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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 351

RIN 3206-AF00

Advance Certification To Participate in Retraining and Placement Assistance Programs

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing revised interim regulations that provide an "early warning" to employees who an agency expects will be separated by reduction in force. Under these regulations, employees who receive an "early warning" may be eligible to participate in outplacement and retraining programs administered by the Department of Labor and to receive early placement assistance through OPM and agency programs.

DATES: Interim rules effective May 26, 1992. Written comments will be considered if received no later than July 27, 1992.

ADDRESS: Send or deliver written comments to Leonard R. Klein, Associate Director for Career Entry, Office of Personnel Management, room 6F08, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Sylvia Cole on placement programs and Thomas Glennon on reduction in force procedures. Both may be reached on 202-606-0960 (FAX 202-606-0390).

SUPPLEMENTARY INFORMATION: Employees separated from Federal employment by reduction in force (RIF) may be eligible for job assistance under programs operated by their employing agencies, OPM, and the U.S. Department

of Labor. The purpose of these regulations is to provide a mechanism to give employees an early warning of expected separation from employment and to enable them to register in these job assistance programs up to 6 months prior to their expected separation. Experience has shown that the earlier individuals are registered in such programs, the greater their chances of finding other employment and avoiding or minimizing any period of unemployment. These regulations address early participation in three programs: The Job Training Partnership Act (JTPA), Reemployment Priority List (RPL), and Displaced Employee Program (DEP).

Job Training Partnership Act

Under title III of the Job Training Partnership Act (29 U.S.C. 1651 *et seq.*), the U.S. Department of Labor provides funding for retraining and readjustment assistance to displaced workers, including Federal employees. Types of assistance available through the Job Training Partnership Act (JTPA) include retraining, counseling, testing, placement assistance, and other support activities. Eligibility under the law is limited to those workers who have been terminated from employment or have received a notice of termination.

With these regulations, OPM is providing a mechanism to enable the Department of Labor to identify those Federal workers who are eligible for JTPA benefits before they receive a specific RIF notice. Competing employees are entitled to receive a specific RIF notice at least 60 days prior to the effective date of a RIF. However, 60 days may be too limited a time for employees to benefit from JTPA services. Because agencies often are unable to give a longer RIF notice, OPM is giving agencies the option of issuing a Certification of Expected Separation to each competing employee who most likely will be separated and will have limited job opportunities in the local area in both the Federal and private sectors. The certification provision is included in a new § 351.807. The Department of Labor intends to issue regulations that will recognize individuals who receive a Certification of Expected Separation as eligible for JTPA benefits. Such certification is not necessary for employees whose

eligibility for participation in JTPA programs has been established.

The use of this "early warning" procedure will not in any way relieve an agency of its obligation to provide a proper notice of a RIF action, including a minimum 60 days specific notice, under subpart H of part 351.

Reemployment Priority List (RPL) and Displaced Employee Program (DEP)

Displaced employees are eligible for placement assistance by their own agencies as well as OPM. Through the RPL, agencies give reemployment consideration to their former competitive service employees separated by reduction in force. When filling vacancies, agencies must give RPL registrants priority consideration over certain outside job applicants. This consideration extends to positions in the commuting area where the employees were separated.

OPM, in turn, operates the DEP to give separated employees priority consideration for positions in other Federal agencies. When a DEP participant is referred to an agency through OPM procedures, the agency cannot pass over the individual to reach an outside candidate unless an objection is sustained by OPM.

Previously, participation in both the RPL and DEP was limited to employees who had received a specific RIF notice. Under these regulations, receipt of a Certification of Expected Separation means the employee will be eligible to be enrolled in both the RPL and the DEP. The provision for acceptance of a Certification of Expected Separation is included in § 330.203, § 330.302, § 330.303, and § 330.307.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest to delay access to benefits. Also, pursuant to 5 U.S.C. 553 (d) (3), I find that good cause exists to make this amendment effective in less than 30 days. The delay in the effective date is being waived to give effect to the benefits extended by the amended provisions at the earliest practicable date.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined in E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

List of Subjects**5 CFR Part 330**

Armed forces reserves, Government employees.

5 CFR Part 351

Administrative practice and procedure, Government employees.

Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending parts 330 and 351 of title 5, Code of Federal Regulations, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954-58 Comp., p. 218; § 330.102 also issued under 5 U.S.C. 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; subpart H also issued under 5 U.S.C. 8337(h) and 8457(b).

