

transmitter serving Bountiful, and labels Busch's population statements as purely speculative. GBI states that Bountiful is clearly the more important center of activity. In its reply comments, Busch makes several allegations relating to GBI's proposed valley floor transmitter site. Busch states that those stations which have moved from former valley floor sites to higher mountain sites have experienced less multipath interference problems, that stations have moved their transmitters to the higher elevations regardless of the more expensive operating costs, and that the remaining stations utilizing valley floor locations have filed for permission to relocate them. Busch responds to the allegations that it intends to serve Salt Lake City instead of West Jordan by noting that its proposed site is an existing site which will require much less expense to develop. Munson/Larsh subsequently filed supplemental comments which contain correspondence from the owner of its proposed transmitter site in which the owner expressed its willingness to negotiate a lease for the property for use as a transmitter site.<sup>2</sup>

#### Discussion

7. Bountiful (population 29,900),<sup>3</sup> in Davis County (population 99,028), is located 10 kilometers (6 miles) north of Salt Lake City, Utah. Bountiful presently has no local aural service, although a construction permit for a new AM station has been filed. West Jordan (population 4,221), in Salt Lake County (population 458,607), is located 16 kilometers (10 miles) south of Salt Lake City, Utah. West Jordan has no local aural service.

8. After carefully considering all of the comments filed in this proceeding, we conclude that Alternative III represents the most equitable and efficient assignment plan for the communities. Under that plan, Channel 258 is assigned to Bountiful, Channel 283 is substituted for Channel 258 in Rock Springs, Wyoming, and Channel 274 is assigned to West Jordan. Several important factors lead us to this conclusion. First, this alternative could provide both Bountiful and West Jordan with a first local aural service. Persuasive evidence has been presented attesting to each

community's need for local service. According to both of the Bountiful proponents, Bountiful is a growing community with distinctive needs and interests which justify an FM station in the city. Busch presents equally persuasive evidence with regard to the need of West Jordan for its own FM assignment.

9. *Technical Issue.* Most of the pleadings in this proceeding have been directed to the question of whether the proposed facilities will be adequate to serve the cities to which the channels will be assigned. Such technical considerations are generally not germane to rule making proceedings such as this, unless it can be shown that there are no possible sites which can be utilized to provide city grade service in compliance with the mileage separation requirements. In this regard, there has been no serious questioning of the ability of Busch to serve West Jordan from its proposed site, and a closer site to West Jordan, which could be chosen by an applicant for the channel, appears to be feasible. Two sites have been proposed by Munson/Larsh for the use of Channel 258 at Bountiful. While each has technical limitations and potential legal and economic problems, there is a strong likelihood of acceptable service to Bountiful from one of the sites.

10. *Suburban Issue.* In the *Notice*, the proposals of Munson/Larsh and Busch were questioned because their proposed transmitter sites were closer to other large cities than the communities of assignment, raising the issue of whether the parties truly intended to serve the communities proposed in their petitions. Initially, it is important to reiterate that no Class A channels are available for assignment to the cities involved. High power, wide coverage Class C channels are the only channels left for assignment to these communities. The fact that Munson/Larsh took the time and expense to locate an alternative transmitter site closer to Bountiful helps negate the suspicion that it intends to primarily serve Ogden. As for the West Jordan proposal, it appears that alternative sites closer to that community are in fact available. Thus, the assignments in themselves can accomplish the purpose for which they are ostensibly sought. Should the applications raise a question on that matter, then the Commission would have the opportunity to inquire further at that stage.

11. The assignment of Channel 258 to

Bountiful necessitates the substitution of Channel 283 at Rock Springs, Wyoming. Imperial requests that if such action is taken, the current applicants for the channel at Rock Springs retain their file numbers and "cut off" status. Imperial apparently fears that the channel substitution will open up the channel for further competing applications. Such is not the case. According to Commission policy, any new assignment to a community must be made available for competing applicants under our interpretation of the Ashbacker doctrine. See *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976). In this situation, however, the change is a simple substitution of channels; no additional channel is becoming available in Rock Springs. Thus, the applicants' current "cut off" status will be protected and they will be permitted to amend their applications to specify operation on FM Channel 283 instead of Channel 258, without the opportunity for others to apply. See e.g., *Miami, Florida, et al.*, 45 FR 2844, published January 15, 1980.

