

15 CFR Part 936

Gray's Reef National Marine Sanctuary

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

ACTION: Final rule.

SUMMARY: The Office of Coastal Zone Management within NOAA is issuing the Designation and final regulations for the Gray's Reef National Marine Sanctuary, 17.5 nmi east of Sapelo Island, Georgia (the Sanctuary). The Sanctuary was designated on January 16, 1981, after receiving Presidential approval on January 18, 1981. The Designation Document (the Designation) acts as a constitution for the Sanctuary, establishing its boundaries, purposes, and the activities subject to regulation. The regulations establish, in accordance with the terms of the Designation, the limitations and prohibitions on activities regulated within the Sanctuary, the procedures by which persons may obtain permits for otherwise prohibited activities, and the penalties for committing prohibited actions.

DATE: These implementing regulations are expected to become effective upon the expiration of a period of 60 calendar days of continuous session of Congress after their transmittal to Congress, concurrent with publication. This 60-day period is interrupted if Congress takes certain adjournments and the continuity of session is broken by an adjournment *sine die*. Therefore, the effective date can be determined by calling or writing the contact identified below. However, notification will be published in the Federal Register when the regulations become effective.

ADDRESS: NOAA invites public review and comment on these final regulations. Written comments should be submitted to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634-4238.

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. Section 302(f)(1) of the Act directs 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 Coastal Zone Management within the National Oceanic and Atmospheric Administration, U. S. Department of Commerce (the Assistant Administrator).

On January 18, 1981, the Assistant Administrator received the President's approval to designate as a marine sanctuary a 18.88 square nautical mile (sq nmi) area located 17.5 nmi east of Sapelo Island, Georgia. The area was so designated on January 18, 1981.

The Act, as amended by Public Law 96-332, provides that the Designation becomes effective unless Congress disapproves it or any of its terms by a concurrent resolution adopted by both Houses "before the end of the first period of sixty calendar days of continuous session" after transmittal of the Designation to Congress (Sections 302(b)(1) and 302(h)). As noted by the President in his statement of August 29, 1980, when signing Public Law 96-332, this provision raises constitutional questions but will be treated as a "report-and-wait" provision in accordance with that statement. Consequently, the regulations will not become effective until after the 60-day period described in Section 302(h). This period does not include those days on which either House is adjourned for more than 3 days to a day certain and is broken by an adjournment *sine die*. It is unlikely that these regulations will become effective before April 1981. Notification of the effective date will be published in the Federal Register at that time.

The proposed area is a biologically productive live bottom reef on the South Atlantic Continental Shelf which supports representatives of Virginian, Carolinian, and West Indian Biota, including an array of seaweeds, invertebrates, fish, and turtles. The primary purpose of the regulations is to protect and to preserve the live bottom reef ecosystem, including many reef dwelling organisms. Accordingly, all activities which would adversely impact live bottom resources are prohibited, except those permitted by the Assistant Administrator in accordance with § 938.8. Such activities include: alteration of or construction on the seabed (§ 938.6(a)(1)); wire trap fishing

(§ 938.6(a)(4)); bottom trawling and specimen dredging (§ 938.6(5)); and marine specimen collecting (§ 938.6(a)(6)). Similarly, activities harming cultural or historical artifacts in the area are prohibited, except by permit (§ 938.6(a)(7)). Finally, discharge and dumping of polluting materials which could damage the natural values of the area are prohibited (§ 938.6(a)(2)). Spearfishing and anchoring are listed in the Designation as activities potentially subject to regulation, but no regulations are proposed at this time. Vessels will be required to be operated in accordance with Federal rules and regulations (§ 938.6(a)(3)). Except with respect to the deliberate damage to seabed formation, anchoring, the use of certain fishing methods, and discharges, fishing activities at the live bottom are not subject to sanctuary regulation.

On June 11, 1980, NOAA published proposed regulations for the Sanctuary in the Federal Register (45 FR 39507) and issued a Draft Environmental Impact Statement (DEIS) which described in detail the proposed regulatory regime and alternatives to it. After consideration of the comments, an FEIS was issued in September 1980. In response to comments on the DEIS, the proposed regulatory regime was revised in the FEIS to list anchoring in the Designation Document but exempt it from regulation at this time. Some additional comments were received on the FEIS, but the regulations discussed in the FEIS and those published here are substantially identical. The more significant comments on the proposed regulations and the regulatory elements of the impact statements and NOAA's responses to them follow:

(1) *Comment:* NOAA's proposal in the DEIS to prohibit anchoring on hard bottom outcrops and to restrict anchoring to sand bottom areas was considered inappropriate by several reviewers who stated that (1) field data showing negative impacts from current anchoring activity was lacking; (2) boaters cannot visually differentiate between hard and soft bottom substrate due to water depth and turbidity; and (3) the regulation would discriminate against user groups which do not have the skill or equipment to locate appropriate anchoring areas.

