

interference may occur in the following ways:

Combination of signals (TV—television) (LM—land mobile)	(IM) interference to reception
(1) TV channel 14 and LM TV channel 20, channel 17.	
	or
(2) TV channel 20 and LM TV channel 14, channel 17.	
	or
(3) TV channel 14 and LM TV channel 20, channel 16.	

In any of the preceding examples, the potential for an interference problem appears to be easily correctable since at the affected area on Mount San Bruno, few, if any, receiver locations exist and Bahia has stated that it would take the necessary steps to correct any such problem. In view of this, the Commission will hereby waive its rules and permit all existing land mobile facilities which are operating on channels 16 and 17 within 1 mile of the new channel 14 TV operation to continue to use their present sites.<sup>9</sup> Since the possibility of interference to reception of TV channel 20 asserted by Crosby appears minimal and would be easily correctable, we believe a hearing on this matter as requested by Crosby, is not warranted.

9. Accordingly, it is ordered, That pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, the television table of assignments (§ 73.606(b) of the rules) is amended, effective August 21, 1978, with respect to the following communities:

*City and Channel No.*

San Francisco, Calif., 2+, 4-, 5+, 7-, \*9+, 14+, 20-, 26-, \*32+, 38, 44-  
San Mateo, Calif., \*60.

10. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Bahia de San Francisco TV Co. for station KDTV(TV) is modified, effective August 21, 1978, to specify operation on UHF TV channel 14 instead of on UHF TV channel 60. The licensee shall inform the Commission in writing by no later than August 21, 1978, of its acceptance of this modification. Station KDTV may continue to operate on channel 60 for 1 year from the effective date of this action or until it is ready to operate on channel 14, whichever is earlier, unless the Commission directs otherwise. In addition, the following information shall be provided.

(a) At least 30 days before commencing operation on channel 14, the li-

<sup>9</sup> Consideration can be given to waiver requests if there are additional proposals for new land mobile facilities on channels 16 and 17 within 1 mile of the TV channel 14 transmitter.

ensee of station KDTV shall submit to the commission the technical information normally required of an applicant for the channel, including that connected with a change in the transmitter site.

(b) At least 10 days prior to commencing operation on channel 14, the licensee of station KDTV shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of station KDTV shall not commence operation on channel 14 without prior Commission authorization.

11. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of San Mateo County Community College District for station KCSM-TV is modified, effective August 21, 1978, to specify operation on UHF TV channel \*60 instead of on UHF TV channel \*14. The licensee shall inform the Commission in writing by no later than August 21, 1978, of its acceptance of this modification. Station KCSM-TV may continue to operate on channel \*14 for 1 year from the effective date of this action or until it is ready to operate on channel \*14, whichever is earlier, unless the Commission directs otherwise. In addition, the following information shall be provided:

(a) At least 30 days before commencing operation on channel \*60, the licensee of Station KCSM-TV shall submit to the Commission the technical information normally required of an applicant for the channel, including that connected with a change in the transmitter site.

(b) At least 10 days prior to commencing operation on channel \*60, the licensee of station KCSM-TV shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of station KCSM-TV shall not commence operation on channel \*60 without prior Commission authorization.

12. It is further ordered, That copies of this report and order shall be mailed by certified mail, return receipt requested, to Bahia de San Francisco TV Co., licensee of station KDTV(TV), 2200 Palou Avenue, San Francisco, Calif. 94124, and to San Mateo County Community College District, licensee of station KCSM-TV, 1700 West Hillsdale Boulevard, San Mateo, Calif. 94402.

13. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 78-19848 Filed 7-17-78; 8:45 am]

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HS-4, Notice No. 8]

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Noise Levels in Railroad Employee Sleeping Quarters; Guideline

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Issuance of interpretive guideline; statement of policy.

SUMMARY: This document issues an interpretive guideline which FRA will employ in administering and enforcing section 2(a)(3) of the Hours of Service Act, as amended (45 U.S.C. 62(a)(3)), which was enacted by Pub. L. 94-348, approved July 8, 1976. The statutory provision makes it unlawful for any common carrier "to provide sleeping quarters for employees (including crew quarters, camp or bunk cars, and trailers) which do not afford such employees an opportunity for rest, free from interruptions caused by noise under the control of the railroad, in clean, safe, and sanitary quarters". In order to facilitate compliance with the Hours of Service Act and to give notice concerning the policy of FRA in enforcing this provision of law, FRA is amending appendix A to part 228 by adding a description of the noise level resulting from noise sources within the control of the railroad which will be regarded by FRA as the maximum level permitting "an opportunity for rest" within the meaning of the statute. The standard adopted is an L<sub>eq</sub>(8) value of 55dB(A).

