

question, the matter will be referred to the Director, Education and Rehabilitation Service to determine cost.

(2) In making cost determinations the Veterans Administration—

(i) Will use only cost data that has been certified by a Certified Public Accountant or by the Service Department operating the base on which the Predischarge Education Program is being offered; and

(ii) Will make an analysis to determine whether the customary teaching practices and the customary organizational practices of the institution on campus do reflect reasonable and necessary expenses of conducting the program. (38 U.S.C. 1641, 1696)

(q) *Refund policy.* An individual who discontinues a course or courses in a Predischarge Education Program must be given a pro rata refund if the rates of the program are based on cost data. (38 U.S.C. 1641, 1696)

Courses

§ 21.5250 Courses.

In administering benefits payable under chapter 32, title 38, United States Code, the Veterans Administration and, where appropriate, the State approving agencies shall apply the following sections in the same manner as they are applied for the administration of chapters 34 and 36.

(a) Section 21.4250 (except paragraph (c)(1) and (6) of this section)—Approval of courses. (38 U.S.C. 1641, 1772)

(b) Section 21.4251—Period of operation of course. (38 U.S.C. 1641, 1789)

(c) Section 21.4252 (except paragraph (f) of this section)—Courses precluded. (38 U.S.C. 1641, 1673)

(d) Section 21.4253—Accredited courses. (38 U.S.C. 1641, 1775)

(e) Section 21.4254—Nonaccredited courses. (38 U.S.C. 1641, 1776)

(f) Section 21.4255—Refund policy; nonaccredited courses. (38 U.S.C. 1641, 1776)

(g) Section 21.4256—Correspondence courses. (38 U.S.C. 1641, 1786)

(h) Section 21.4258 (except paragraph (c) of this section)—Notice of approval. (38 U.S.C. 1641, 1778)

(i) Section 21.4259—Suspension or disapproval. (38 U.S.C. 1641, 1779)

(j) Section 21.4260—Courses in foreign countries. (38 U.S.C. 1641, 1676)

(k) Section 21.4263—Flight training; 38 U.S.C. chapter 34. (38 U.S.C. 1641, 1677)

(l) Section 21.4265 (except paragraph (g) of this section)—Practical training approved as institutional training. (38 U.S.C. 1641, 1772)

(m) Section 21.4266—Courses offered at subsidiary branches or extensions. (38 U.S.C. 1641, 1772, 1789(c))

Assessment and Pursuit of Course

§ 21.5270 Assessment and pursuit of course.

In the administration of benefits payable under chapter 32, title 38, United States Code, the Veterans Administration shall apply the following sections in the same manner as they are applied for the administration of chapters 34 and 36.

(a) Section 21.4270 (except those portions of the section and footnotes dealing with cooperative, farm cooperative, apprentice and other on-job training)—Measurement of courses. For the purpose of benefits payable under chapter 32 that training identified in § 21.4270 as less than one-half and more than one-quarter time will be treated as one-quarter time training. (38 U.S.C. 1641, 1788)

(b) Section 21.4271—Trade or Technical; high schools. (38 U.S.C. 1641, 1788)

(c) Section 21.4272 (except paragraph (f)(2) of this section)—Collegiate undergraduate; credit-hours basis. (38 U.S.C. 1641, 1788)

(d) Section 21.4273—Collegiate graduate. (38 U.S.C. 1641, 1788)

(e) Section 21.4274—Law courses. (38 U.S.C. 1641, 1788)

(f) Section 21.4275—Practical training courses; measurement. (38 U.S.C. 1641, 1788)

(g) Section 21.4277—Discontinuance; unsatisfactory progress and conduct. (38 U.S.C. 1641, 1674)

(h) Section 21.4278—Reentrance after discontinuance. (38 U.S.C. 1641, 1674)

(i) Section 21.4279—Combination correspondence; residence program. (38 U.S.C. 1641, 1788)

(j) Section 21.4280—Independent study leading to a standard college degree. (38 U.S.C. 1641, 1673)

Nondiscrimination in Vocational Rehabilitation and Educational Programs—Title VI, Civil Rights Act of 1964

§ 21.5300 Civil rights.