2. In § 330.203, paragraphs (a)(3) and (b) are revised to read as follows:

§ 330.203 Eligibility due to reduction in force.

(a) * * *

(3) Have received a specific notice of separation under part 351 of this chapter, or a Certification of Expected Separation as provided in § 351.807 of this chapter; and

(b) At the time it gives a specific RIF notice of separation or a Certification of Expected Separation, the agency must give each eligible employee information about the RPL, including appeal rights.

3. In § 330.302, paragraph (a) is revised to read as follows:

§ 330.302 OPM Programs.

(a) OPM operates two placement programs—the Interagency Placement Assistance Program (IPAP) and the Displaced Employee Program (DEP). In general, the IPAP provides placement assistance in advance of an impending

work force reduction to employees who have been identified by their agencies as surplus. The DEP provides assistance to employees who have received a Certification of Expected Separation or specific notice of separation, or who have been separated.

4. In § 330.303, paragraph (b)(4)(i) is revised to read as follows:

§ 330.303 Eligibility.

(b) * * *

(4) * * *

(i) Has received a specific notice of separation under part 351 of this chapter, or a Certification of Expected Separation as provided in § 351.807 of this chapter.

5. In § 330.307, paragraph (a)(2) and paragraph (b) are revised to read as follows:

§ 330.307 Agency responsibilities.

(a) * * *

(2) Each agency is required to operate a positive placement program for its own surplus and displaced employees. The program must, at a minimum, provide for the establishment and maintenance of a reemployment priority list for the commuting area for those employees who have received a specific notice of separation through reduction in force or a Certification of Expected Separation, as provided for in subpart B of this part. Additionally, each agency is expected to supplement this basic requirement with other forms of appropriate assistance to be given to employees prior to actual separation. An agency's positive placement program should include the following elements:

(b) *Registration of eligible employees.* Agencies are encouraged to participate in the IPAP and inform their employees about this program as soon as they are reasonably sure that separations will be necessary. In accordance with subpart H of part 351 of this chapter, agencies must inform affected employees about the Displaced Employee Program at the same time that Certifications of Expected Separation or specific reduction in force notices are distributed. Agencies are responsible for assisting employees with their registration forms, for completing the information requested on the forms, and for sending them to appropriate offices as instructed by OPM.

PART 351—REDUCTION IN FORCE

6. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 1302, 3502, 3503.

7. A new § 351.807 is added to subpart H, to read as follows:

§ 351.807 Certification of expected separation.

(a) For the purpose of enabling otherwise eligible employees to be considered for eligibility to participate in dislocated worker programs under the Job Training Partnership Act administered by the U.S. Department of Labor, an agency may issue a Certification of Expected Separation to a competing employee who the agency believes, with a reasonable degree of certainty, will be separated from Federal employment by reduction in force procedures under this part. A certification may be issued up to 6 months prior to the effective date of the reduction in force.

(b) This certification may be issued to a competing employee only when the agency determines:

(1) There is a good likelihood the employee will be separated under this part;

(2) Employment opportunities in the same or similar position in the local commuting area are limited or nonexistent;

(3) Placement opportunities within the employee's own or other Federal agencies in the local commuting area are limited or nonexistent; and

(4) If eligible for optional retirement, the employee has not filed a retirement application or otherwise indicated in writing an intent to retire.

(c) A certification is to be addressed to each individual eligible employee and must be signed by an appropriate agency official. A certification must contain the expected date of reduction in force, a statement that each factor in paragraph (b) of this section has been satisfied, and a description of Job Training Partnership Act programs, the Displaced Employee Program, and the Reemployment Priority List.

(d) A certification may not be used to satisfy any of the notice requirements elsewhere in this subpart.

(e) An agency determination of eligibility for certification may not be appealed to OPM or the Merit Systems Protection Board.

(f) An agency also may enroll eligible employees in the Displaced Employee Program and the Reemployment Priority List up to 6 months in advance of a reduction in force. For requirements and

criteria for these programs, see subparts B and C of part 330 of this chapter.

[FR Doc. 92-12188 Filed 5-20-92; 1:03 pm]

BILLING CODE 6325-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 154, 155, 157, 159, 160, 260, 281, and 375

[Docket No. RM92-4-000; Order No. 542]

Deletion of Certain Outdated or Nonessential Regulations Pertaining to the Commission's Jurisdiction Over Natural Gas

Issued May 1, 1992.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has reviewed its regulations and has determined that certain of its regulations pertaining to natural gas matters are either outdated or serve no useful purpose. Consequently, these outdated or nonessential regulations will be deleted from the Commission's body of natural gas regulations.

EFFECTIVE DATE: This final rule is effective May 1, 1992.

FOR FURTHER INFORMATION CONTACT: James Whitfield, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, (202) 208-0119.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this order will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the

Commission's contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Final Rule

Before Commissioners: Martin L. Allday, Chairman; Charles A. Trabandt, Elizabeth Anne Moler, Jerry J. Langdon and Branko Terzic.

I. Introduction and Background

The Federal Energy Regulatory Commission (Commission) has reviewed its regulations and has determined that certain of its regulations pertaining to natural gas matters are either outdated or serve no useful purpose.¹ Consequently, these outdated or nonessential regulations will be deleted from the Commission's body of natural gas regulations. The regulations to be deleted are located in 18 CFR parts 2, 154, 155, 157, 159, 160, 260, 281, and 375. The list of regulations to be deleted here is not all inclusive, but reflects, in part, the Commission's ongoing review of its regulations to identify other outdated or nonessential regulations for deletion.

The Commission derives its initial responsibility regarding natural gas matters from the Natural Gas Act of 1938, 15 U.S.C. 717-717(w), (NGA).² Subsequently, Congress amended the NGA by enacting the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (NGPA). The NGPA was enacted to deal with the shortages of gas occurring in the 1970's in the interstate market. Under the NGPA, certain categories of natural gas were promptly removed from the Commission's jurisdiction, and other categories were gradually removed between 1978 and 1985. The NGPA's removal of the Commission's jurisdiction over certain natural gas eliminated the need for a certificate of public convenience and necessity, and removed regulatory controls over the sale and use of natural gas, the curtailment, or the abandonment service over such gas. More recently, Congress passed the Natural Gas Wellhead Decontrol Act (Decontrol Act).³ The Decontrol Act is the final step in the wellhead decontrol of natural gas that was initially begun by the NGPA. The Decontrol Act deregulates certain categories of first sales of natural gas prior to January 1, 1993, and provides for

the complete decontrol of wellhead prices of first sales by January 1, 1993, by repealing title I of the NGPA. To implement these laws, the Commission has promulgated various regulations. Over the years, many of these regulations, particularly those promulgated under the NGA by the Commission's predecessor agency, the Federal Power Commission, have become obsolete or nonessential, and will be deleted.

II. Public Reporting Burden

The Commission believes that there will be no impact on the public reporting burden from the elimination of these nonessential and outdated regulations. The current reporting burden from Commission information collections arises only from the collection of current data, and the regulations being eliminated do not collect current data. Therefore, the deletion of these regulations will not change current reporting burdens.

III. Discussion

Part 2

Part 2 concerns the Commission's general policy and interpretations regarding the NGA, the National Environmental Policy Act of 1969, the Economic Stabilization Act of 1970 and Executive Orders 11615 and 11627, the NGPA, and the Public Utility Regulatory Policies Act of 1978. The sections of the regulations being deleted here pertain only to the NGA, and are discussed below.

Section 2.53 is a policy statement issued in December of 1947, concerning certificate applications by natural gas companies for construction or operation of facilities. This section warned that appropriate action would be taken against any natural gas company contracting or operating a facility in violation of section 7 of the NGA. This section has been superseded by regulations promulgated under part 157 of the Commission's regulations; accordingly, this section will be deleted.

Section 2.56(a) is a policy statement concerning area rates for natural gas sales by independent producers. Section 2.56a concerns national rates for sale of natural gas from wells commenced on or after January 1, 1973, and certain other sales. Section 2.56b concerns national rates for sales of natural gas from wells started before January 1, 1973. The Commission has not established area or national rates since passage of the NGPA in 1978. The NGPA established maximum lawful prices for all first sales, which reflected the area and

¹ Most of the regulations under the Natural Gas Act at issue here were promulgated by the Federal Energy Regulatory Commission's predecessor, the Federal Power Commission.

² In *Phillips Petroleum Company v. Wisconsin*, 347 U.S. 672 (1954), the Court held that the NGA also extended the Commission's jurisdiction over wellhead prices.

³ Public Law No. 101-60; 103 Stat. 157 (1989).

national rates established by the Commission. Therefore, these sections are no longer necessary.

Section 2.61 concerns the Commission's statement of policy regarding a pipeline company's natural gas deliverability life. This section defines deliverability life as the number of future years during which a pipeline company can meet its annual requirement for its presently certificated delivery capacity from presently committed sources of supply. This section is not needed because the NGPA and implementing regulations under part 284, resulting in self implementing transportation in connection with wellhead price decontrol, have made this section no longer necessary. Therefore, this section will be removed.

Section 2.63 specifies the refund conditions to be contained in certain temporary certificates of public convenience and necessity issued to independent producers of natural gas in areas where just and reasonable rates have not been established. This section is no longer needed in light of the national rates established by the Commission and the maximum lawful prices in the NGPA. Consequently, this section will be removed.

Section 2.66 provides that gas produced by pipelines or by their affiliates will be priced for ratemaking purposes at the just and reasonable area rate applicable to gas of a vintage corresponding to the date of completion of the first well on the lease. Otherwise, this regulation provides that such gas will be priced at the in-line price, or if there is no in-line price, on the basis of the guideline price, with a few exceptions, as set forth in § 2.56 of the Commission's regulations. Section 2.56 pertains to area price levels for natural gas sales by independent producers. This regulation is no longer necessary because of the NGPA and the Decontrol Act. Under *Public Service Commission of the State of New York v. Mid-Louisiana Gas Co.*,⁴ pipeline production is entitled to the maximum lawful prices established in the NGPA. Additionally, the Decontrol Act deregulated pipeline production in 1989. Therefore, this section will be deleted.

Section 2.70 provides that jurisdictional pipeline companies shall take all steps necessary for the protection of as reliable and adequate service as present supplies and capacities will permit during the 1971-72 heating season and thereafter, including adequate injection into storage in anticipation of the heating season.

Section 2.70 also sets forth procedures for requirement to effectuate the protection of reliable and adequate natural gas service. Section 2.70 has been superseded by regulations contained in subpart I and other subparts of part 284, and will be deleted.

Section 2.75 concerns the optional procedures for certificating new producer sales of natural gas at rates in excess of the national rates. Since the NGPA established maximum lawful prices for all categories of gas, the Commission believes that this regulation should be deleted.

Section 2.77 contains the Commission's policy on expedited producer abandonment. This section has been superseded by the regulations promulgated by Order No. 490,⁵ the partial wellhead decontrol by the NGPA, and the additional wellhead decontrol by the Decontrol Act, with complete decontrol being accomplished by January 1, 1993. Therefore, this section will be deleted.

Section 2.79 concerns the Commission's policy with respect to certification of pipeline agreements involving natural gas from both the on-shore and the off-shore domains for use by customers with various priority uses. This regulation was rendered unnecessary by regulations contained in part 284 of the Commission's regulations, and will be removed.

Section 2.90 pertains to the implementation of Executive Order No. 11615, Executive Order No. 11615, which was issued in 1971, concerns the stabilization of prices, rents, wages, and salaries. Section 2.90a concerns implementation of Executive Order No. 11627 and 6 CFR 300.016, which also concern the stabilization of prices, rents, wages, and salaries in connection with the Economic Stabilization Act. Likewise, § 2.90b pertains to the stabilization of prices, rents, wages, and salaries. These sections were promulgated to deal with an economic crisis that occurred during the early 1970's, and are clearly outdated; accordingly, these sections will be deleted.

By means of § 2.91, the Commission announced its intent to establish a fully automated computer regulatory information system to assist it in carrying out its regulatory missions. This regulation is no longer needed because the automated computer regulatory information system is basically in place.

⁴ Order No. 490, 53 FR 4121, (Feb. 12, 1988); FERC Stats. & Regs. ¶ 30,797 (April 12, 1988); Order No. 490-A, 53 FR 29002 (August 12, 1988); FERC Stats. & Regs. ¶ 30,825 (July 22, 1988).

Part 154

Sections 154.81-86 pertain to restatement of schedules filed prior to December 1, 1948. These sections are clearly outdated, and accordingly will be deleted.

Part 155

Part 155 requires pipelines to file direct industrial sales contracts. Part 155 is nonessential. To the extent information is needed under this part, such information can easily be acquired elsewhere. Consequently, part 155 will be deleted.

Part 157

Sections 157.7(b)-(g) set out rules for budget-type certificates for gas supply facilities, miscellaneous rearrangements of facilities, storage facilities, direct sales service and facilities, and field compression facilities. The transactions covered by these sections are covered under subpart F of part 157 of the Commission's regulations. Accordingly, there is no need for these sections, and they will be deleted.

Section 157.42 provides for the exemption of certain emergency gas transportation arrangements during the coal emergency period which began on March 15, 1978 and ended April 30, 1978. Since the emergency period for which the regulation was concerned no longer exists, the need for this regulation ceases; this regulation will also be deleted.

Part 159

Section 159.2 pertains to fees for applications filed prior to November 4, 1985 for the construction or acquisition of facilities pursuant to section 7 of the NGA and the completion of projects before November 4, 1985, involving the construction or acquisition of facilities pursuant to a blanket certificate. Since this regulation applies only to pre-1985 applications or projects, there is no longer any need for this regulation. It will be deleted.

Part 160

Part 160 requires the filing of company procurement policies and procedures. This part is nonessential. Consequently, the Commission believes that this part can be eliminated without affecting the Commission's oversight responsibilities. Accordingly, part 160 will be deleted.

Part 260

Section 260.100 requires a natural gas company to disclose in annual reports to stockholders and others the amount of investment tax credits generated and utilized and a statement of the

⁴ 463 U.S. 319 (1983).

accounting method used by the company to account for the credit utilized. Since generally accepted accounting principles require the disclosure of such information in annual reports to shareholders, the Commission concludes that this section can be eliminated.

Part 281

Sections 281.101-111 were promulgated to implement section 401 of the NGPA in order to provide that for the period April 1, 1979 through October 31, 1979, the curtailment plans of interstate pipelines, to the practical extent possible, not cause curtailment of deliveries of natural gas for essential agricultural use and for high-priority uses. Clearly, these regulations are no longer applicable, and will accordingly be deleted.

Part 375

Section 375.307(a)(13) delegates authority to the Director of the Office of Pipeline and Producer Regulation or the Director's designee to issue certificates of public convenience and necessity for off-system sales, pursuant to the statement of policy issued April 25, 1983, in Docket No. PL83-2-000. The regulations promulgated by Order No. 636 under part 284 have eliminated the need for § 375.307(a)(13). Therefore, this section will be deleted.

IV. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act⁶ generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The Commission certifies that promulgating this rule does not represent a major Federal action having a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis is required.

V. Information Collection Statement

The Office of Management and Budget's (OMB) regulations⁷ require that OMB approve certain information collection requirements imposed by agency rule. Since this order does not impose new regulations and has no impact on current information collections, there is no need to obtain OMB approval as to the deletion of these regulations.

VI. National Environmental Policy Act Statement

The Commission concludes that promulgating this rule does not represent a major Federal action having significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act.⁸ This rule is procedural in nature and therefore falls within the categorical exemptions provided in the Commission's regulations.⁹ Consequently, neither an environmental impact statement nor an environmental assessment is required.

VII. Effective Date

This rule does not alter the substantive rights or interests of any interested persons, and it merely removes certain outdated and nonessential, natural gas regulations from the Commission's body of regulations. Therefore, prior notice and comment under section 4 of the Administrative Procedure Act (APA)¹⁰ are unnecessary. Since the purpose of this final rule is to remove directives from the Commission's regulations that are no longer pertinent, the Commission finds good cause to make this rule effective immediately upon issuance. This rule therefore is effective May 1, 1992.

List of Subjects

18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural gas pipeline, Reporting and recordkeeping requirements.

18 CFR Part 154

Alaska, Natural gas, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 155

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 159

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 160

Natural Gas, Reporting and recordkeeping requirements.

18 CFR Part 260

Natural Gas, Reporting and recordkeeping requirements.

18 CFR Part 281

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 375

Authority delegations (government agencies), Seals and insignia, Sunshine Act.

In consideration of the foregoing, the Commission amends parts 2, 154, 155, 157, 159, 160, 260, 281, and 375, title 18, chapter I, Code of Federal Regulations as set forth below.

By the Commission.
Lois D. Cashell,
Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 792-825r, 2601-2645; and 42 U.S.C. 4321-4361, 7101-7352.

2. Sections 2.53, 2.56, 2.56a, 2.56b, 2.61, 2.63, 2.66, 2.70, 2.75, 2.77, 2.79, 2.90, 2.90a, 2.90b, and 2.91 are removed.

PART 154—RATE SCHEDULES AND TARIFFS

3. The authority citation for part 154 is revised to read as follows:

Authority: 15 U.S.C. 717-717w; 42 U.S.C. 7102-7352; 31 U.S.C. 9701.

§§ 154.81 through 154.86 [Removed]

4. The undesignated center heading and sections 154.81 through 154.86 are removed.

PART 155—CONTRACTS AND RATE SCHEDULES FOR DIRECT INDUSTRIAL SALES

5. Part 155 is removed.

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

6. The authority citation for part 157 is revised to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352.

§ 157.7 [Amended]

7. In § 157.7 paragraphs (b) through (h) are removed.

⁶ 52 FR 47897 (Dec. 17, 1987), III FERC Stats. & Regs. ¶ 30.783 (Dec. 10, 1987).

⁷ 18 CFR 360.4(a)(2)(ii).

¹⁰ 5 U.S.C. 553(b).

⁸ 5 U.S.C. 601-612.

⁹ 5 CFR part 1320.

§ 157.42 [Removed]

7a. Section 157.42 is removed.

PART 159—FEES AND ANNUAL CHARGES UNDER THE NATURAL GAS ACT

8–9. Part 159 is removed.

PART 160—FILING OF COMPANY PROCUREMENT POLICIES AND PRACTICES

10. Part 160 is removed.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

11. The authority citation for part 260 is revised to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

§ 260.100 [Removed]

12. Section 260.100 is removed.

PART 281—NATURAL GAS CURTAILMENT UNDER THE NATURAL GAS POLICY ACT OF 1978; SUBPART A—INTERIM CURTAILMENT RULE

13. The authority citation for part 281 is revised to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 2601–2645; 42 U.S.C. 7101–7352.

§§ 281.101 through 281.111 [Removed]

14. Subpart A, containing sections 281.101 through 281.111, is removed.

PART 375—DELEGATION TO THE DIRECTOR OF THE OFFICE OF PIPELINES AND PRODUCER REGULATION

15. The authority citation for part 375 is revised to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–828r, 791a note, 2601–2645; 42 U.S.C. 7101–7352.

§ 375.30 [Removed]

16. Section 375.30(a)(13) is removed and reserved.

[FR Doc. 92–11933 Filed 5–22–92; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Parts 1 and 602**

[T.D. 8251]

RIN 1545-AA07

Credit for Increasing Research Activity; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction of final regulations.

SUMMARY: This document contains corrections to final regulations (T.D. 8251), which was published in the Federal Register for Wednesday, May 17, 1989 (54 FR 21203). The final regulations provide rules for the credit for increasing research activities.

EFFECTIVE DATE: May 17, 1989.

FOR FURTHER INFORMATION CONTACT: David S. Hudson, (202) 535–9540 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

The final regulations that are the subject of these corrections are under section 41 of the Tax Reform Act of 1986. The Tax Reform Act of 1986 extended the credit to amounts paid or incurred before January 1, 1989; amended the definition of qualified research for taxable years beginning after December 31, 1985; provided a separate credit with respect to certain payments to qualified organizations for basic research; and amended the credit provisions in certain other aspects. The Technical and Miscellaneous Revenue Act of 1988 extended the credit to amounts paid or incurred before January 1, 1990.

Need for Correction

As published, there was an omission in the final regulations which may prove to be misleading and is in need of clarification.

Par 1. On page 21203, column 2, in the preamble under the heading "SUPPLEMENTARY INFORMATION" and preceding the heading "Background" the following language was omitted and should have appeared:

"Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1545–0732. The estimated annual burden per respondent is .25 hours.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn:

IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–12107 Filed 5–22–92; 8:45 am]

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DEPARTMENT OF DEFENSE**Department of the Army****36 CFR Part 327****Shoreline Use Permit Conditions; Dock and Mooring Floatation Standards**

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule: Correction to 32 CFR Part 327.

SUMMARY: This document amends Condition 14 of Appendix C to 36 CFR 327.30, Shoreline Management Regulation, by correcting dock and mooring buoy floatation standards. This action is necessary because existing standards are incorrect and improperly defined. This change will more clearly explain floatation standards.

EFFECTIVE DATE: June 25, 1992.

ADDRESSES: Office of the Chief of Engineers, ATTN: CECW-ON, 20 Massachusetts Avenue NW, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Darrell Lewis (202) 272–0247.

SUPPLEMENTARY INFORMATION: There is a technical problem in Condition 14 of appendix C to 327.30. There is no extruded polystyrene or expanded polystyrene material that is not subject to deterioration upon contact with petroleum products. The term "protective coating" is not defined and is therefore open to question. This correction deletes the requirement pertaining to petroleum products and defines a standard protective coating, when one is necessary, as well as providing density and volume criteria. These changes are based on the results of a study of floatation materials conducted by the Corps' Waterway Experiment Station.

List of Subjects in 36 CFR Part 327

Public lands, Water Resources, Natural resources, Resource management, Penalties, Recreation and recreation areas.