12. As proposed, Channel 288A will be reassigned from Bountiful to Centerville, Utah, to reflect its use there.

13. Accordingly, it is ordered, That effective March 23, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the communities listed below as follows:

* City	Channel No.
Bountiful, Utah	258
Centerville, Utah	288A
West Jordan, Utah	274
Rock Springs, Wyo	243, 283

14. Authority for the actions taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

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

16. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

Federal Communications Commission,  
Henry L. Baumann,  
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4207 Filed 2-4-81; 8:45 am]

BILLING CODE 6712-01-M

<sup>2</sup> Because the supplemental comments contain important information not previously available, we shall grant Munson/Larsh's request that we accept and consider its comments.

<sup>3</sup> All population figures are taken from the 1970 U.S. Census.

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Part 1**

[OST Docket No. 1; Amdt. No. 1-158]

**Organization and Delegation of Powers and Duties; Delegation to the Research and Special Programs Administrator**

AGENCY: Department of Transportation (DOT).

ACTION: Final rule.

**SUMMARY:** The Research and Special Programs Administrator is delegated authority to implement the Working Capital Fund at the Transportation Systems Center and authorize work to be performed under the Fund.

EFFECTIVE DATE: February 5, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Robert I. Ross Office of the General Counsel, (202) 426-4723.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to Departmental management, procedures and practices, it is excepted from notice and public procedure requirements as unnecessary, and may be made effective in fewer than 30 days after publication in the Federal Register.

Accordingly, § 1.53 of Title 49 of the Code of Federal Regulations is amended by adding at the end thereof a new paragraph (f), to read as set forth below:

**§ 1.53 Delegations to Research and Special Programs Administrator.**

The Administrator of the Research and Special Programs Administration is delegated authority to exercise powers and perform duties, including duties under the specified statutes as follows:

**(f) Working Capital Fund for Financing the Activities of the Transportation Systems Center.**

(1) Section 207 of Pub. L. 96-254 (49 U.S.C. 1657(r)), authorizing the Secretary to establish a working capital fund for financing the activities of the Transportation Systems Center.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on January 15, 1981.

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 81-3028 Filed 2-4-81; 8:45 am]

BILLING CODE 4910-62-M

**INTERSTATE COMMERCE COMMISSION****49 CFR Parts 1201, 1206 and 1207**

[No. 37549]

**Capitalization of Interest Cost During Construction**

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

**SUMMARY:** The Interstate Commerce Commission is formally adopting a generally accepted accounting principle issued by the Financial Accounting Standards Board on Capitalization of Interest Cost (FASB Statement No. 34, October 1979). Except for motor carriers of property (49 CFR Part 1207), the Commission required major carriers subject to its uniform systems of accounts to capitalize interest during construction before the issuance of FASB Statement No. 34. This rule requires all carriers subject to its uniform systems of accounts to capitalize interest during construction in accordance with FASB Statement No. 34. This incorporates the statement's details relating to the amount of interest cost to be capitalized and certain disclosure requirements.

**DATES:** Effective for the reporting year beginning January 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Bryan Brown, Jr. (202) 275-7448.

**SUPPLEMENTARY INFORMATION:****Background**

In accordance with 49 CFR Part 1200, the Bureau of Accounts issued on April 23, 1980, Accounting Series Circular 175 (ASC 175), on Capitalization of Interest Cost. ASC 175 includes a discussion on capitalization of interest during construction and a summary of FASB Statement No. 34, Capitalization of Interest.

**Review of Responses**

Eight respondents (listed in Appendix B) submitted comments on ASC 175. These are summarized below.

The Association of American Railroads (AAR) states that if the Commission adopts FASB Statement No. 34, the rule should refer to the statement refraining from further discussion and interpretation. The AAR maintains that FASB Statement No. 34 includes adequate discussion and interpretation.

The American Trucking Associations, Inc. (ATA) requests clarification of the

ASC 175 interest rate definition compared to FASB Statement No. 34. Further, ATA feels that the conditions for capitalization of interest differ between ASC 175 and FASB Statement No. 34.

Bessemer and Lake Erie Railroad Company (Bessemer) states that additional interpretation may be needed on two items: materiality and period of time necessary to make the capitalized asset ready for use. Bessemer points out that an item may be material for an individual entity and immaterial from a consolidated viewpoint. Bessemer maintains that the period of time should not include relatively short construction or production process times.

Complete Auto Transit, Inc.; M&G Convoy, Inc.; Las Vegas, Tonopol, Reno Stage Line, Inc.; and Ryder Specialized Transportation Division support adoption of FASB Statement No. 34.