In administering benefits payable under chapter 32, title 38, United States Code, the Veterans Administration shall apply the following sections in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4300—Civil rights assurances; Title VI, Public Law 88-352.

(b) Section 21.4301—Institutions of higher learning; elementary and secondary schools; medical institutions.

(c) Section 21.4302—Proprietary vocational schools and training establishments.

(d) Section 21.4303—State approving agencies.

(e) Section 21.4304—Assurance of compliance received—institutions of higher learning; elementary and secondary schools; medical facilities.

(f) Section 21.4305—Noncompliance; complaints; initial action.

(g) Section 21.4306—Payments after final agency action.

(h) Section 21.4307—Posttermination compliance. (38 U.S.C. 1641)

Education Loans

§ 21.5500 Education loans.

In administering benefits payable under chapter 32, title 38, United States Code, the Veterans Administration shall apply the following sections in the same manner as they are applied for the administration of chapters 34 and 36:

(a) Section 21.4500—Definitions. (38 U.S.C. 1631, 1798)

(b) Section 21.4501—Eligibility (the individual must, in lieu of the requirements for eligibility stated in paragraph (b)(2) of this section, be a participant in receipt of educational assistance benefits under chapter 32). (38 U.S.C. 1631, 1798)

(c) Section 21.4502—Applications. (38 U.S.C. 1631, 1798)

(d) Section 21.4503—Determination of loan amount (except that, notwithstanding paragraph (b)(2) of this section, the maximum to be loaned will be obtained by multiplying the number of months of chapter 32 entitlement remaining times the monthly rate determined in accordance with § 21.5138, or \$2,500 per year whichever is the lesser). (38 U.S.C. 1631, 1798)

[FR Doc. 79-39759 Filed 12-31-79; 8:45 am]

BILLING CODE 8320-01-M

NATIONAL SCIENCE FOUNDATION

45 CFR Part 640

National Environmental Policy Act Regulations

AGENCY: National Science Foundation (NSF).

ACTION: Final Regulations.

SUMMARY: These regulations are intended to supplement the regulations of the Council on Environmental Quality (CEQ) at 40 CFR Parts 1500-1508 by establishing responsibilities and other supplemental procedures in conformance to the uniform procedures established by the CEQ. Types of NSF-supported activities that normally do not

require an environmental assessment or impact statement are described, as are the types of activities that normally require at least an environmental assessment. These regulations will replace current NSF regulations at 45 CFR Part 640.

EFFECTIVE DATE: January 2, 1980.

FOR FURTHER INFORMATION CONTACT: Adair Montgomery, 1800 G Street, N.W., Washington, D.C. 20550, (202) 632-7360.

SUPPLEMENTARY INFORMATION: The regulations are generally procedural in nature; however, they implement 40 CFR 1507.3(b)(2), which requires that agencies establish criteria for and identify typical classes of actions that may or may not require environmental assessments or environmental impact statements. At 45 CFR 640.3, such classes are described. The regulations provide that most research projects supported by NSF do not require an assessment since the likely environmental impact of the results of the research is highly speculative, and the NSF is prohibited from supporting developmental work, except quite limited in science education [NSF Act, Sec. 3(a)(4)]. The regulations require at least an assessment of those projects, other than curriculum development, that are part of an overall plan to promote commercialization. [See *SIPI v. AEC*, 481 F.2d 1079 (D.C. Cir., 1973)]. Section 640.3 describes classes of research that involve research methods (as opposed to possible research results) that require at least an environmental assessment.

Several comments received during the public comment period on the proposed regulations expressed concern that review of research proposals for environmental impact would severely inhibit the pace of the scientific review process. It should be noted that to minimize delay in the review process, a draft assessment is sufficient to accompany the proposal, provided final approval is withheld pending a Finding of No Significant Impact [Section 640.4(e)] or completion of an Environmental Impact Statement (Section 640.5).

Other comments were related to technical inadequacies for complying with the CEQ regulations; in response to these comments, Sections 640.4(e) and 640.5(d) regarding preparation of a Finding of No Significant Impact (FNSI) and a public record of decision, respectively, have been added. Portions of the regulations referring to the role of the grant or contract applicant in the EIA/EIS process have been classified in response to comments received.