Response: NOAA reevaluated information concerning anchoring at Gray's Reef and decided that anchoring need not be regulated at this time. NOAA has listed anchoring in the Designation and will undertake various management tasks: (1) monitor anchoring practices at Gray's Reef to determine activity levels, gear types,

and environmental impacts; (2) conduct a thorough underwater resource survey to determine the exact nature and extent of hard bottom and soft bottom coverage in the sanctuary; (3) prepare nautical maps for public use showing the bathymetry and geomorphology depicted by the survey mentioned above; (4) study the feasibility of designating anchorage areas with mooring buoys; and (5) educate the user public concerning safe anchoring practices as this information becomes available through environmental impact analysis.

(2) *Comment:* Because knowledge of the extent of live bottom coverage at Gray's Reef is incomplete at this time, a few reviewers recommended that NOAA consider the largest reasonable boundary area or at least an adjustable boundary.

Response: The current proposal opts for a conservative 18.68 sq nmi sanctuary area, which includes a previously mapped 12 sq nmi area of intense concentration of live bottom and a quarter nmi extension from the periphery to provide for the inclusion of previously unidentified live bottom. As discussed in the FEIS, the ocean floor of the sanctuary and its immediate surroundings will be surveyed following designation. In the event that the survey reveals significant amounts of additional live bottom habitat that would be suitable for inclusion in the sanctuary, boundary adjustments can be made in accordance with sanctuary program regulations.

(3) *Comment:* Some local fishermen and SCUBA divers took issue with the possible regulation of spearfishing at Gray's Reef, arguing that this activity presently does not threaten resources at the live bottom.

Response: Evidence gathered by NOAA through consultation with persons in the field supported the claim that spearfishing does not pose an immediate threat to sanctuary resources. As a result, NOAA determined that spearfishing should not be subject to regulation in the Sanctuary at this time. Spearfishing is listed in the Designation and will be monitored, rather than regulated.

(4) *Comment:* Some reviewers commented that NOAA was giving preferential treatment to hook and line fishing by exempting it from the Designation and potential sanctuary regulation. Similarly, several thought that NOAA was forfeiting its mandate to manage the sanctuary in a comprehensive manner by exempting this activity.

Response: NOAA proposes to rely on the South Atlantic Fishery Management

Council (SAFMC) to control hook and line fishing in the sanctuary pursuant to Fishery Management Plans (FMPs). NOAA reviewed draft FMPs and determined that proposed management measures should be adequate to manage hook and line fishing. Fishing by this method is likely to affect sanctuary resources only if the catch level is too high. Setting this level is the responsibility of the SAFMC whose objectives should be consistent with NOAA's. NOAA will monitor all fishing activities at Gray's Reef and will continue to work closely with the SAFMC to ensure that compatible management measures are implemented to maintain and protect fishery resources in the Sanctuary.

(5) *Comment:* A few commentors felt that marine sanctuary status for Gray's Reef was unnecessary, stating that (1) the status quo already provides enough protection and a marine sanctuary would only add an unnecessary and expensive layer of Federal bureaucracy and (2) because Gray's Reef is located 17.5 nmi from shore, factors of distance, weather, sea conditions, and fuel costs limit use of the reef.

Response: (1) The many Federal agencies which exercise authority in the proposed area provide a considerable degree of regulatory protection for the resources of the area. However, the extraordinary diversity of natural resources concentrated in the proposed sanctuary deserves additional attention beyond that provided by the present institutional structure.

The marine sanctuary program, unlike other programs which have jurisdiction in the area of the proposed sanctuary, includes a mechanism to focus on this particular geographically defined marine area and to provide comprehensive research and monitoring of the condition of the resources to assure long-term protection and maximum safe use and enjoyment; other statutes do not provide in most cases the same geographically focused, comprehensive research and monitoring effort. An educational element of the program heightens public awareness of the value of the resources and thereby reduces the potential for harm; again, this aspect of the marine sanctuary program is unavailable under the present system.

