

IDENTICAL LETTER SENT TO:
THE HONORABLE GARY HART, CHAIRMAN
UNITED STATES SENATE
CC: THE HONORABLE ALAN SIMPSON

THE HONORABLE JOHN G. DINGELL, CHAIRMAN
U.S. HOUSE OF REPRESENTATIVES
CC: THE HONORABLE CLARENCE J. BROWN

PRM 71-8

THE HONORABLE MORRIS K. UDALL, CHAIRMAN
UNITED STATES HOUSE OF REPRESENTATIVES
CC: THE HONORABLE STEVEN SYMMS

JUN 4 1980

The Honorable Toby Moffett, Chairman
Subcommittee on Environment, Energy and
Natural Resources
Committee on Government Operations
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for your information is a copy of a petition for rulemaking filed with the Nuclear Regulatory Commission by the Foster Wheeler Energy Corporation.

The petitioner requests that the Commission exempt persons licensed under 10 CFR Part 34, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations," who deliver licensed material to a carrier for transport under the general license provision of 10 CFR 71.12, from maintaining, in addition to the Certificate of Compliance, additional documentation as described in 10 CFR 71.12(b)(1)(i). The petitioner states that the maintenance of this documentation by Industrial Radiographers is an unnecessary regulatory burden.

Also enclosed is a copy of a notice concerning this petition which will be published in the Federal Register. It provides for a 60-day period for public comment.

Sincerely,

ORIGINAL SIGNED BY
Daniel J. Donoghue ✓

Daniel J. Donoghue, Director
Office of Administration

Enclosures: As stated

cc: The Honorable Paul N. McCloskey, Jr.

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(i) A disposition which is a gift or in part a sale or exchange and in part a gift.

(ii) A disposition which is described in section 1245 (b) (3) (relating to certain tax-free transactions), or

(iii) An exchange which is described both in section 1245 (b) (5) and § 1.1245-2 (e) (2) (relating to transfers described in section 1081 (d) (1) (A)).

(c) *Certain transfers at death.* If oil, gas, or geothermal property described in section 1254 is acquired in a transfer at death, the amount of the adjusted intangible drilling and development costs with respect to the oil, gas, or geothermal property in the hands of the transferee immediately after the transfer shall include the amount, if any, of the intangible drilling and development costs deducted by the transferee before the decedent's death, to the extent that the basis of the oil, gas, or geothermal property (determined under section 1014 (a)) is required to be reduced under the second sentence of section 1014 (b) (9) (relating to adjustments to basis where the property is acquired from a decedent prior to his death).

(d) *Property received in a like kind exchange or involuntary conversion.* (1) If oil, gas, or geothermal property described in section 1254 is acquired in a disposition which is a like kind exchange or involuntary conversion, then immediately after the acquisition the amount, in the hands of the transferee, of the adjusted intangible drilling and development costs with respect to the oil, gas, or geothermal property acquired shall be an amount equal to—

(i) The amount of the adjusted intangible drilling and development costs with respect to the oil, gas, or geothermal property in the hands of the transferor immediately before disposition, minus

(ii) The amount of any gain taken into account as ordinary income under section 1254 (a) (1) by the transferor upon the disposition.

(2) If more than one parcel of oil, gas, or geothermal property is acquired at the same time from the same transferor in a transaction referred to in paragraph (d) (1) of this section, the total amount, in the hands of the transferee, of the adjusted intangible drilling and development costs with respect to the parcels is allocated to the parcels in proportion to their respective adjusted bases.

(e) *Property transferred in cases to which sections 1071 or 1081 (b) applies.* If oil, gas, or geothermal property described in section 1254 is acquired in a transfer to which section 1071 or section 1081 (b) applies, then immediately after the transfer the

amount, in the hands of the transferee, of the adjusted intangible drilling and development costs with respect to the oil, gas, or geothermal property acquired is—

(1) The amount of the adjusted intangible drilling and development costs with respect to the oil, gas, or geothermal property in the hands of the transferor immediately before transfer, reduced by

(2) The amount of any gain taken into account as ordinary income under section 1254 (a) (1) by the transferor upon the transfer.

§ 1.1254-5 Special rules for partnership property.

Section 1254 (b) (1) provides that rules similar to the rules of section 617 (g) (relating to special rules concerning partnership property) shall apply for purposes of section 1254.

(a) *Property distributed to partner.* The adjusted intangible drilling and development costs for any oil, gas, or geothermal property received by a partner in a distribution with respect to part or all of an interest in a partnership include—

(1) The adjusted intangible drilling and development costs (not taken into account as ordinary income under section 1254(a)(1)) with respect to the oil, gas, or geothermal property immediately prior to the distribution, reduced by

(2) The amount of gain to which section 751(b) (relating to certain distributions treated as sales or exchanges) applies realized by the partnership (as constituted after the distribution) on the distribution of the oil, gas, or geothermal property.

(b) *Property retained by partnership.* In the case of any oil, gas, or geothermal property held by a partnership after a distribution to a partner to which section 751(b) applies, the adjusted intangible drilling and development costs with respect to the oil, gas, or geothermal property retained by the partnership are reduced by the amount of gain (if any) to which section 751(b) applies realized by the partner with respect to the distribution on account of the oil, gas, or geothermal property retained by the partnership.

PAR. 6. Section 1.1502-14(c)(1) is amended by deleting "or 1250(a)(1)" and inserting in lieu thereof "1250(a)(1) or 1254(a)(1)".