These regulations do not address the applicability of NEPA to environmental

effects in foreign countries or in the global commons. National Science Foundation regulations implementing Executive Order 12114 of January 4, 1979, regarding Environmental Effects Abroad of Major Federal Actions will be issued separately as a supplement to the regulations set forth here.

Accordingly, Part 640 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 640—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Sec.

640.1 Purpose.

640.2 Committee on environmental matters.

640.3 Actions requiring an environmental assessment, and categorical exclusions.

640.4 Responsibilities and procedures for preparation of an environmental assessment.

640.5 Responsibilities and procedures for preparation of an environmental impact statement.

Authority: NEPA; the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.); Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609); Executive Order 11514, "Protection and Enhancement of Environmental Quality" (March 5, 1970, as amended by Executive Order 11991, May 24, 1977); and CEQ regulations at 40 CFR Part 1500-1508.

§ 640.1 Purpose.

The purpose of this regulation is to adopt NSF procedures to supplement regulations at 40 CFR Parts 1500-1508 (hereafter referred to as "CEQ regulations").

§ 640.2 Committee on environmental matters.

(a) There is established an NSF Committee on Environmental Matters (hereafter referred to as the Committee) to consist of one representative from each directorate, the Office of General Counsel, the Office of Government and Public Programs, and the Office of Planning and Resources Management. The Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences, or his or her designee, shall serve as Chairman. At the discretion of the Chairman and with the concurrence of the Committee, additional members may be appointed.

(b) All incoming correspondence from CEQ and other agencies concerning matters related to NEPA, including draft and final environmental impact statements, shall be brought to the attention of the Chairman. The Chairman will prepare or, at his or her discretion, coordinate replies to such correspondence.

(c) The Committee shall meet regularly to discuss NSF policies and practices regarding NEPA, and make recommendations on the need for or adequacy of environmental impact assessments or statements.

(d) With respect to actions of NSF, the Committee will:

(1) Maintain a list of actions for which environmental impact statements are being prepared.

(2) Revise this list at regular intervals, based on input from the directorates, and send revisions to CEQ.

(3) Make the list available for public inspection on request.

(4) Maintain a list of environmental impact assessments.

(5) Maintain a file of draft and final environmental impact statements.

(e) The Committee and/or the Chairman will perform such additional functions as are set forth elsewhere in this Part and in other NSF issuances.

§ 640.3 Actions requiring an environmental assessment and categorical exclusions.

(a) The types of actions to be classified as "major Federal actions" subject to NEPA procedures are discussed generally in the CEQ regulations. Paragraph (b) of Section 640.3 describes various classes of NSF actions that normally require the preparation of an environmental assessment or an EIS, and those classes that are categorically excluded. (Categorical exclusion is defined at 40 CFR 1508.4.) The word "normally" is stressed; there may be individual cases in which specific factors require contrary action. NSF directorates and offices are responsible for identifying situations in which an environmental assessment or an EIS should be prepared even if not normally required by paragraph (b).

(b) Most NSF awards support individual scientific research projects and are not "major Federal actions" significantly affecting the quality of the human environment" except in the sense that the long term effect of the accumulation of human knowledge is likely to affect the quality of the human environment. However, such long term effects are basically speculative and unknowable in advance; thus they normally do not provide a sufficient basis for classifying research as subject to NEPA (See 40 CFR 1508.8) and are categorically excluded from an environmental assessment.

Nevertheless, in some cases the actual procedures used in carrying out the research may have potential environmental effects, particularly where the project requires construction

of facilities or major disturbance of the local environment brought about by blasting, drilling, excavating, or other means. Accordingly, except as provided in paragraph (c) of this section, the following types of activities require at least an environmental assessment:

(1) Cases where developmental efforts are supported, if the project supports the transition of a particular technology from the development stage to large-scale commercial utilization.

(2) Any project supporting construction, other than interior remodeling.

(3) Cases where field work affecting the natural environment will be conducted.

(4) Any project that will involve drilling of the earth, excavation, explosives, weather modification, or other techniques that may alter a local environment.

(5) Any project that provides for the testing and release of biological-control agents for purposes of ecosystem manipulation and assessment of short- and long-term effects of major ecosystem perturbation.