EFFECTIVE DATE: July 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen Urman (RRS-24), Office of Safety, Federal Railroad Administration, 2100 Second Street SW., Washington, D.C. 20590, 202-426-9178.

SUPPLEMENTARY INFORMATION: Elsewhere in this FEDERAL REGISTER FRA amends part 228 by adopting final rules relating to the construction or reconstruction of railroad employee sleeping quarters in areas close to switching or humping operations. Section 228.107(c) of those rules states that FRA will utilize a standard of 55dB(A) L<sub>eq</sub> measured over any 8-hour period. The preamble to the rules discusses the public comment received and the basis for FRA action in adopt-

ing the aforementioned criterion. That discussion is incorporated herein by reference. See material in Docket No. HS-2, Notice No. 6, in this portion of today's FEDERAL REGISTER.

In light of experience gained through FRA field activities related to the enforcement of the Hours of Service Act since July 8, 1976, and in consideration of the comments received in Docket No. HS-2, FRA has decided to utilize as a guideline in its enforcement of section 2(a)(3) of the Hours of Service Act (45 U.S.C. 62(a)(3)) a maximum equivalent steady state sound level in eight hours ( $L_{eq}(8)$ ) of 55dB(A). That is, any sleeping quarters provided for employees covered by the Hours of Service Act which cannot meet an  $L_{eq}(8)$  noise level standard of 55dB(A) as a result of the noise generated by sources within the control of the carrier will be deemed in violation of the Act.

In consideration of the foregoing, appendix A to part 228 (42 FR 27594, 27598; May 31, 1977) is amended by adding immediately after the existing paragraph designated "Sleeping Quarters" under the major heading of "General Provisions" the following new text:

"Sleeping quarters are not considered to be 'free from interruptions caused by noise under the control of the railroad' if noise levels attributable to noise sources under the control of the railroad exceed an  $L_{eq}(8)$  value of 55dB(A)."

The principal program draftsman of this document was Stephen Urman of the Office of Safety. The principal legal draftsman was Grady Cothen, Jr., of the Office of Chief Counsel.

Issued in Washington, D.C. on July 11, 1978.

JOHN M. SULLIVAN,  
Administrator.

[FR Doc. 78-19855 Filed 7-17-78; 8:45 am]

[7035-01]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

#### PART 1011—COMMISSION ORGANI- ZATION; DELEGATIONS OF AU- THORITY

##### Clarifications and Modification of Regulations

AGENCY: Interstate Commerce Com-  
mission.

ACTION: Final rules.

SUMMARY: New rules and proce-  
dures affecting the Commission's in-

ternal organization became effective January 1, 1978. (49 FR 65181, Decem-  
ber 30, 1977). After 4 months' experi-  
ence with these rules, certain modifi-  
cations and clarifications have proven  
necessary, and this document amends  
several of their provisions. Attention is  
directed particularly to new subsection  
5(c) which provides that appeals from  
the decisions of the Commission's  
Motor Carrier Board will be acted  
upon by a single Commissioner rather  
than a division of the Commission.  
(The Motor Carrier Board has prima-  
ry jurisdiction to decide motor and  
water carrier temporary authority ap-  
plications.) Because these amend-  
ments involve the internal organiza-  
tion and procedures of the Commis-  
sion, they are being issued in final  
form, and public comments are not  
being requested.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION  
CONTACT:

George M. Chandler, phone 202-275-  
1912.

**SUPPLEMENTAL INFORMATION:**  
Section 1011.2(a)(5) of the rules re-  
serves certain types of cases to the  
entire Commission for action. The  
amendments to that paragraph are de-  
signed, first, to define more precisely  
what is meant by "general rate in-  
crease" cases, and second, to limit the  
Commission's reservation of jurisdic-  
tion over rail finance proceedings to  
those of major significance.

The amendment to § 1011.5(a)(4) ex-  
pands the Chairman's authority so  
that he may dismiss applications as  
well as complaints upon the request of  
a party. It limits that authority to sit-  
uations in which the request for dis-  
missal is uncontested.

New § 1011.5(c) provides for a signifi-  
cant change in jurisdiction. Appeals  
from decisions of the Motor Carrier  
Board, the principal activity of which  
is deciding applications for motor and  
water carrier temporary authority,  
have previously been acted on by a di-  
vision of the Commission. Henceforth,  
these appeals will be assigned, in rota-  
tion, to individual members of the  
Commission, except the Chairman.  
This change reflects both the informal  
nature of these proceedings and the  
very substantial volume of appeals  
which must be handled. It implements  
recommendation No. 24 of the Com-  
mission's staff task force on improving  
motor carrier entry regulation, sub-  
mitted to the Commission on July 6,  
1977.

New § 1011.5(d) makes it clear that  
an individual Commissioner, including  
the Chairman and Vice Chairman,  
may certify any matter assigned to  
him or her to the Commission for dis-  
position.

Sections 1011.6 (g) and (h) estab-  
lished and assigned jurisdiction to the

Accounting Board and the Valuation  
Board. With the transfer of the Com-  
mission's oil pipeline valuation func-  
tions to the new Department of  
Energy, it became unnecessary to  
maintain a separate board to act on  
valuation matters. The amendment  
creates a single Accounting and Valua-  
tion Board.

Part 1011 of Title 49 of the Code of  
Federal Regulations is amended in the  
following respects—

Section 1011.2(a)(5) is amended to  
read—

§ 1011.2 The Commission.

(a) \* \* \*

(5) All cases involving general rate  
increases as defined in 49 CFR parts  
1102 and 1104, as well as similar in-  
creases affecting modes of transporta-  
tion not specifically referred to in  
those parts; all matters arising under  
section 1(16)(b) of the act; all cases  
arising under section 5(2) of the act in-  
volving a class I railroad where the  
matter has involved the taking of tes-  
timony at an oral hearing; and all  
cases arising under section 5(3) of the  
act.

Section 1011.5(a)(4) is amended, and  
new paragraphs (c) and (d) added as  
follows:

§ 1011.5 Delegations to individual Com-  
missioners.

(a) \* \* \*

(4) Dismissal of complaints and ap-  
plications on the unopposed motion of  
any party.

(c) Appeals from decisions of the  
Motor Carrier Board are assigned for  
action, in rotation, to individual Com-  
missioners, except the Chairman of  
the Commission.

(d) The Chairman, Vice Chairman,  
or any other Commissioner may certi-  
fy to the Commission any matter as-  
signed to him or her under this part.

Section 1011.6(h) is amended, para-  
graph (i) is deleted, and paragraph (j)  
is redesignated as new (i) as follows:

§ 1011.6 Employee Boards.

(h) Accounting and Valuation Board.  
(1) Authority (A) to permit departure  
from general rules, prescribing uni-  
form systems of accounts for carriers  
and other persons under the act, and

from the regulations to govern the forms and recording of passes for carriers and other persons under parts I and II of the act; (B) to prescribe rates of depreciation to be used by railroad and water carriers; (C) to issue special authorizations permitted by the regulations governing the destruction of records of carriers subject to the act; (D) to grant extensions of time for filing annual, periodical, and special reports in matters which do not involve taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits; and (E) to issue valuation re-

ports in matters which do not involve taking testimony at public hearings or the submission of evidence by opposing parties in the form of affidavits.

(2) The Board may certify any matter assigned to it to the Vice Chairman of the Commission.

(i) \* \* \*

(j) [Redesignated]

These rules are promulgated under the authority of section 17 of the Interstate Commerce Act (49 U.S.C. 17).

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp. Commis-

sioner Stafford would not limit the application of section 1011.5(a)(4) to unopposed motions only. Commissioner Gresham, with respect to proposed section 1011.5(d), would provide for the certification by an individual Commissioner of appeals from decisions of the Motor Carrier Board to a Division rather than to the entire Commission.

Dated: July 12, 1978, at Washington, D.C.

H. G. HOMME, Jr.,  
*Acting Secretary.*

[FR Doc. 78-19890 Filed 7-17-78; 8:45 am]