

Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-17, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on March 18, 1980.

William S. Dalton,  
Acting Director, Great Lakes Region.

[FR Doc. 80-9588 Filed 3-29-80; 8:45 am]

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**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

**15 CFR Part 936**

**The Point Reyes/Farallon Islands Marine Sanctuary**

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

**ACTION:** Proposed rule.

**SUMMARY:** The National Oceanic and Atmospheric Administration proposes the designation by the Secretary of Commerce of the Point Reyes/Farallon Islands Marine Sanctuary off the coast of California. Presidential approval of the designation is required. After designation, the Secretary of Commerce must promulgate necessary and reasonable regulations to control activity within the sanctuary. These proposed regulations define permissible activities within the Sanctuary, the procedures by which persons may obtain permits for prohibited activities, and the penalties for committing prohibited acts without a permit.

**DATE:** Comments due by May 30, 1980.

**ADDRESS:** Send Comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

**FOR FURTHER INFORMATION CONTACT:** JoAnn Chandler, Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. 202-634-4236.

**SUPPLEMENTARY INFORMATION:** Title III of the Marine Protection, Research, and

Sanctuaries Act of 1972, 16 U.S.C. 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 conservation, recreational, ecological, or aesthetic values. Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any 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).

The Office of Coastal Zone Management proposes to designate as a marine sanctuary an area of the waters off the coast of California, adjacent to Point Reyes and the Farallon Islands of approximately 1000 square nautical miles. (The precise coordinates will be described in the final regulations). Significant numbers of marine birds flourish here, including twelve of the sixteen marine bird species known to breed on the west coast, and probably over half of the nesting marine bird pairs in California. Twenty-three species of marine mammals have been seen in this area, and abundant commercially and recreationally valuable fish are caught in these waters. These resources depend on the high primary productivity of this area, which is reflected in a rich plant and intertidal life, as well as in the diverse fauna at the top of the food chain.

In 1977 NOAA received several recommendations for sanctuaries of varying dimensions to be established in the general area. NOAA held a public meeting in April, 1978 to discuss these recommendations and prepared and issued an Issue Paper in December, 1978, outlining alternatives for public review. Based on the responses to this Paper and consultation with other Federal agencies, the Pacific Regional Fishery Management Council, State and local governments, and interest groups, NOAA prepared a draft environmental impact statement (DEIS) which is being published concurrently with these regulations. (A copy can be obtained by writing to the contact identified above).

The DEIS describes the impacts of the marine sanctuary proposal including its ability to focus on this particularly valuable marine area and to provide comprehensive planning. It discusses marine sanctuary management including

research and monitoring of the conditions of the site and the resources to assure long-term protection and maximum safe use and enjoyment and the educational element of the program to increase public awareness of the value of the resources. The rationale for designation and for the proposed regulatory system as well as alternative approaches, both regulatory and nonregulatory, are more fully set forth in the DEIS.

OCZM will receive public comments on the proposal, hold public hearings in San Francisco and Point Reyes Station, California, and prepare a final EIS and regulations which incorporate and respond to the comments received. Only after final consultation with Federal agencies, and with Presidential approval, can the Secretary designate the sanctuary and promulgate the regulations. The regulations will not become effective within state waters for 60 days from designation. If, during this period, the Governor certifies that the Designation is unacceptable to the State, the Sanctuary will not include state waters.

NOAA's General Marine Sanctuary Regulations (15 CFR Part 922, 44 FR 44831, July 31, 1979) provide that the regulatory system for a marine sanctuary will be established by two documents, a Designation document and the regulations issued pursuant to Section 302(f) of the Act. The Designation will serve as a constitution for the Sanctuary, establishing among other things the purposes 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.

As proposed, the Point Reyes/Farallon Islands Marine Sanctuary Designation document would provide as follows:

**Draft Designation Document**

*Designation Of The Point Reyes/Farallon Islands Marine Sanctuary*

**Preamble**

Under the authority of the Marine Protection, Research and Sanctuaries Act of 1972, Pub. L. 92-532 (the Act), the waters along the coast of California north and south of Point Reyes Headlands, between Bodega Head and Rocky Point and surrounding the Farallon Islands, are hereby designated a Marine Sanctuary for the purposes of preserving and protecting this unique and fragile ecological community.