(c) Directorates having divisions or programs with a substantial number of projects that fall within categories (3), (4), and (5) in (b) above, are authorized to issue supplemental guidelines to Division Directors and Program Officers establishing subcategories of research methodologies or techniques for which environmental assessments need not be prepared. For example, if a program regularly supports research that involves noninvasive techniques or nonharmful invasive techniques (such as taking water or soil samples, or collecting non-protected species of flora and fauna) the directorate may determine that field projects otherwise coming under (b)(3) which involve only the use of such techniques do not require an environmental assessment. However, any such guidelines must be submitted to the Chairman for approval.

(d) In some cases within the categories listed in paragraph (b), it will be evident at the outset or after the assessment process is begun that an EIS should be prepared. In such cases an assessment need not be completed, but the process of preparing an EIS (See § 640.5, below) should be started.

§ 640.4 Responsibilities and procedures for preparation of an environmental assessment.

(a) Program Officers, as the first point of decision in the review process, shall determine into which category incoming proposals fall, according to the criteria set forth in § 640.3 of this Part. Notwithstanding this responsibility of

the Program Officer, the appropriate Division Director, Assistant Director, and other reviewing policy officials must assure that adequate analysis is being made.

(b) Where appropriate, programs, divisions, or directorates will advise prospective applicants in program announcements, requests for proposals, and other NSF-prepared brochures of the requirement to furnish information regarding any environmental impact that the applicant's proposed study may have.

(c) Should an environmental assessment be required, the directorate supporting the activity shall be responsible for its preparation. The grant or contract applicant may be asked to submit additional information in order that a reasonable and accurate assessment may be made. Though no specific format for an environmental assessment is prescribed, it shall be a separate document suitable for public review and shall serve the purpose described in 40 CFR 1508.9, which is quoted in full as follows:

§ 1508.9 Environmental Assessment.

"Environmental Assessment":

(a) Means a concise public document for which a Federal agency is responsible that serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by Section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

(d) A copy of the assessment or drafts shall accompany the appropriate proposal throughout the NSF internal review and approval process. At the option of the directorate preparing the assessment, a draft may be submitted to the Committee for its review and comments. Prior to an award decision, one copy of all completed assessments shall be sent to the Chairman for review and updating of the Committee listing of assessments.

(e) If, on the basis of an environmental assessment, it is determined that an EIS is not required, a Finding of No Significant Impact (FNSI) as described in 40 CFR 1508.13 will be prepared. The FNSI shall include the environmental assessment or a summary of it and be available to the public from the Committee. If the

proposed action is one that normally requires an EIS, is closely similar to an action normally requiring an EIS, or is without precedent, the FNSI shall be made available for a 30 day public review period before any action is taken.

§ 640.5 Responsibilities and procedures for preparation of an environmental impact statement.

(a) If initially or after an environmental assessment has been completed, it is determined that an environmental impact statement should be prepared, it and other related documentation will be prepared by the directorate responsible for the action in accordance with Section 102(2)(c) of the Act, this Part, and the CEQ regulations. The responsible directorate will be in close communication with the grant or contract applicant and may have to rely extensively on his or her input in preparing the EIS. However, once a document is prepared it shall be submitted to the Chairman who, after such review by the Committee as is deemed necessary by the Chairman, shall transmit the document as required by CEQ regulations and this Part. If the Chairman considers a document unsatisfactory, he or she shall return it to the responsible directorate for revision prior to an award decision.

Specifically, the following steps, as discussed in the CEQ regulations, will be followed in preparing an EIS:

(1) A notice of intent to prepare a draft EIS will be published as described in 40 CFR 1501.7.

(2) Scoping, as described in 40 CFR 1501.7, will be conducted.

(3) The format and contents of the draft and final EIS shall be as discussed in 40 CFR Part 1502.

(4) Comments on the draft EIS shall be invited as set forth in 40 CFR 1503.1. The minimum period to be afforded for comments on a draft EIS shall be 45 days, unless a lesser period is necessary to comply with other specific statutory requirements or in case of emergency circumstances, as described in 40 CFR 1506.11.

(5) The requirements of 40 CFR 1506.9 for filing of documents with the Environmental Protection Agency shall be followed.