Although certain uses of the area do not now seriously threaten resource quality, they could have more significant impact when activities increase. The current multitude of regulatory authorities, many of which have different objectives and jurisdictions, may not be able to respond to future activities on the basis of ecosystem issues. Because these waters contain so

many beneficial uses, the special planning and study possible in a marine sanctuary is necessary to ensure that they are used and preserved in the future as effectively as possible.

(2) Gray's Reef is both one of the largest naturally occurring live bottoms in the South Atlantic and the closest known live bottom off Georgia. The average Georgia offshore recreational fishing boat (22 feet and 150-175 horsepower) on an average day (2 to 4 foot seas) departing from Sapelo Sound makes the trip to Gray's Reef in one hour or less.

Unlike tropical reefs farther south, Gray's Reef has been isolated from many human impacts. The availability of nearshore artificial reefs and some natural reefs farther offshore Georgia, the environmental constraints posed by unpredictable weather conditions and distance from shore, and the rural character of coastal Georgia tend to limit use of Gray's Reef. However, use of this area is expected to increase in the future in direct relation to increased demand for marine-related recreation, vessel fuel expenses, and development of domestic energy and fishery resources. Whether coastal Georgia's generally rural composition will act as a deterrent so increased use is not known. With or without sanctuary status, Gray's Reef will remain a favored recreational, educational, and research site.

The Designation Document

NOAA's marine sanctuary program regulations (15 CFR Part 922, 44 FR 44831, July 31, 1979) provide that the management regime for a marine sanctuary will be established by two documents, the Designation document (the Designation) and the regulations issued pursuant to Section 302(f) of the Act. The Designation serves as a constitution for the sanctuary, establishing among other things the purpose of the sanctuary, the types of activities that may be subject to regulation within it, and the extent to which other regulatory programs will continue to be effective.

The Gray's Reef National Marine Sanctuary Designation Document is as follows:

Final Designation Document— Designation of The Gray's Reef National Marine Sanctuary

Preamble

Under the authority of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, (the Act), the waters at Gray's Reef in the South Atlantic Bight off the coast of Georgia are hereby designated a National

Marine Sanctuary for the purposes of: (1) protecting the quality of this unique and fragile ecological community; (2) promoting scientific understanding of this live bottom ecosystem; and (3) enhancing public awareness and wise use of this significant regional resource.

Article 1. Effect of Designation

Within the area designated as The Gray's Reef National Marine Sanctuary (the Sanctuary) described in Article 2, the Act authorizes the promulgation of such regulations as are reasonable and necessary to protect the values of the Sanctuary. Article 4 of the Designation lists those activities which may require regulation, but the listing of any activity does not by itself prohibit or restrict it. Restrictions or prohibitions may be accomplished only through regulation, and additional activities may be regulated only by amending Article 4.

Article 2. Description of the Area

The Sanctuary consists of an area of high seas waters covering the live bottom which is located 17.5 nmi due east of Sapelo Island, Georgia. Exact coordinates are defined by regulation (§ 938.3).

Article 3. Characteristics of the Area

The Sanctuary consists of submerged limestone rock reefs with contiguous shallow-buried hardlayer and soft sedimentary regime which support rich and diverse marine plants, invertebrates, finfish, turtles, and occasional marine mammals in an otherwise sparsely populated expanse of ocean seabed. The area attracts multiple human use, including recreational fishing and diving, scientific research, and educational demonstrations.

Article 4. Scope of Regulation

Section 1. *Activities Subject to Regulation.* To ensure the protection and preservation of the Sanctuary's marine features and the ecological, recreational, and aesthetic value of the area, the following activities within the Sanctuary may be regulated to the extent necessary:

- a. Dredging or alteration of, or construction on, the seabed;
- b. Discharging or depositing any substance or object;
- c. Vessel operations, including anchoring;
- d. Wire trap fishing;
- e. Bottom trawling and specimen dredging;
- f. Spearfishing;
- g. Marine specimen collecting; and
- h. Removal of historic or cultural resources.

Section 2. *Consistency With International Law.* The regulations governing the activities listed in Section 1 of this Article will apply to foreign flag vessels and persons not citizens of the United States only to the extent consistent with recognized principles of international law, including treaties and international agreements to which the United States is signatory.