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-17668 Filed 6-10-80; 8:45 am]

BILLING CODE 4830-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1056, 1320, 1321, 1322, 1323, and 1324

[Ex Parte Nos. MC-1, 73,* 143 and 170]

Proposal To Repeal Existing Credit Regulations for Railroads, Motor Carriers, Water Carriers, and Freight Forwarders, and Authorize Individual Carriers To Establish Through Tariffs Publication Their Own Nondiscriminatory Credit Terms; 15-Day Postponement of Filing Due Date

AGENCY: Interstate Commerce Commission.

ACTION: 15-day postponement of filing due date in reopening of rulemaking proceeding (proposed rules).

SUMMARY: The present due date for filing comments in this reopening of rulemaking proceedings published at 45 FR 31766, May 14, 1980, involving our credit rules is June 30, 1980. The Association of American Railroads has requested a 90-day extension. Insufficient reasons for such a lengthy extension have been presented. A 15-day extension will be granted. This will provide a total comment period of 60 days. Considering the relative simplicity of the Commission's proposal, we believe 60 days is adequate to formulate meaningful comments.

DATE: Comments are now due July 15, 1980.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5356, ICC, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275-7693.

Decided: June 3, 1980.

By the Commission, Darius W. Gaskins, Jr., Chairman.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-17668 Filed 6-10-80; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

[Docket No. PRM-71-8]

Foster Wheeler Energy Corp.; Filing of Petition for Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

*Includes No. 37152.

ACTION: Publication of petition for rulemaking from Foster Wheeler Energy Corporation.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment, as a petition for rulemaking, a motion filed before the Commission on March 19, 1980, by Foster Wheeler Energy Corporation. This petition, which has been assigned Docket No. PRM-71-8, requests that the Commission " * * * exempt persons licensed pursuant to 10 CFR 34 for Industrial Radiography from the provision of 10 CFR 71.12(b)(1)(i) requiring that such persons have a copy of * * * all documents referred to in the license, certificate, or other approval * * * in order to be able to deliver licensed material to a carrier for transport under the general licensing provisions of 10 CFR 71.12." The petitioner further states that "it is adequate for a radiography licensee to have on file just the Certificate of Compliance for a given source shipping container."

DATE: Comment period expires August 11, 1980.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The petitioner states that radiography licensees are authorized by NRC to use only specific sources and source shipping containers and that (Foster Wheeler) " * * * cannot register with the NRC Transportation Branch to be a user of a package unless we are also licensed to use that same package by the NRC Radioisotopes Licensing Branch."

The petitioner, an NRC Byproduct Material Licensee, states that the preparation of its written procedures concerning the use and transporting of source shipping containers (as specified

in §§ 34.32 and 71.51) was accomplished without using the information required by § 71.12(b)(1)(i), yet these procedures apparently meet NRC requirements.

The petitioner further states that the documents which are maintained pursuant to § 71.12(b)(1)(i) have not proved to be needed or useful on other occasions and that "the regulation, as it pertains to our license category [Industrial Radiography Licensees], offers no positive effect on the safe transportation of radioactive material and should be withdrawn."

A recently denied petition (Chem-Nuclear Systems, PRM-71-5) was filed on similar grounds; however, the petitioner states that its petition (PRM-71-8) relates to different issues.

Copies of Chem-Nuclear Systems' petition and the Commission's Notice of Denial are also available in the Public Document Room and may be obtained by writing to the Division of Rules and Records at the above address.

Dated at Washington, DC this 4th day of June 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 80-17573 Filed 6-10-80; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Part 474

[Docket No. CAS-RM-80-202]

Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Equivalent Petroleum-Based Fuel Economy Calculation

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rulemaking for Electric and Hybrid Vehicle Research, Development, and Demonstration Program; cancellation of public hearing.

SUMMARY: The Department of Energy announces that the public hearing on the Equivalent Petroleum-Based Fuel Economy Calculation for the Electric and Hybrid Vehicle Research, Development, and Demonstration Program scheduled for Tuesday, June 10, 1980, in Washington, D.C., was cancelled, due to lack of public interest in making oral presentations at the hearing.

DATES: As stated in the notice of proposed rulemaking issued on May 12, 1980 (45 FR 34008, May 21, 1980), written comments on the Equivalent Petroleum-Based Fuel Economy Calculation must be received by the Department by close of business, July 21, 1980.

FOR FURTHER INFORMATION CONTACT: Robert S. Kirk, Electric and Hybrid Vehicles Division, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-8032.

Issued in Washington, D.C., June 9, 1980.

M. Aine Savitz,

Deputy Assistant Secretary for Conservation, Conservation and Solar Energy.

[FR Doc. 80-17527 Filed 6-10-80; 10:34 am]

BILLING CODE 6450-01-M

JUL 30 1980

NOTE TO: Document Control
Room 016

FROM: J. J. HENRY, TPSB:ES:SD

Please place the attached documents in the PDR using the following file and file points:

PDR File
(Select One)

Related Documents
(Enter if appropriate)

Proposed Rule (PR) _____
Reg. Guide _____
Draft Reg. Guide _____
Petition (PRM) PRM 71-8
Effective Rule (RM) _____

ACRS Minutes No. _____
Proposed Rule (PR) _____
Draft Reg. Guide _____
Reg. Guide _____
Petition (PRM) _____
Effective Rule (RM) _____
Federal Register Notice 45 FR 39519
SD Task No. TP 027-3
NUREG Report _____
Contract No. _____

Subject: Response to petition that NRC
exempt industrial radiographers from
requirement to have a copy of all
documents referred to in a package approval.

1. Ltr 6/3/80 ... n. Felton, ADM, to B. Kovacs, Foster Wheeler.
2. Ltr 6/4/80 D. J. Donoghue, ADM, to CONG w/o att.
3. 45 FR 39519, June 11, 1980

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