(6) The responsible directorate shall examine carefully the basis on which supportive studies have been conducted to assure that such studies are objective and comprehensive in scope and in depth.

(7) The Act requires that the decisionmaking involved "utilize a systematic, interdisciplinary approach that will insure the integrated use of the

natural and social sciences and the environmental design arts." If such disciplines are not present on the NSF staff, appropriate use should be made of personnel of Federal, State, and local agencies, universities, non-profit organizations, or private industry.

(8) A copy of the draft EIS or the final EIS (or a summary, if the size of the EIS does not make this practical) shall be included in and accompany the appropriate proposal throughout the NSF internal review and approval process.

(b)(1) 40 CFR 1506.1 describes the types of actions that should not be taken during the NEPA process. Such actions shall be avoided by NSF personnel during the process of preparation of an EIS and for a period of thirty days after the final EIS is filed with EPA, unless such actions are necessary to comply with other specific statutory requirements.

(2) 40 CFR 1506.10 also places certain limitations on the timing of agency decisions on taking "major Federal actions". In some cases the actual "decision point" may be more clear-cut than others. If the "action" that necessitated the preparation of an EIS is one that would be carried out under grant, contract, or cooperative agreement, then the award shall not be made before the times set forth in 40 CFR 1506.10, unless such action is necessary to comply with other specific statutory requirements, or as exceptions are needed as provided in 40 CFR 1506.10, 1506.11, or 1507.3. However, an award for preliminary planning proposals may be made before such times if it is so structured as to require further NSF approvals for funding the actual actions that might adversely affect the quality of the human environment. In such cases, the subsequent approvals for funding these actions will be considered the "decision". This is consistent with the requirement that environmental considerations undergo concurrent review with all other project planning considerations.

(c) In appropriate cases, if the action involves other agencies, the Chairman may agree to designate another agency as "lead agency" and to cooperate as discussed in 40 CFR 1501.5 and 1501.6. In such cases, the Chairman has authority to alter the procedures described in (a) to the extent they are inconsistent with functions assigned to NSF under the "cooperating agency" arrangements.

(d) A public record of decision stating what the decision was; identifying alternatives that were considered, including the environmentally preferable one(s); discussing any national policy

considerations that entered into the decision; and summarizing a monitoring and enforcement program if applicable for mitigation, will be prepared. This record of decision will be prepared at the time the decision is made, or if appropriate, when the agency makes its recommendation for action to Congress. (See 40 CFR 1505.2.)

Dated: December 5, 1979.

Approved:

Richard C. Atkinson,
Director.

[FR Doc. 79-39942 Filed 12-31-79; 8:45 am]

BILLING CODE 7555-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1324-A]

Chicago, Rock Island & Pacific Railroad Co. Authorized To Operate Over Tracks of Burlington Northern Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1324-A.

SUMMARY: Authorizes the Chicago, Rock Island and Pacific Railroad Company (RI) to operate over tracks of Burlington Northern Inc., between Burlington and Keokuk, Iowa. Since the order is not being used, no emergency exists and the order is vacated.

EFFECTIVE: 11:59 p.m., December 21, 1979.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275-7840.

Decided: December 19, 1979.

Upon further consideration of Service Order No. 1324 (43 FR 19395, 45865 and 44 FR 19203), and good cause appearing therefor:

It is ordered,

§ 1033.1324 Chicago, Rock Island & Pacific Railroad Co. authorized to operate over tracks of Burlington Northern, Inc.

Service Order No. 1324 is vacated, effective 11:59 p.m., December 21, 1979. (49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C.,

and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-39933 Filed 12-31-79; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1337-A]

Western Maryland Railway Co. Authorized To Operate Over Tracks of the Baltimore & Ohio Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1337-A.

SUMMARY: Service Order No. 1337-A vacates Service Order No. 1337, which authorizes Western Maryland Railway Company (WM) to operate over tracks of the Baltimore and Ohio Railroad Company (B&O) between Sparrows Point and Westport, Maryland, within the Baltimore, Maryland Terminal area.

By Commission order 10/26/79, the WM was granted permanent authority to operate over tracks of the B&O. Since an emergency no longer exists, Service Order No. 1337 is vacated.