Consolidated Freightways believes the subject has little applicability to motor carriers. It maintains that since FASB Statement No. 34 is a generally accepted accounting principle, special disclosures for Commission accounting are unnecessary.

**Discussion and Conclusions**

Capitalization of interest during construction is not new or contrary to present Commission regulations. Railroad companies (49 CFR Part 1201) already capitalize interest during construction. Property account 76, Note C, requires railroads to charge specific property accounts for interest assignable to the construction period. Account 76, Interest During Construction, is not depreciated. Rather an "equitable proportion" is cleared with the retirement of property [Instruction 2-7(c)]. Capitalized interest charged to a specific unit of property is depreciated as an integral component of the property. This is consistent with FASB Statement No. 34.

Further, control Account 70, General Expenditures, applies to Account 76. It states that "when assignable, such expenditures [interest during construction] shall be included in the cost of the property for which the expenditures occurred."

Motor Carriers of Passengers (49 CFR Part 1206) charge simple interest during construction to carrier operating property accounts (Instruction 2-19). However, the USOA for Motor Carriers of Property (49 CFR Part 1207) does not address capitalization of interest. Account 1245, Unfinished Construction, and Instruction 19, Carrier Operating

Property, do not address interest cost.

FASB Statement No. 34 alters the widely accepted historical viewpoint that interest is a cost of borrowing rather than an integral cost of the asset acquired with those funds. The statement identifies the assets qualifying for interest capitalization, the amount of interest cost to be capitalized, the capitalization period, the disposition of the amount capitalized and disclosure requirements.

ASC 175 summarizes and paraphrases FASB Statement No. 34. We agree with those respondents who expressed concern with the confusion that develops by paraphrasing a specific issuance of the Financial Accounting Standards Board. Accordingly, the adoption of FASB Statement No. 34 is simplified by the language: "Unless provided for otherwise, interest costs shall be capitalized in accordance with generally accepted accounting principles."

This rule applies to all railroads, motor carriers of property and motor carriers of passengers subject to the Commission's uniform systems of accounts. The materiality concept incorporated in FASB Statement No. 34 should preclude any additional reporting burden. We recognize, however, that FASB Statement No. 42, November 1980, amended FASB Statement No. 34 to exclude pro forma prospective or retroactive materiality computations. Carriers shall consider the materiality of interest capitalization based on the effect on current year income.

This action will incorporate all of FASB Statements No. 34 and No. 42 requirements including disclosure items without encumbering the intent of this action by paraphrasing the statements. Carriers requiring additional clarification may submit accounting details to the Bureau of Accounts for interpretation.

This action does not significantly affect the quality of the human environment, the conservation of energy resources or small businesses.

This action is taken under authority of 49 U.S.C. 553 and 49 U.S.C. 10321.

We adopt the changes to 49 CFR Parts 1201, 1206 and 1207 set forth in Appendix A to this final rule.

Decided: January 29, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,  
Secretary.

## Appendix A

### PART 1201—RAILROAD COMPANIES

#### PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

#### PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

1. Add the following sentence to the uniform systems of accounts detailed below.

Unless provided for otherwise, interest costs shall be capitalized in accordance with generally accepted accounting principles.

a. 49 CFR Part 1201, Subpart A, as last sentence of Instruction 2-7(c) and Note C, Account 76.

b. 49 CFR Part 1206, as last sentence of Instruction 2-19(b).

c. 49 CFR Part 1207, after first sentence of Instruction 19(a)(3).

#### PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

2. Amend 49 CFR Part 1206, Instruction 2-19(b) by changing the words "simple interest" to read "interest."

#### Appendix B—Respondents to Accounting Series Circular 175

1. Elizabeth S. Lewis, Asst. Executive Director, Technical Services, American Trucking Associations, Inc., National Accounting and Finance Council, 1616 P Street, N.W., Washington, D.C. 20036.
2. Harry J. Breithaupt, Jr., Hollis G. Duensing, Attorneys for the Association of American Railroads, 1920 L Street, N.W., Washington, D.C. 20036.
3. V. W. Kraetsch, Vice President—Finance Bessemer and Lake Erie Railroad Company, 600 Grant Street, P.O. Box 536, Pittsburgh, Pennsylvania 15230.
4. M. J. Wagner, Vice President, Finance & Controller, Complete Auto Transit, Inc., P.O. Box 930, Bloomfield Hills, Michigan 48013.
5. N. R. Benke, Vice President—Finance, Consolidated Freightways, P.O. Box 3301, Portland, Oregon 97208.
6. John E. True, Vice President of Finance/Controller, M & G Convoy, Inc., 590 Elk Street, P.O. Box 104, Buffalo, New York 14240.
7. E. J. Paulus, Controller, Las Vegas, Tonopah, Reno Stage Line, Inc., 101 North Mojave, P.O. Box 42130, Las Vegas, Nevada 89104.
8. Chris B. Jordan, Controller, Ryder, Specialized Transportation Division, 3600 N. W. 82 Avenue, P.O. Box 520816, Miami, Florida 33152.

[FR Doc. 81-4207 Filed 2-4-81; 8:45 am]

BILLING CODE 7035-01-M

## 49 CFR Part 1331

[Ex Parte No. 297 (Sub-No. 5)]

### Motor Carrier Rate Bureaus; Implementation of Pub. L. 96-296

AGENCY: Interstate Commerce Commission.

ACTION: Notice of corrections to notice of decision and policy statement.

**SUMMARY:** The Commission has issued a notice clarifying and correcting errors appearing in its decision served December 30, 1980, and its notice published at 45 FR 86736, December 31, 1980. That decision established standards for motor carrier rate bureau activities to implement the provisions of the Motor Carrier Act of 1980. The corrections to the Federal Register notices appear below. The complete decision and notice of clarification and errata to the decision are available from the Secretary, Interstate Commerce Commission, Washington, DC 20423, (202) 275-7428.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Felder or Jane F. Mackall, (202) 275-7656.

**SUPPLEMENTARY INFORMATION:** On page 86737 of the decision published on December 31, 1980, delete item 5 and replace it with the following:

5. The quorum for holding meetings at which rates, rules, or classifications are discussed or considered is 30 percent of the membership of the organization or 50 percent of the membership of the respective committee.

Also on page 86737, delete item 7 and replace it with the following:

7. To retain antitrust immunity, the bureaus shall comply with 49 U.S.C. 10706 and this decision, when it becomes effective. Then, on the prescribed date, the bureaus shall submit for our approval agreements amended in accordance with 49 U.S.C. 10706 and this decision.

Dated: January 29, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-4206 Filed 2-4-81; 8:45 am]

BILLING CODE 7035-01-M

# Proposed Rules

Federal Register

Vol. 46, No. 24

Thursday, February 5, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[File No. 791 0140]

#### Albertson's, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Boise, Idaho operator of retail grocery stores to refrain from acquiring any unapproved retail grocery stores business in specified areas for a period of ten years.

**DATE:** Comments must be received on or before April 7, 1981.

**ADDRESS:** Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave. NW., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** FTC/C. E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

#### United States of America Before Federal Trade Commission

In the matter of ALBERTSON'S, INC., a corporation.

File No. 791 0140, Agreement Containing Consent Order to Cease and Desist.

The Federal Trade Commission having initiated an investigation of an acquisition by Albertson's, Inc., a corporation, and it now appearing that Albertson's, Inc., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order precluding certain future acquisitions and for other relief,

It is hereby agreed by and between Albertson's, Inc., by its duly authorized officer and its attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Albertson's, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 250 Parkcenter Boulevard, in the City of Boise, State of Idaho 83726.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its

decision containing the following order in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order precluding certain future acquisitions and for other relief shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

#### Order

##### I

As used in this order:

(A) "Albertson's" means Albertson's, Inc., a corporation organized under the laws of Delaware with its principal executive offices at 250 Parkcenter Boulevard, Boise, Idaho 83726, and its directors, officers, agents and employees, and its subsidiaries, successors and assigns.

(B) "Retail grocery stores" are retail food stores currently classified under Bureau of Census Industry Classification No. 541, including supermarkets, convenience stores and delicatessens, which primarily sell a wide variety of canned or frozen foods, such as vegetables, fruits and soups; dry groceries, either packaged or in bulk, such as tea, coffee, cocoa, dried fruits, processed food and nonedible grocery items. In addition, these stores often sell smoked and prepared meats, fresh fish and poultry, fresh vegetables and fruits and fresh or frozen meats.

(C) "Acquisition", "acquire", "merger", or "merge with" includes all other forms of arrangement by which Albertson's may obtain all or any part of the market share of any other retail grocery store or stores.