Section 3. *Emergency Regulations.* Where essential to prevent immediate, serious, and irreversible damage to the ecosystem of the area, activities other than those listed in Section 1 may be regulated within the limits of the Act on an emergency basis for an interim period not to exceed 120 days, during which an appropriate amendment of this Article will be proposed in accordance with the procedures specified in Article 6.

Article 5. Relation to Other Regulatory Programs

Section 1. *Defense Activities.* The regulation of activities listed in Article 4 shall not prohibit any Department of Defense activity that is essential for national defense or because of emergency. Such activities shall be consistent with the regulations to the maximum extent practical.

Section 2. *Other Programs.* All applicable regulatory programs will remain in effect, and all permits, licenses and other authorizations issued pursuant thereto shall be valid within the Sanctuary unless authorizing any activity prohibited by any regulation implementing Article 4. The Sanctuary regulations will set forth any necessary certification procedures.

Article 6. Alterations to This Designation

This Designation can be altered only in accordance with the same procedures by which it has been made, including public hearings, consultation with interested Federal and State agencies and the South Atlantic Regional Fishery Management Council, and approval by the President of the United States.

[End of Designation]

Only those activities listed in Article 4 are subject to regulation in the Sanctuary. Before any additional activities may be regulated, the Designation must be amended through the entire designation procedure including public hearing and approval by the President. Spearfishing and anchoring are listed in Article 4 because of the potential for damage; however, no additional regulation of these activities is proposed at this time.

Public Review and Comment

NOAA invites public review and comment on these final regulations. Written comments should be submitted to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Dated: January 19, 1981.

Donald W. Fowler,
Deputy Assistant Administrator for Coastal Zone Management.

Accordingly, Part 938 is added as follows:

PART 938—THE GRAY'S REEF NATIONAL MARINE SANCTUARY REGULATIONS

Sec.	
938.1	Authority.
938.2	Purpose.
938.3	Boundaries.
938.4	Definitions.
938.5	Allowed activities.
938.6	Prohibited activities.
938.7	Penalties for commission of prohibited acts.
938.8	Permit procedures and criteria.
938.9	Certification of other permits.
938.10	Appeals of administrative action.
938.11	Amendments.

Authority: Sec. 302(a), (f), (g) and 303 of Title III, Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431-1434.

§ 938.1 Authority.

The Sanctuary has been designated pursuant to the authority of Section 302(a) of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431-1434 (the Act). The following regulations are issued pursuant to the authorities of Sections 302(f), 302(g), and 303 of the Act.

§ 938.2 Purpose.

The purpose of designating the Sanctuary is to protect and preserve the live bottom ecosystem and other natural resources of the waters of Gray's Reef and to ensure the continued availability of the area as an ecological, research, and recreational resource.

§ 938.3 Boundaries.

The sanctuary consists of 18.68 square nautical miles of high sea waters off the coast of Georgia. The sanctuary boundary includes all waters within a rectangle starting at coordinate 31° 21' 45" N, 80° 55' 17" W, commencing to coordinate 31° 25' 15" N, 80° 55' 17" W, thence to coordinate 31° 25' 15" N, 80° 49' 42" W, thence to coordinate 31° 21' 45" N, 80° 49' 42" W, thence back to the point of origin.

§ 938.4 Definitions.

(a) "Administrator" refers to the Administrator of the National Oceanic and Atmospheric Administration.

(b) "Assistant Administrator" refers to the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

(c) "Person" is 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 government.

§ 938.5 Allowed activities.

All activities except those specifically prohibited by Section 938.6 may be carried out within the Sanctuary subject to all prohibitions, restrictions, and conditions imposed by any other authority.

§ 938.6 Prohibited activities.

(a) Except as may be necessary for national defense in accordance with Article 5, Section 2 of the Designation or as may be necessary to respond to an emergency threatening life, property, or the environment, the following activities are prohibited within the Sanctuary unless permitted by the Assistant Administrator in accordance with Section 938.8. All prohibitions will be applied consistently with international law.

(1) *Alteration of or construction on the seabed.*

No person shall dredge, drill, or otherwise alter the seabed in any way nor construct any structure other than a navigation aid without a permit.

(2) *Discharge of substances.*

No person shall deposit or discharge any materials or substances of any kind except:

(i) Fish or parts, bait, and chumming materials;

(ii) Effluent from marine sanitation devices; and

(iii) Vessel cooling waters.

(3) *Operation of watercraft.*

All watercraft shall be operated in accordance with Federal rules and regulations that would apply if there were no Sanctuary.