**Article 1. Effective of Designation**

Within the area designated as The Point Reyes-Farallon Islands 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 the waters adjacent to the coast of California, of approximately 1000 square nautical miles (nmi<sup>2</sup>) extending seaward to a distance of 6 nmi from the mainland and 12 nmi from the Farallon Islands and Noonday Rock, and including the intervening waters. The precise boundaries are defined by regulation.

#### Article 3. Characteristics of the Area

The Sanctuary includes rookeries probably for over half of California's nesting marine birds. At least 12 of the 16 known west coast nesting marine bird species nest here. In addition, 23 species of marine mammals have been sighted in this area, and abundant fish and shellfish are harvested in the sanctuary.

#### 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. Hydrocarbon operations,
- b. Discharging or depositing any substance object,
- c. Dredging or alteration of, or construction of, the seabed,
- d. Navigation of vessels except fishing vessels or vessels travelling within a vessel traffic separation scheme or port access route designated outside the area 1 nmi from the Farallon Islands, Bolinas Lagoon or any Area of Special Biological Significance designated by the State of California prior to designation.
- e. Disturbing marine mammals or birds by overflights below 1000 feet,
- f. Removing or otherwise harming cultural or historical 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 procedures specified in Article 6.

#### Article 5. Relation to Other Regulatory Programs

Section 1. *Fishing.* The regulation of fishing including fishing for shellfish and invertebrates, is not authorized under Article

4. However, fishing vessels may be regulated with respect to discharges in accordance with Article 4, Section 1, paragraph (b). All regulatory programs pertaining to fishing, including regulations promulgated under the California Fish and Game Code and Fishery Management Plans promulgated under the Fishery Conservation and Management Act of 1976, 16 U.S.C. §§ 1801 *et seq.* will remain in effect, and all permits, licenses, and other authorizations issued pursuant thereto will be valid within the Sanctuary unless inconsistent with any regulation implementing Article 4.

Section 2. *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 practicable.

Section 3. *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 inconsistent with 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 Pacific Regional Fishery Management Council, and approval by the President of the United States.

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.

The primary purpose of the proposed regulations is to protect and to preserve this particular ecosystem, including the marine birds and mammals, as well as their habitat, and other natural resources of the waters surrounding the Farallon Islands and Point Reyes. The Farallon Islands support some of the largest marine bird rookeries in the contiguous United States, and the surrounding waters act as foraging areas for these birds, as well as the five species of pinnipeds that are seen in the sanctuary. Activities which may threaten the special marine features of these waters are prohibited. Such activities include: hydrocarbon exploration and exploitation except for the laying of certain pipelines outside 2 nmi of the Islands, Bolinas Lagoon, and Area of Special Biological Significance (ASBS) designated by the State of California (Sec. 936.6(A)(1)); discharges except for marine sanitation effluents, vessel cooling waters, fish cleaning wastes, chumming materials (bait), and

municipal waste outfalls with a certified permit (Sec. 936.6(a)(2)); construction on or alteration of the seabed except for certain specified dredging and construction activities and pipelines as certified by the Assistant Administrator (Sec. 936.6(a)(3)); the operation of certain vessels in the vicinity of important habitats—within 1 nmi of the Islands, Bolinas Lagoon, and ASBSs (Sec. 936.6(a)(4)); disturbing marine mammals and birds by overflights below 1000 ft. in the vicinity of important habitats (Sec. 936.6(a)(5)); and removing or harming of historical or cultural resources (Sec. 936.6(a)(6)). All prohibitions must be applied consistently with recognized principles of international law.

The regulation of fishing in the waters proposed for the Sanctuary will remain the responsibility of the California Department of Fish and Game, the Pacific Regional Fishery Management Council, and the National Marine Fishery Service pursuant to the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 *et seq.* (See Article 5, Section 1 of the Designation) However, fishing vessels are subject to the same discharge regulations as other vessels. (Sec. 936.7(a)(2)).

**PUBLIC REVIEW AND COMMENT:** NOAA invites public review and comment on these proposed regulations. Written comments should be submitted to: JoAnn Chandler, Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, on or before May 30, 1980. Donald W. Fowler, Deputy Assistant Administrator for Coastal Zone Management.

Accordingly, Part 936 is proposed as follows:

### PART 936—THE POINT REYES/ FARALLON ISLANDS MARINE SANCTUARY REGULATIONS

Sec.	
936.1	Authority.
936.2	Purpose.
936.3	Boundaries.
936.4	Definitions.
936.5	Allowed activities.
936.6	Prohibited activities.
936.7	Penalties for commission of prohibited acts.
936.8	Permit procedures and criteria.
936.9	Certification of other permits.
936.10	Appeals of administrative action.
936.11	Amendments.

#### § 936.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of Section 302(a) of Title

III of the Marine Protection, Research and Sanctuaries Act of 1972, 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.

#### § 936.2 Purpose

The purpose of designating the Sanctuary is to protect and preserve the extraordinary ecosystem, including marine birds and mammals and other natural resources, of the waters surrounding the Farallon Islands and Point Reyes, and to ensure the continued availability of the area as a research and recreational resource.

#### § 936.3 Boundaries.

The Sanctuary consists of an area of the waters adjacent to the coast of California north and south of the Point Reyes headlands, between Bodega Head and Rocky Point and the Farallon Islands (including Noonday Rock) of approximately 1000 square nautical miles (nmi<sup>2</sup>). The Shoreward boundary follows the mean high tide line and the seaward limit of Point Reyes National Seashore. Between Bodega Head and Point Reyes Headlands, the Sanctuary extends seaward 3 nmi beyond State waters. The Sanctuary also includes the waters within 12 nmi of the Farallon Islands, and between the Islands and the mainland from Point Reyes Headlands to Rocky Point. The Sanctuary includes Bodega Bay, but not Bodega Harbor.

#### § 936.4 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.

#### § 936.5 Allowed activities.

All activities except those specifically prohibited by Section 936.6 may be carried on in the Sanctuary subject to all prohibitions, restrictions and conditions imposed by any other authority. Recreational use of the area is encouraged.

#### § 936.6 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 §§ 936.9 or 936.10. All prohibitions shall be applied consistently with international law.

(1) *Hydrocarbon operations.* Hydrocarbon exploration and exploitation activities are prohibited except that pipelines related to operations outside the sanctuary may be placed at a distance greater than 2 nmi from the Farallon Islands, Bolinas Lagoon, and Areas of Special Biological Significance where certified to have no significant effect on sanctuary resources in accordance with § 936.9.

(2) *Discharge of substances.* No person shall deposit or discharge any materials or substances of any kind except:

- (i) Indigenous fish or parts and chumming materials (bait).
- (ii) Effluents from marine sanitation devices.
- (iii) Non-polluted cooling waters from vessels, and
- (iv) Municipal sewage where certified to have no significant effect on sanctuary resources in accordance with Section 936.9.

(3) *Alteration of or construction on the seabed.* Except in connection with the laying of any pipeline as allowed by § 936.6(a)(1) or the building of any municipal outfall as allowed by § 936.6(a)(2)(D), no person shall:

- (i) Construct any structure other than a navigation aid,
- (ii) Drill through the seabed, and
- (iii) Dredge or otherwise alter the seabed in any way except for routine maintenance and navigation, mariculture, and as necessary for the construction of residences in Tomales Bay, and new marinas as permitted by the California Coastal Commission.

(4) *Commercial vessels operations.* Except to transport persons or supplies to or from islands or mainland areas adjacent to sanctuary waters, within an area extending one nautical mile from the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance established by the State of California prior to sanctuary designation, no person shall operate any vessel engaged in the trade of carrying cargo, including but not limited to tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations. In no event shall this section be construed to limit access for fishing, recreational or research vessels.

(5) *Disturbing marine mammals and birds.* Except to transport persons or

supplies to or from islands or mainland areas adjacent to sanctuary waters or for enforcement purposes, no person shall disturb seabirds or marine mammals by flying any motorized aircraft at less than 1,000 feet over the waters extending one nautical mile from the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance established by the State of California.

(6) *Removing or damaging historical or cultural resources.* No person shall remove or damage any historical or cultural resource.

(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.

#### § 936.7 Penalties for commission of prohibited acts.

(a) 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. Procedures are outlined in Subpart D of Part 922 (15 CFR Part 922) of this chapter. Subpart D is applicable to any instance of a violation of these regulations.

#### § 936.8 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 any activity in the Sanctuary including any activity specifically prohibited under Section 936.6, 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, Division of Operations and Enforcement, 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, in 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 permit granted under paragraph (e) may not be transferred.

(g) 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 (the Holder) has violated the terms of the permit or applicable regulations. Any such action will set forth in writing to the Holder, and will include the reason(s) for the action taken. The Holder may appeal the action as provided for in Section 936.11.

#### § 936.9. Certification of other permits.

(a) Except as otherwise provided in this section, all permits, licenses and other authorizations issued pursuant to other authority are hereby certified and shall remain valid if they do not authorize any activity prohibited by § 936.6. Any interested person may request that the Assistant Administrator

offer an opinion on whether an activity is prohibited by these regulations.

(b) No permit, license, or other authorization allowing the discharge of municipal sewage or the laying of any pipeline shall be valid unless certified by the Assistant Administrator as consistent with the purposes of the Sanctuary and these regulations. Such certification may impose terms and conditions as deemed appropriate to ensure consistency.

(c) In considering whether to make the certifications called for in this section, the Assistant Administrator may seek and consider the views of any other person or entity, within or outside the Federal Government, and may hold a public hearing as deemed appropriate.

(d) Any certification called for in this section shall be presumed to have been made 60 days from the date that the Assistant Administrator receives notice of the proposed permit and the necessary supporting data unless otherwise determined.

(e) The Assistant Administrator may amend, suspend, or revoke any certification made under this section whenever continued operation would violate any terms 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 holder or the issuing agency may appeal the action as provided for in § 936.11.

#### § 936.10 Appeals of administrative action.

(a) Any interested person (the Appellant) may appeal the granting, denial, or conditioning of any permit under § 936.9 to the Administrator of 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 § 936.9(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, and the Hearing Officer'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 Office 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 material and present 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.

#### § 936.12 Amendments.

(a) Any amendment to these regulations which significantly alters the extent of the prohibitions described in § 936.6 will directly affect California's coastal zone and shall be consistent to the maximum extent practicable with the California Coastal Zone Management Program.

(b) If the California Coastal Zone Management Program is amended to authorize in State waters an activity prohibited by § 936.6, upon the request of the Governor of California, the Assistant Administrator shall propose a conforming amendment to § 936.6 of these regulations, unless the Assistant

Administrator determines in writing that the activity would be clearly inconsistent with the purposes of the sanctuary or otherwise would be prohibited by law.

[FR Doc. 80-9653 Filed 3-28-80; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 1a and 1b

[Docket No. RM78-15]

#### Rules Relating to Investigations; Notice of Public Hearing

March 25, 1980

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of Opportunity for the Oral Presentation of Data, Views and Comments.

**SUMMARY:** In June of 1978, the Federal Energy Regulatory Commission (the Commission) adopted interim regulations governing the conduct of its investigations 43 FR 27174 (June 23, 1978); and in March of 1979, the Commission issued a Notice of Proposed Rulemaking to establish final regulations governing the conduct of its investigations, 44 FR 21586 (April 10, 1979). Because, as proposed in March of 1977, final regulations adopted by the Commission respecting the conduct of its investigations would include provisions respecting the Natural Gas Policy Act of 1978 (NGPA), the Commission, consistent with the requirements of the NGPA, is providing an opportunity for the oral presentation of data, views and comments on the March 1979 proposal.