##### II

It is ordered that for a period of ten (10) years from the date on which this order becomes final, Albertson's shall not merge with or acquire, or merge with or acquire and

thereafter hold, directly or indirectly through subsidiaries or in any other manner, without the prior approval of the Federal Trade Commission, the whole or any part of the stock or assets of any individual, firm, partnership, corporation or other legal or business entity which directly or indirectly owns or operates any retail grocery stores, where such acquisition or merger involves five or more such retail grocery stores, any one of which is located in any of the following areas:

(A) In Washington, Oregon, Nevada, Idaho, Montana, Wyoming, New Mexico, Utah, Colorado, Florida, California, Texas, Louisiana, Alabama or Arizona; or

(B) Within five hundred (500) miles of any warehouse owned or operated by Albertson's at the time of such acquisition or merger and which is engaged in the shipment of products to retail grocery stores; or

(C) Within three hundred (300) miles of any retail grocery store owned or operated by Albertson's at the time of such acquisition or merger.

### III

It is further ordered that upon written request of the staff of the Federal Trade Commission, Albertson's shall submit such reports in writing to assure compliance with this order as may from time to time be requested.

### IV

It is further ordered that Albertson's notify the Federal Trade Commission at least thirty (30) days prior to any proposed corporate changes, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance with the obligations arising out of this order.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Albertson's, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The case arose from the July 1978 acquisition by Albertson's, Inc. (Albertson's) of Fazio's, the California Division of Fisher Foods, Inc. (Fisher). Albertson's was a large supermarket chain with stores primarily on the West Coast, including California, and in the Rocky Mountain area of the United States. Fisher was also a large supermarket chain, with stores in Northern Ohio and the Chicago area, as well as in the Los Angeles/Orange County, California area. Albertson's and Fisher's California Division were in direct competition at the time of the acquisition. Immediately following the acquisition, Albertson's market rank increased from ninth to sixth.

The Commission's complaint charges that the acquisition violated Section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act. The complaint alleges anticompetitive effects in the retail grocery store industry in Los Angeles/Orange County, a market that is alleged to be concentrated. The alleged anticompetitive effects include: (a) the elimination of actual competition between Albertson's and Fisher, (b) the lessening of retail grocery store competition in the market in general, (c) the elimination of Fisher as a competitor, (d) increased concentration in the market and (e) the encouragement of further acquisitions.

The proposed order contains provisions limiting Albertson's future acquisitions and requiring normal compliance reports. For a period of ten (10) years from the effective date of the order, Albertson's (with certain minor exceptions) will not be permitted to make any acquisitions in the retail grocery store business in designated areas of the United States without prior Commission approval. The areas included in this provision are: (a) the states of Washington, Oregon, Nevada, Idaho, Montana, Wyoming, New Mexico, Utah, Colorado, Florida, California, Texas, Louisiana, Alabama and Arizona; (b) anywhere within five hundred (500) miles of any Albertson's warehouse at the time of the acquisition; and (c) anywhere within three hundred (300) miles of any Albertson's retail grocery store at the time of the acquisition.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,  
Secretary.

[FR Doc. 81-4303 Filed 2-4-81; 8:45 am]  
BILLING CODE 6705-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 23 CFR Part 1221

[Docket No. 81-01; Notice 2]

#### Performance Standards for Speed Measuring Radar Devices

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Proposed rule; extension of comment closing date.

SUMMARY: This document extends from February 2, 1981, to February 17, 1981, the period within which comments may be submitted to the notice proposing performance standards for speed measuring radar devices which was published January 8, 1981 (46 FR 2097).

DATE: Comment closing date for the proposed rule is February 17, 1981.

FOR FURTHER INFORMATION CONTACT: Kathy DeMeter, Office of Chief Counsel, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1834).

SUPPLEMENTARY INFORMATION: The purpose of this extension is to allow interested parties additional time to submit their comments on the proposed regulation.

Issued on January 29, 1981.

George L. Reagle,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 81-4156 Filed 2-4-81; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

#### 24 CFR Part 868

[Docket No. R-81-909]

#### Comprehensive Improvement Assistance Program; Transmittal of Interim Rule to Congress

AGENCY: Department of Housing and Urban Development

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This rule sets forth the requirements under which HUD is authorized to provide financial assistance to Public Housing Agencies, including Indian Housing Authorities, to improve the physical condition and upgrade the management and operation of existing public housing projects.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document: