

* * * Effective November 18, 1983

Fort Myers, FL—Southwest Florida Regl. ILS RWY 6, Amdt. 1

* * * Effective November 17, 1983

Burlington, IA—Burlington Muni. ILS RWY 36, Amdt. 6

The FAA published an Amendment in Docket No. 23811, Amdt. No. 1254 to Part 97 of the Federal Aviation Regulations (VOL 48 FR No. 213, Page 50512; dated November 2, 1983) under Section 97.29 effective January 19, 1984, which is hereby amended as follows:

Alexandria, LA—Esler Regional, ILS RWY 26, Amdt. 11

Effective date changed to March 15, 1984.

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * Effective January 19, 1984

Gulfport, MS—Gulfport-Biloxi Rgnl. RADAR-1, Amdt. 3

* * * Effective November 23, 1983

Duluth, MN—Duluth Intl. RADAR-1, Amdt. 18

* * * Effective November 18, 1983

Fort Myers, FL—Southwest Florida Regl. RADAR-1, Amdt. 1

6. By amending § 97.33 RNAV SIAPs identified as follows.

* * * Effective January 19, 1984

McCook, NE—McCook Muni. RNAV RWY 12, Amdt. 3

Roswell, NM—Roswell Industrial Air Center, RNAV RWY 35, Amdt. 1

Columbia, SC—Columbia Metropolitan, RNAV RWY 5, Amdt. 5, Cancelled

Bristol/Johnson/Kingsport, TN—Tri-City, RNAV RWY 5, Amdt. 1

* * * Effective November 24, 1983

Brunswick, CA—Glynco Jetport, RNAV RWY 7, Amdt. 3

Brunswick, GA—Glynco Jetport, RNAV RWY 25, Amdt. 3

Brunswick, GA—Glynco Jetport, RNAV RWY 22, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of

small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on December 9, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 83-32751 Filed 12-8-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 929

[Docket No. 31028-213]

Key Largo National Marine Sanctuary Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: These regulations make minor revisions and clarifications to the present interim-final regulations defining which activities are allowed and which are prohibited within the Key Largo National Marine Sanctuary, the procedures by which persons may obtain permits for research or activities normally prohibited, and the penalties for committing prohibited acts without a permit. These final regulations also revise the format of the existing regulations to make them more consistent with regulations in more recently designated national marine sanctuaries.

EFFECTIVE DATE: These regulations are effective January 9, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, NOS, NOAA, 3300 Whitehaven St., N.W., Washington, D.C. 20235, telephone (202) 634-4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 USC 1431-1434 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the continental shelf as marine sanctuaries to preserve or restore distinctive conservational,

recreational, ecological, or aesthetic values. Title III of the Act authorizes the Secretary to issue necessary and reasonable regulations to control activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Ocean Services and Coastal Zone Management within the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Administrator).

On December 18, 1975, the Key Largo National Marine Sanctuary (the Sanctuary) was designated, and on January 13, 1976, NOAA published interim-final regulations. Since final rules were never issued, NOAA published proposed rules in the Federal Register on December 17, 1982 (47 FR 56506). The significant comments on the proposed regulations and NOAA's responses to them follow:

(1) *Comment:* One reviewer commented that NOAA should not rely on the Regional Fishery Management Council to implement regulations that specifically address the issue of the spiny lobster populations within the Sanctuary. The reviewer cited the following as relevant inadequacies of the fishery management planning process: (a) Data on which the Fishery Management Plans are based, are typically outdated; (b) Fishery Management Plans are generalized for the entire area under jurisdiction of the Council with no special consideration given to local resources; (c) the Councils are not politically capable of making emergency decisions regarding protection of a depleted resource; and (d) Fishery Management Plans are based on data that doesn't always take into account natural population fluctuations.

Response: NOAA has considered the reviewer's comment and decided not to change the proposed rule at this time. The Fishery Management Plan represents the state of the art for current information on the spiny lobster. Regulations governing all aspects of spiny lobster management have only been in effect since July 1982. Prior to this, an emergency interim rule, implementing only the closed season portion of the Spiny Lobster Management Plan was in effect from March 1982. To issue additional regulations governing the Sanctuary spiny lobster populations, new data would have to be generated and close consultations undertaken with the South Atlantic Fishery Management Council.