**DATES:** Requests to participate to be filed by April 11, 1980; oral presentations to be on April 15, 1980.

**ADDRESSES:** Requests to participate should reference Docket No. RM78-15 and should be addressed to: The Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Oral presentation is to be held at: The Federal Energy Regulatory Commission, Room 3200, 941 North Capitol Street, N.E., Washington, D.C. 20426.

#### FURTHER INFORMATION CONTACT:

Vicki L. Hopman, The Office of Enforcement, Federal Energy Regulatory Commission, Room 3310-B, 941 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-3009.

**SUPPLEMENTARY INFORMATION:** On June 14, 1978, the Commission adopted Part 1b of its Rules of Practice and Procedure as interim regulations.<sup>1</sup> The new part, entitled "Rules Relating to Investigations", was adopted to provide the public with a clear statement of the Commission's policy and procedures for conducting investigations under the statutes it administers. In response to comments received on these interim regulations, the Commission issued a Notice of Proposed Rulemaking to establish a new Part 1a as Final Rules Relating to Investigations to replace the Interim rules of Part 1b.<sup>2</sup> Sixteen comments were received on the interim regulations and ten comments were received to the March 1979 Notice; all of these submissions were placed in the public file of this proceeding.

In that a final order in this proceeding would implement a section of the Natural Gas Policy Act of 1978 (NGPA), (specifically, section 508 of that Act) the Commission will provide an opportunity for the oral presentation of data, views and arguments on the March 1979 proposal as required by section 502(b) of the NGPA. To this end, a public hearing will be held in Washington, D.C. on April 15, 1980. The hearing will be held in Room 3200 of the Offices of the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C., and will begin at 10:00 a.m., local time.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 and should be made no later than April 11, 1980. Requests should reference Docket No. RM78-15 and should indicate the name of the person who will be making the presentation, a phone number at which that person may be contacted, and the amount of time requested for the presentation.

Persons participating in the public hearing should, if possible, bring 25 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Office of Public Information prior to the hearing and will be available at the Commission on the morning of the hearing.

The hearing will not be a judicial or evidentiary-type hearing, and there will be no cross examination of persons presenting statements. The

<sup>1</sup> Order No. 8, "Rules Relating to Investigations", Docket No. RM78-15 (issued June 14, 1978), 43 FR 27174 (June 23, 1978).

<sup>2</sup> Notice of Proposed Rulemaking, "Rules Relating to Investigations", Docket No. RM78-15 (issued Mar. 20, 1979), 44 FR 21586 (Apr. 10, 1979).

presentations will be made before a panel whose members will be designated by the Chairman of the Commission. Members participating on the panel before whom the presentations are made may ask questions. If time permits, they may also ask such relevant questions as are submitted to them by participants. Other procedural rules relating to the hearing will be announced at the time the proceedings commence. A transcript of the hearing will be made and a copy of that transcript will be placed in the public file for this docket and be made available for inspection at the Commission's Office of Public Information in Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9606 Filed 3-28-80; 8:45 am]

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#### 18 CFR Part 282

[Docket No. RM80-24]

#### Permanent Rule Defining Small Existing Industrial Boiler Fuel Users Exempt From Incremental Pricing Under the Natural Gas Policy Act of 1978; Availability of Energy Information Administration Report

March 25, 1980.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of Availability of Report.

**SUMMARY:** On March 6, 1980, (45 FR 15559) the Federal Energy Regulatory Commission (Commission) issued a notice of proposed rulemaking related to the volume level of natural gas used in existing small industrial boiler fuel facilities that would be exempt from incremental pricing. As indicated in the proposed rule, the Commission relied on data furnished by the Energy Information Administration (EIA) of the Department of Energy as the basis for the proposed rule. The February 26, 1980 report of EIA, entitled "Report to Determine 5 Percent Exemption to Incremental Pricing", has been placed in the public file of this docket and is available for public inspection.

**ADDRESS:** The report is available for public inspection at Room 1000, Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825