(4) *Wire trap fishing.*

No person shall use, place, or possess wire fish traps within the Sanctuary without a permit.

(5) *Bottom trawling and specimen dredging.*

No person shall use a bottom trawl, specimen dredge, or similar vessel-towed bottom sampling device within the Sanctuary without a permit.

(6) *Marine specimen collecting.*

(i) No person shall break, cut, or similarly damage, take, or remove any bottom formation, any marine invertebrate, or any marine plant without a permit.

(ii) No person shall take without a permit any tropical fish, which is a fish of minimal sport and food value, usually brightly colored, often used for aquaria purposes, and which lives in a direct relationship with the live bottom community.

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

(iv) No person shall use poisons, electric charges, explosives, or similar methods to take any marine animal or plant.

(7) *Removing or damaging historic or cultural resources.*

No person shall tamper with, damage, or remove any historic or cultural resources without a permit.

(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to these prohibitions. The exemption of additional activities having significant impacts shall be determined in consultation between the Assistant Administrator and the Department of Defense.

(c) 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.

§ 938.7 Penalties for commission of prohibited acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than \$50,000 against any person subject to the jurisdiction of the United States 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.

§ 938.8 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 the specific activity in the Sanctuary including any activity specifically prohibited under Section 938.6, 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 for Coastal Zone Management, Attn: Office of Sanctuary Programs, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. An application shall provide sufficient information to enable the Assistant Administrator to make the determination called for in paragraph (c) below and 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.

(c) In considering whether to grant a permit, the Assistant Administrator shall evaluate (1) the general professional and financial responsibility of the applicant, (2) the appropriateness of the methods envisioned 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, (4) the end value of the activity, and (5) other matters as deemed appropriate.

(d) In considering any application submitted pursuant to this section, the Assistant Administrator may seek and consider the views of any person or entity, within or outside of the Federal Government, and may hold a public hearing, as deemed appropriate.

(e) The Assistant Administrator may, at his or her discretion, 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 appropriate. The Assistant Administrator or a designated representative may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity. Any information obtained will be made available to the public.

(f) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this section, in whole or in part, temporarily or indefinitely, if the permit holder has violated the terms of the permit or applicable regulations. Any such action will set forth in writing to the permit holder and will include the reason(s) for the action taken. The permit holder may appeal the action as provided for in § 938.10.

§ 938.9 Certification of other permits.

(a) All permits, licenses and other authorizations issued pursuant to any

other authority are hereby certified and shall remain valid if they do not authorize any activity prohibited by Section 938.6. Any interested person may request that the Assistant Administrator offer an opinion on whether an activity is prohibited by these regulations.

(b) The Assistant Administrator may amend, suspend, or revoke the certification made under this section whenever continued operation would violate any term or conditions of the certification. Any such action shall be forwarded in writing to both the holder of the certified permit and the issuing agency and shall set forth reason(s) for the action taken. Either the permit holder or the issuing agency may appeal the action as provided for in Section 938.10.

§ 938.10 Appeals of administrative action.

(a) Any interested person (the Appellant) may appeal the granting, denial, or conditioning of any permit under § 938.8 to the Administrator or NOAA. In order to be considered by the Administrator, such appeal must be in writing, must state the action(s) appealed, and the reason(s) therefore, and must 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 will notify the permit applicant, if other than the Appellant, and may request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Administrator will decide the appeal in accordance with the criteria defined in § 938.8(c) as appropriate, based upon information relative to the application on file at OCZM and any additional information, the summary record kept of any hearing, the Hearing Office's recommended decision, if any, as provided in paragraph (c), and such other considerations as deemed appropriate. The Administrator will notify all interested persons of the decision and the reason(s) for the decision, in writing, within 30 days of receipt of sufficient information, unless additional time is needed for a hearing.

(c) If a hearing is requested or if the Administrator determines one is appropriate, the Administrator may grant an informal hearing before a designated Hearing Officer after first giving notice of the time, place, and subject matter of the hearing in the Federal Register. Such hearing must 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 (if different) and other interested persons (at the discretion of the Hearing Officer) 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 in writing a decision 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 interested persons of the decision and the reason(s) for the decision, in writing, within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's action will constitute final action for the Agency for the purposes of the Administrative Procedures Act.

(e) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Administrator for good cause upon written request from the Appellant or Applicant stating the reason(s) for the extension.

[FR Doc. 81-2482 Filed 1-23-81; 8:46 am]
BILLING CODE 3510-06-26