Since implementation of the final rules, no comprehensive study of the Sanctuary spiny lobster populations has been conducted. Therefore, NOAA intends to rely upon the existing Fishery Management Plan regulations.

(2) *Comment:* A reviewer noted that the criteria used in issuing permits for taking tropical fish and invertebrates for scientific and educational purposes should be carefully worded so as not to allow fish collectors to claim their use of Sanctuary resources is for "public display".

Response: After reviewing the language in § 929.10, NOAA has determined that criteria for permits provide adequate standards by which to judge all permit applications and will prevent fish collectors from obtaining permits.

(3) *Comment:* One commenter suggested that "chumming materials" be defined clearly.

Response: At this time NOAA believes that it is not necessary to specify the substances which can and cannot be used as chumming materials.

(4) *Comment:* One reviewer requested that if and when weapons are being transported through the Sanctuary they should not be loaded, cocked or otherwise in a mode in which they could be accidentally discharged.

Response: The language of § 929.7(6) has been reviewed and NOAA has determined that it provides adequate protection for Sanctuary resources.

(5) *Comment:* With respect to § 929.10(d), one reviewer suggested that the entity who is responsible for monitoring permits issued for prohibited actions be named in the regulations.

Response: The wording of § 929.10(d) has been changed to reflect that NOAA is responsible for monitoring permits issued for prohibited activities.

(6) *Comment:* One commenter questioned the omission of Spanish lobster harvest in the regulations.

Response: At this time NOAA is not convinced that regulations are needed to protect the Spanish lobster. However, if evidence were provided to demonstrate the need for rules governing harvest of Spanish lobsters, NOAA would reevaluate the situation.

(7) *Comment:* A reviewer requested that navigation aids, such as lighthouse, mooring buoys and scientific equipment be added to § 929.7(5).

Response: The regulations have been changed to reflect this.

Other Actions Associated with the Final Rulemaking

(A) Classification Under Executive Order 12291

NOAA has concluded that these regulations are not major because they will not result in:

(1) An annual effect on the economy of \$100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or,

(3) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These final rules make minor revisions and clarifications to the present interim-final regulations. They will not result in any direct economic or environmental effects nor will they lead to any major indirect economic or environmental impacts.

(B) Regulatory Flexibility Act Analysis

A Regulatory Flexibility Analysis is not required for this notice of final rulemaking. These regulations set forth which activities are allowed and which are prohibited within the Key Largo National Marine Sanctuary, the procedures by which persons may obtain permits for research or activities normally prohibited, and the penalties for committing prohibited acts without a permit. These rules do not directly affect "small government jurisdictions" as defined by Public Law 96-354, the Regulatory Flexibility Act, and the rules will have no effect on small business.

(C) Paper Work Reduction Act of 1980 (Pub. L. 96-511)

These regulations will impose no information collection requirements of the type covered by Public Law 96-511 other than those already approved by the Office of Management and Budget (approval number 0648-0138) for use through October 31, 1986.

(D) National Environmental Policy Act

NOAA has concluded that publication of these final rules does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required.

List of Subjects in 15 CFR Part 929

Administrative practice and procedure, Environmental protection, Marine resources, Natural resources.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: October 21, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, it is proposed that 15 CFR Part 929 be revised as follows:

PART 929—KEY LARGO NATIONAL MARINE SANCTUARY FINAL REGULATIONS

Sec.

929.1 Authority.

929.2 Purpose.

929.3 Boundaries.

929.4 Definitions.

929.5 Management and enforcement.

929.6 Allowed activities.

929.7 Activities prohibited or controlled.

929.8 Other authorities.

929.9 Penalties for commission of prohibited acts.

929.10 Permit procedures and criteria.

929.11 Appeals of administrative action.

Authority: Title III of Pub. L. 92-532, 86 Stat. 1061, 1062 (16 U.S.C. 1431-1434).

§ 929.1 Authority

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of Section 302(a) of the Marine Protection, Research and Sanctuaries Act of 1972 as amended (the Act). The following regulations are issued pursuant to Title III of the Act.

§ 929.2 Purpose

The purpose of designating the Key Largo National Marine Sanctuary is to protect and preserve the coral reef ecosystem in its natural state and to regulate uses within the Sanctuary to ensure the health and well-being of the coral and associated flora and fauna.

§ 929.3 Boundaries

The Sanctuary consists of a portion of the Atlantic Ocean beginning at approximately three miles east of Key Largo, Florida, adjacent to the John Pennekamp Coral Reef State Park. The coordinates for the Sanctuary are: the point of beginning (POB) is at geographic coordinates 25° (degrees), 19.45' (minutes) north latitude, 80°, 12.0' west longitude, said point being the northeast boundary corner of John Pennekamp Coral Reef State Park. From said POB run thence southeasterly to geographic coordinates 25°, 16.2' north latitude 80°, 8.7' west longitude, said point also being on the 300 foot isobath, thence in a southwesterly direction to geographic coordinates 25°, 07.5' north latitude, 80°, 12.5' west longitude, thence again run in a southwesterly direction to geographic coordinates 24°, 58.3' north

latitude, 80°, 19.8' west longitude, thence leaving said 300 foot isobath run northwesterly to geographic coordinates 25°, 2.2' north latitude, 80°, 25.25' west longitude, said point being the southeast boundary corner of John Pennekamp Coral Reef State Park, thence in a northeasterly direction along said easterly boundary of said State Park to the POB.

§ 929.4 Definitions

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration (NOAA).

(b) "Assistant Administrator" means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, or his/her successor, or designee.

(c) "Persons" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal Government, or any State or local unit of the government.

(d) "The Sanctuary" means the Key Largo National Marine Sanctuary.

(e) "Tropical fish" means fish and invertebrates of minimal sport and food value, usually brightly colored, often used for aquaria purposes and which live in a close interrelationship with corals and coral reef substratum.

§ 929.5 Management and enforcement

The National Oceanic and Atmospheric Administration (NOAA) has primary responsibility for the management of the Sanctuary pursuant to the Act. NOAA's responsibilities under the Act require that the Sanctuary Programs Division review, consider, and approve any activities that take place in the Sanctuary in accordance with these rules and regulations. The U.S. Coast Guard and the Florida Department of Natural Resources, Division of Recreation and Parks (FDNR) shall conduct surveillance and enforcement of these regulations pursuant to 14 U.S.C. 89, 16 U.S.C. 1432 (f)(4), 16 U.S.C. 7421 (b), 16 U.S.C. 3375 (a), or other appropriate legal authority.

§ 929.6 Allowed activities

All activities except those specifically prohibited by § 929.7 or other applicable authority may be undertaken within the Sanctuary subject to the restrictions and conditions imposed by other authorities.

§ 929.7 Activities prohibited or controlled

(a) Unless permitted by the Assistant Administrator in accordance with

§ 929.10, or as may be necessary for the national defense, or to respond to an emergency threatening life, property or the environment, the following activities are prohibited or controlled within the Sanctuary. All prohibitions and controls must be applied consistently with international law. Refer to § 929.9 for penalties for commission of prohibited acts.

(1) *Removal or damage of natural features, marine life and archaeological and historical resources.* (i) No person shall destroy, injure, harmfully disturb, break, cut or similarly damage or remove any coral or other marine invertebrate, or any plant, soil, rock, or other material, except that commercial taking of spiny lobster and stone crab by trap and recreational taking of spiny lobster by hand which is consistent with both the applicable regulations under the appropriate Fishery Management Plan and these regulations is allowed. Divers are prohibited from handling coral formations, standing on coral formations, or otherwise disturbing the corals.

(ii) No person shall catch or collect any tropical fish.

(iii) No person shall remove, deface, damage, or tamper with archaeological or historical resources or the cargo of any submerged wrecks or other historical resources within the boundaries of the Sanctuary.

(iv) There shall be a rebuttable presumption that any items listed in these paragraphs found in the possession of a person within the Sanctuary have been collected or removed from within the Sanctuary.

(2) *Dredging, filling, excavating and building activities.* No person shall dredge, excavate, fill or otherwise alter the seabed in any way nor construct any structure of any kind, whether permanent or temporary, with the exception of navigation aids.

(3) *Discharges.* No person shall deposit or discharge any materials or substance of any kind into the waters of the Sanctuary. The only exceptions are:

(i) Fish or fish parts and chumming materials;

(ii) Cooling waters from vessels; and

(iii) Effluent from marine sanitation devices approved by the United States Coast Guard.

(4) *Tampering with markers.* No person shall mark, deface or damage in any way whatsoever, or displace, remove or tamper with any signs, notices or placards, whether temporary or permanent, or with any navigational aids, monuments, stakes, posts, mooring buoys, scientific equipment or other boundary markers installed by the

Sanctuary Manager, or trap floats placed for the purpose of lobster fishing.

(5) *Use of harmful fishing methods.* No person shall use within the Sanctuary, or shall carry or possess, except while passing without interruption through the Sanctuary or for law enforcement purposes, the following firearms or weapons: Pole spears, air rifles, bows and arrows, slings, Hawaiian slings, rubber powered arbaletes, pneumatic and spring loaded guns, explosive powered guns or similar devices known as spearguns. No person shall use within the Sanctuary:

(i) Wire fish traps;

(ii) Bottom trawls, dredges, fish sleds, or similar vessel-towed or anchored bottom fishing gear or net; or

(iii) Poisons, electric charges, explosives or similar devices.

(6) *Operation of watercraft and anchoring.* All watercraft shall be operated in accordance with applicable Federal rules and regulations. The following additional regulations apply within the boundaries of the Sanctuary.

(i) Watercraft shall be operated to avoid striking or otherwise causing damage to the natural features of the Sanctuary.

(ii) Watercraft must use mooring buoys, stations or anchoring arms when such facilities have been provided.

(iii) No anchor shall be cast or dragged in such a way as to damage any coral reef formations. Anchors shall be dropped only on sand flats off the reefs and be placed to avoid dragging into the coral formations.

(iv) Within 100 yards of divers, sightseeing boats or fishermen, no watercraft shall be operated at a speed greater than 4 knots or in any manner to create a wake, except by law enforcement officials while in the performance of their official duties.

(v) All watercraft from which diving operations are being conducted shall fly in a conspicuous manner the red and white "divers down" flag. Divers shall stay within 100 yards of their diving flag.

(7) *Use of dangerous weapons.* Except for law enforcement purposes, no person shall use or discharge explosives or weapons of any description within the Sanctuary boundaries. Distress signaling devices, necessary and proper for safe vessel operation, and knives generally used by fishermen and swimmers are not considered weapons for purposes of this subsection.

(b) The Sanctuary may be closed to public use in the event of emergency conditions endangering life or property. The Assistant Administrator or his/her designee may also close certain areas in order to permit recovery of the living

resources from overuse, or provide for scientific research relating to protection and management. However, the total closed area shall not exceed a size necessary to accomplish these purposes. Public notice of closures will be provided through the local news media and posting of placards at the John Pennekamp Coral Reef State Park, if deemed necessary.

(c) The regulation of activities within the Sanctuary shall not prohibit any activity conducted by the Department of Defense that is essential for national defense or because of emergency. Such activities shall be conducted consistently with all regulations to the maximum extent possible.

(d) The prohibitions in this Section are not based on any claim of territoriality and will be applied to foreign persons and vessels only in accordance with recognized principles of international law, including treaties, conventions and other international agreements to which the United States is signatory.

§ 929.8 Other authorities.

No license, permit or other authorization issued pursuant to any other authority may validly authorize any activity prohibited by § 929.7 unless such activity meets the criteria stated in § 929.10 (a), (c) and (d), and is specifically authorized by the Assistant Administrator.

§ 929.9 Penalties for commission of prohibited acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than \$50,000 for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding *in rem* against any vessel used in violation of any such regulation. NOAA will apply the consolidated civil procedure regulations set forth at 46 FR 61643 (1981) (to be codified at 15 CFR 904.100 through 904.243), and the seizure, forfeiture, and disposal procedure regulations set forth at 46 FR 31648 (1981) (to be codified at 50 CFR Part 219) to all enforcement matters under the Act.

§ 929.10 Permit procedures and criteria.

(a) Any person in possession of a valid permit issued by the Assistant Administrator in accordance with this Section may conduct in the Sanctuary activities specified in the permit including any activity specifically prohibited under § 929.7, if such activity is: (1) Research related to the resources of the Sanctuary; (2) to further the educational value of the Sanctuary; or (3) for salvage or recovery operations.

(b) Permit applications shall be addressed to the Assistant Administrator, Attn: Sanctuary Programs Division, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. An application shall include a description of all activities proposed, the equipment, methods, and personnel (particularly describing relevant experience) involved, and a timetable for completion of the proposed activity. Copies of all other required licenses or permits shall be attached.

This information collection has been approved by the Office of Management and Budget (approval number 0648-0138) for use through October 31, 1986.

(c) In considering whether to grant a permit, the Assistant Administrator shall evaluate such matters as: (1) The general professional and financial responsibility of the applicant; (2) the appropriateness of the methods being proposed to the purpose(s) of the activity; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, education, or scientific information; and (4) the end value of the activity.

(d) In addition to meeting the criteria in § 929.10 (a) and (c), the applicant must also satisfactorily demonstrate to the Assistant Administrator:

(1) That adequate safeguards shall be provided to protect the environment; and (2) that the environment shall be returned to the condition which existed before the activity occurred. Permits shall be appropriately conditioned, and monitored by NOAA to ensure compliance.

(e) In considering an application submitted pursuant to this Section, the Assistant Administrator may seek and consider the views of Regional Fishery Management Councils and any other person or entity, within or outside of the Federal government, and may hold a public hearing, as he/she deems appropriate.

(f) The Assistant Administrator may grant a permit which has been applied for pursuant to this Section, in whole or in part, and subject to such condition(s) as deemed necessary, and may attach to any permit granted for research related to the Sanctuary stipulations requiring that: (1) The Assistant Administrator or a designated representative may observe and monitor any activity permitted by this section; (2) any information obtained in the research site shall be made available to the public; (3) periodic reports of the status of progress of such activity be submitted; and (4) the Permittee shall fly the Sanctuary

research flag while working in the Sanctuary.

(g) A permit granted pursuant to this section is nontransferrable.

(h) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this section, in whole or in part, if it is determined that the Permittee has acted in violation of the terms of the permit or of these regulations or for other good cause shown. Any such action shall be communicated in writing to the Permittee, and shall set forth the reason(s) for the action taken. Such action may be appealed as provided for in § 929.11.

§ 929.11 Appeals of administrative action

(a) The applicant for a permit or the Permittee, or any other interested person (hereafter Appellant) may appeal the granting, denial, conditioning or suspension of any permit under § 929.10 to the Administrator of NOAA. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefor, and shall be submitted within 30 days of the action(s) by the Assistant Administrator. The Appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Administrator may request the Appellant, and the permit applicant or Permittee if other than the Appellant, to submit such additional information and in such form as will allow action upon the appeal. The Administrator shall decide the appeal using the criteria set out in § 929.10 (a), (c) and (d) and any information relative to the application on file, any information provided by the Appellant, and such other consideration as is deemed appropriate. The Administrator shall notify the Appellant of the final decision and the reason(s) therefor, in writing, normally within 30 days of the date of the receipt of adequate information required to make the decision.

(c) If a hearing is requested or, if the Administrator determines that one is appropriate, the Administrator may grant an informal hearing before a Hearing Officer designated for that purpose, after first giving notice of the time, place, and subject matter of the hearing in the **Federal Register**. Such hearing shall normally be held no later than 30 days following publication of the notice in the **Federal Register** unless the Hearing Officer extends the time for reasons deemed equitable. The Appellant, the applicant or Permittee if different, and, other interested persons

may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the Hearing Officer. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend a decision in writing to the Administrator.

(d) The Administrator may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Administrator shall notify the interested persons of his/her decision, and the reason(s) therefor in writing within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's decision shall constitute final action for the Agency for the purposes of the Administrative Procedure Act.

(e) Any time limit prescribed in this section may be extended by the Administrator for good cause for a period not to exceed 30 days, either upon his/her own motion or upon written request from the Appellant, permit applicant or Permittee, stating the reason(s) therefor.

[FR Doc. 83-32539 Filed 12-8-83; 8:45 am]
BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 125, 225, and 356

[Docket No. RM83-40-000]

Retention of Records by Natural Gas Companies, Public Utilities, Licensees, and Oil Pipeline Companies

Issued: December 5, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rules; notice of effective date and corrections.

SUMMARY: This document gives notice of the effective date of a final rule in Docket No. RM83-40-000 (Order No. 335), issued September 27, 1983, amending regulations on the retention of records. The Commission is also correcting an error made in the final rule.

DATE: Order No. 335 is effective on December 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426; (202) 357-8033.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C.

3501-3520 (Supp. V 1981) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1983), require that OMB review certain information collection requirements imposed by agency rule. Upon approval, OMB issues a control number.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM83-40-000 (Order No. 335) amending its regulations on retention of records by public utilities, licensees, natural gas companies, and oil pipeline companies. Revisions to Regulations on Retention of Records by Natural Gas Companies, Public Utilities, Licensees and Oil Pipeline Companies, 48 FR 44477 (September 29, 1983). The Commission therein stated that the rule would be effective on November 28, 1983, unless the Commission did not receive OMB's approval by that time, in which case the Commission would temporarily suspend the effective date of the rule.

The Commission did not receive OMB's approval sufficiently prior to the effective date of the rule to avoid the necessity of publishing a suspension notice. The Commission, therefore, suspended the effective date of this rule until it received notice of OMB's approval. 48 FR 53694 (November 29, 1983).

The Commission has received notice that OMB approved this rule and assigned it OMB control number 1902-0098. Accordingly, this rule will now become effective on the date that this notice is published in the Federal Register.

In addition, the following corrections are made in FR Doc 83-7866, appearing on page 44484 of the September 29, 1983 issue of the Federal Register (Mimeo page 33).

1. Ordering paragraph 11 should read as follows:

11. Section 356.11 (Schedules of Records and Periods of Retention) is amended by removing entirely the following categories of records and their retention periods: A.3, A.4(e), A.5, A.6(d)-A.6(f), B.1, B.2(b)-B.2(g), B.3-B.7, C.3, C.4(c), C.4(d), C.5(b)-C.5(d), D. note, D.1(g), D.1(j), D.2(b), E.1, E.2(c)-E.2(j), F., G.2, G.3, H.1(b), H.2(b), H.2(c), H.3, H.4, I., J.1-J.11, K.2, K.6, L.1(b), L.1(c), L.2-L.5, and M.

2. A new ordering paragraph 14 should be added on page 44485 to read as follows:

12. The OMB control number is added parenthetically after each of the table of contents to Parts 125, 225, and 356, to read as follows:

(OMB Control Number 1902-0098)

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-32705 Filed 12-8-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 282

[Docket No. RM80-10-001]

Incremental Pricing Program; Order Extending Stay of Effective Date of Order No. 80

Issued December 1, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order extending stay of effective date of Order No. 80.

SUMMARY: On May 6, 1980, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 80, 45 FR 31,622 (May 13, 1980)) to implement Phase II of the incremental pricing program. That rule, which expands the scope of incremental pricing in accordance with section 202 of the Natural Gas Policy Act of 1978, was due to become effective October 5, 1983. On October 5, 1983, the Commission issued an order to stay the effective date for sixty days and proposed to extend the stay for an additional 120 days or until the Commission completes its reconsideration of Order No. 80, whichever is earlier. (48 FR 45,758 and 45,787 (Oct. 7, 1983).) After consideration of comments received, the Commission adopts its proposal and extends the stay of Order No. 80 until April 12, 1984, or until the Commission completes reconsideration of Order No. 80 whichever is earlier.

EFFECTIVE DATE: This order is effective December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is issuing this order to extend the stay of the effective date of the final regulations in Order No. 80¹ for 120 days or until the Commission completes reconsideration of the regulations in Order No. 80, whichever is earlier. Those regulations expand the scope of the incremental pricing program in accordance with section 202

¹ Final Rule, Docket No. RM80-10, issued May 6, 1980, 45 FR 31,622 (May 13, 1980).