment plan for the secondary standard calls for a reduction in ambient TSP concentrations by the implementation of RACT control measures on industrial point and process fugitive emission sources, primarily in the form of more stringent mass and visible emission limits. The regulations also require certain operation and maintenance activities. Malfunctions of process or control equipment are specifically defined, along with procedures to be followed to minimize emissions when malfunctions occur. Reporting of malfunctions is required.

In reference to FAC Section 17-2133(9)(g)-Electric Arc Furnaces, DER has placed fugitive visible emission limits of 20% opacity for charging and 40% opacity for tapping operations, to be determined by Test Reference Method 9. Where processes and operations are long-time or continuous, Method 9 would be appropriate. In the case of electric arc furnace charging and tapping emissions, a more appropriate time averaging period would be three minutes, consisting of twelve readings taken at fifteen second intervals. Florida DER has agreed to consider the issue of modifying Method 9 for short-term or intermittent processes which discharge emissions for a shorter time period. For this reason, EPA has recommended to Florida DER that they consider the need to modify and allow visible emission determinations for intermittent processes to be based on time periods shorter than six (6) minutes.

Florida DER has certified in writing to EPA that all sources of air pollution subject to this proposed action, are in fact, in compliance with the stipulated compliance schedules where add-on equipment was required. Any request for redetermination of RACT rules or regulations by an owner or operator requesting such shall be submitted to EPA for approval as a SIP revision.

Since submittal of the SIP revision, Florida Administrative Code (FAC) Section 17-2 was subsequently reformatted, a revision approved by EPA in the Federal Register on March 30, 1982 (47 FR 13338). It should be noted that the RACT rule will be contained in FAC Rules 17-2.400 and 17-2.600.

As required in Section 172(b) of the CAA, the plan also requires preconstruction review of proposed new
Particulate matter, Carbon monoxide, and Hydrocarbons.

Summary: The Commonwealth of Pennsylvania has recommended that the sulfur dioxide (SO₂) air quality attainment designation for certain areas in Northumberland and Snyder Counties be revised from nonattainment to "Cannot be Classified". EPA proposes to approve this change as submitted by Pennsylvania. The purpose of this notice is to solicit public comment on the proposed action.

Date: Comments must be submitted on or before October 25, 1982.

Addresses: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

- U.S. Environmental Protection Agency, Region III, Air Programs and Energy Branch, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan (3AW12)
- Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, ATTN: Gary Triplett

All comments on the proposed revision submitted on or before October 25, 1982 will be considered and should be submitted to Mr. Glenn Hanson at the EPA Region III address stated above.

For further information contact:
Laurence J. Budney at the Region III address stated above or call 215/397-2942.

Supplementary information:

Background:
Section 107(d) of the Clean Air Act (Act) requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards. The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by Section 107(d)(2) of the Act. On March 3, 1978, based on dispersion model estimates, the administrator promulgated nonattainment designations for certain areas in Northumberland and Snyder Counties in Pennsylvania (See 43 FR 8962). The Act also provides that a State, from time to time, may review and revise its designations list and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Act). On June 4, 1982, Pennsylvania recommended to EPA that the SO₂ air quality nonattainment designations for the areas in Northumberland and Snyder Counties be changed to "Cannot be Classified". That recommendation is based upon new information regarding the uncertainty of dispersion modeling in those areas and two years of SO₂ ambient air quality data showing attainment of the NAAQS for SO₂. The recommendation includes a commitment by the major SO₂ source in that area to conduct extensive ambient monitoring to help determine the true attainment status of the area.

Conclusion:
EPA is proposing to approve the SO₂ redesignations as follows:

- Northumberland County—Reclassify Lower Augusta and Point Townships from "Does Not Meet Primary Standards" to "Cannot be Classified".
- Northumberland County—Reclassify Little Mahanoy, Rockefeller and Shamokin Townships from "Does Not Meet Secondary Standards" to "Cannot be Classified".
- Snyder County—Reclassify Shamokin Dam from "Does Not Meet Primary Standard" to "Cannot be Classified".

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Under 5 U.S.C. Section 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709.)

List of Subjects in 40 CFR Part 81
Air pollution control, National parks, Wilderness areas.