EFFECTIVE: 11:59 p.m., December 21, 1979.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

Decided: December 19, 1979.

Upon further consideration of Service Order No. 1337 (43 FR 41403 and 44 FR 6730, 32384) and good cause appearing therefor:

It is ordered,

§ 1033.1337 Western Maryland Railway Co. authorized to operate over tracks of the Baltimore & Ohio Railroad Co.

Service Order No. 1337 is vacated effective 11:59 p.m., December 21, 1979. (49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-39892 Filed 12-31-79; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1313-A]

Railroads Authorized to Forward Portions of Certain Multiple-Car Shipments Transporting Less Than Minimum Quantities Specified by Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1313-A.

SUMMARY: Authorizes railroads to transport unit-grain-trains of less than number of cars required by tariffs. This order refers to shipments of fewer than (25) cars. In order to better test the need for tariff exceptions of this nature, Service Order No. 1313 is vacated and subsequent orders will be on the basis of individual requests.

EFFECTIVE: 11:59 p.m., December 31, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: December 21, 1979.

Upon further consideration of Service Order No. 1313 (43 FR 21893, 29126, 56674 and 44 FR 26087), and good cause appearing therefor:

It is ordered,

§ 1033.1313 Railroads authorized to forward portions of certain multiple-car shipments transporting less than minimum quantities specified by tariffs.

Revised Service Order No. 1313 is vacated effective 11:59 p.m., December 31, 1979. This is without prejudice to any party petitioning for specific relief.

(49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S.

Turkington and John R. Michael. Robert S. Turkington not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-39894 Filed 12-31-79; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1312-A]

Railroads Authorized To Transport Unit-Grain-Trains of Less Than Number of Cars Required by Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1312-A.

SUMMARY: Authorizes railroads to transport unit-grain-trains of less than number of cars required by tariffs. This order refers to shipments of (25) cars and over. In order to better test the need for tariff exceptions of this nature, Service Order No. 1312 is being vacated and each subsequent order will be on the basis of an individual request.

EFFECTIVE: 11:59 p.m., December 31, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: December 21, 1979.

Upon further consideration of Revised Service Order No. 1312 (44 FR 10709 and 36183), and good cause appearing therefor:

It is ordered, That § 1033.1312 Revised S.O. 1312 Railroads authorized to transport unit-grain-trains of less than number of cars required by tariffs, is vacated effective 11:59 p.m., December 31, 1979. This is without prejudice to any party petitioning for specific relief.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Robert S. Turkington not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-39895 Filed 12-31-79; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1127

[Ex Parte No. 293 (Sub-8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: On June 26, 1979 (44 FR 39560, July 6, 1979) the Rail Services Planning Office (RSPO) issued proposed amendments to the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards). The proposed amendments reflected a change in the cost responsibilities occasioned by RSPO's ruling in Interpretation No. 9 that the owner of a rail property is presumed to be the dominant user and should bear the base costs of the property. RSPO requested comments on the proposed amendments and, after an evaluation of the comments received, has made several technical modifications in the proposed regulations. Additionally, RSPO has revised its position on the responsibility of the parties for personal injury and property damage and has, on December 21, 1979, issued a separate report and proposed amendment on this issue.

EFFECTIVE DATE: These amendments are effective retroactive to August 15, 1978.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275-0838.

SUPPLEMENTARY INFORMATION: On June 26, 1979, RSPO issued proposed amendments to the Standards and requested interested parties to comment on the proposed changes. The proposed amendments are the direct result of RSPO's ruling in Interpretation No. 9, issued August 15, 1978, that the owner of a rail property is presumed to be the dominant user and should bear the base costs of that property. In Interpretation No. 9, RSPO found that a rulemaking proceeding would be required to develop the specific amendments necessary to implement the conceptual decision made in the interpretation. RSPO issued a notice of proposed rulemaking on October 19, 1978 and, after evaluating the comments and proposals received, developed the June 26 proposed amendments.

RSPO has reviewed the comments received on the proposed amendments and has incorporated a number of technical changes suggested by the parties into the final amendments. RSPO has not made any significant modification in the definition or application of base costs or the Speed Factored Gross Tons Formula. The issue of the responsibility of the parties for