

the definition of "nonassociated" natural gas, but on the basis that during one or more months of the 12 months ending concurrently with the 90-day production period,² each of these wells produced oil in excess of 3 barrels per day.

The issue raised by West Virginia's negative determinations is whether "nonassociated" gas must have been produced from the subject wells not only during the 90-day production period, but also during each of the 12 months ending concurrently with the 90-day production period. The Commission previously considered the question of oil production in months which fall outside the 90-day production period in a final order issued in Docket No. GP79-32 (issued October 5, 1979). At that time we noted our conclusion, based on section 108(b)(1) of the NGPA, that the phrase "nonassociated natural gas" refers only to the kind of gas which must be produced during a 90-day production period.

The records accompanying these notices of determination indicate that the subject wells produced natural gas and crude oil within the allowable limits of section 108(b)(1) for the relevant 90-day production period, and produced at their maximum efficient rate of flow during that period.

We therefore make a preliminary finding (pursuant to 18 CFR § 275.202(a)) that the determinations by West Virginia that subject wells do not qualify as stripper wells under section 108 of the NGPA are not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

**Appendix.—State of West Virginia, Section 108
NGPA Determinations, Pennzoil Company**

FERC JD79—	West Virginia File No.	Well Name
(a) ¹	(b)	(c)
20699.....	790227-108-043-1568	H. Adkins #4.
20700.....	790227-108-085-3661	S. C. Hammet #19.
20701.....	790227-108-043-1307	R. H. Adkins #1.
20702.....	790227-108-043-1527	R. H. Adkins #4.
20703.....	790227-108-043-1529	R. H. Adkins #3.
20705.....	790227-108-043-1545	Spurlock #14.
20706.....	790227-108-043-1698	Woodrum #6.
20707.....	790227-108-043-1798	Hilbert #10.
20708.....	790227-108-043-1564	Pauley #6.
20713.....	790227-108-043-1528	R. H. Adkins #2.
20714.....	790227-108-043-1708	C. C. Clay #2.
20715.....	790227-108-043-1501	A. E. Robertson #2.
20716.....	790227-108-043-1542	Zona Hughes #2.
20717.....	790227-108-043-1707	C. C. Clay #1.
20718.....	790227-108-043-1700	A. D. Spurlock #4.
20719.....	790227-108-043-1557	L. Hilbert #5.
20720.....	790227-108-043-1488	E. T. Spurlock #9.

²The applicant had submitted 12-month production data in order to establish each well's maximum efficient rate of flow under § 271.804(d)(4)(ii) of the interim regulations.

**Appendix.—State of West Virginia, Section 108
NGPA Determinations, Pennzoil Company—
Continued**

FERC JD79—	West Virginia File No.	Well Name
(a) ¹	(b)	(c)
20721.....	790227-108-043-1531	E. G. Pauley #4.
20740.....	790227-108-043-1546	R. Pauley #3.
20741.....	790227-108-043-1517	X. E. Campbell #6.
20742.....	790227-108-043-1706	X. E. Campbell #5.
20743.....	790227-108-043-1599	W. E. Williams #2.
20744.....	790227-108-043-1621	A. D. Spurlock #2.
20745.....	790227-108-043-1696	J. V. Atford #4.
20746.....	790227-108-043-1605	S. Bowman #2.
20747.....	790227-108-043-1699	A. D. Spurlock #3.
20748.....	790227-108-043-1697	A. A. Woodrum #5.
20760.....	790227-108-043-1543	Zona Hughes #3.
20761.....	790227-108-043-1548	W. T. Harris #5.
20762.....	790227-108-043-1688	Lella Smith #2.
20763.....	790227-108-085-3682	S. C. Hammett #21.
20764.....	790227-108-043-1558	H. Adkins #3.
20765.....	790227-108-043-1487	E. T. Spurlock #6.
20766.....	790227-108-043-1486	Stower Heirs #5.
20767.....	790227-108-043-1533	R. Pauley #2.

¹All filed with FERC on 9/17/79, except those with an asterisk, which were filed on 9/18/79.

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**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 1356-3]

**Approval of Nebraska's NPDES
Program To Regulate Federal Facilities**

AGENCY: Environmental Protection Agency.

ACTION: notice of approval of the State of Nebraska's request for authority to administer the National Pollutant Discharge Elimination System (NPDES) with respect to Federal facilities.

SUMMARY: November 2, 1979, the Environmental Protection Agency (EPA) approved the State of Nebraska's request to include regulation of Federal facilities under their State water pollution permit program. Previously the State had been approved to participate in the National Pollutant Discharge Elimination System (NPDES).

FOR FURTHER INFORMATION CONTACT: Joel Blumstein, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, et seq.) to authorize States to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the National Pollutant Discharge Elimination System (NPDES), were precluded from regulating Federal facilities. Therefore, the Environmental Protection Agency (EPA) in approving

State programs under section 402(b) reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's Federal Register notice is to announce the approval of the State of Nebraska's request to assume NPDES authority over Federal facilities.

Also included in this notice is a list of approved NPDES States indicating which have been granted Federal facilities and pretreatment authority.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pre- treatment program
Alabama.....	10/19/79	10/19/79	10/19/79
California.....	05/14/73	05/05/79	
Colorado.....	03/27/75		
Connecticut.....	09/26/73		
Delaware.....	04/01/74		
Georgia.....	06/28/74		
Hawaii.....	11/28/74	06/01/79	
Illinois.....	10/23/77	09/20/79	
Indiana.....	01/01/75	12/09/78	
Iowa.....	08/10/78	08/10/78	
Kansas.....	06/28/74		
Maryland.....	09/05/74		
Michigan.....	10/17/73	12/09/78	
Minnesota.....	06/30/74	12/09/78	07/18/79
Mississippi.....	06/01/74		
Missouri.....	10/30/74	06/26/79	
Montana.....	06/10/74		
Nebraska.....	06/12/74	11/02/79	
Nevada.....	09/19/75	08/31/78	
New York.....	10/28/75		
North Carolina.....	10/19/75		
North Dakota.....	06/13/75		
Ohio.....	03/11/74		
Oregon.....	09/26/73	03/02/79	
Pennsylvania.....	06/30/78	06/30/78	
South Carolina.....	06/10/75		
Tennessee.....	12/28/77		
Vermont.....	03/11/74		
Virgin Islands.....	06/30/76		
Virginia.....	03/31/75		
Washington.....	11/14/73		
Wisconsin.....	02/04/74		
Wyoming.....	01/30/75		

* On January 26, 1979, the United States Court of Appeals for the Seventh Circuit invalidated the Agency's approval of the Illinois NPDES program in *Citizens for a Better Environment v. Environmental Protection Agency* (No. 78-1042; Petition for rehearing denied May 16, 1979). However, on May 30, 1979, the Court stayed the enforcement of its order until February 23, 1980, in order to provide EPA an opportunity to revise its regulations governing public participation in enforcement. In the interim, the State of Illinois is operating an approved program.

For further information on the *Citizens for a Better Environment* case and the Agency's response thereto, see the public participation in enforcement regulations that were recently proposed in the Federal Register (44 FR 49275, August 22, 1979).

** On August 15, 1979, EPA approved a modification to Washington's NPDES program to allow the State Energy Facility Site Evaluation Council to issue and enforce permits.

Dated: November 2, 1979.

Jeffrey G. Miller,
Acting Assistant Administrator for
Enforcement.

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