

2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 8, 1923, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 86

T. 39 S., R. 43 E.,
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 39 S., R. 44 E.,
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and
W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described contains 240 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the public lands described above will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 18, 1981.

[FR Doc. 81-15811 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5891

[OR 20237]

Oregon; Revocation of Public Water Reserve No. 94

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew 160 acres of public land as a public water reserve. This action will restore the lands to operation of the public land laws generally, including

nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of September 25, 1925, which withdrew the following described public lands for public water reserve purposes is hereby revoked.

Willamette Meridian

Public Water Reserve No. 94

T. 20 S., R. 39 E.,
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 160 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

May 18, 1981.
Garrey E. Carruthers,
Assistant Secretary of the Interior.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6062]

National Flood Insurance Program; Final Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule; Correction.

SUMMARY: In the Federal Register, FR Doc. 81-11032, appearing at pages 21605 thru 21617 in the issue of April 13, 1981, the heading above the table for the Final Base Flood Elevations is incorrect. The heading reads: Final Base (10-year) Flood Elevations. It should be corrected to the following:

Final Base (100-year) Flood Elevations.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Richard W. Krimm,
Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15716 Filed 5-27-81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 31

[CC Docket No. 79-105; RM-3017]

Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: The Commission has adopted amendments to its rules prescribing a uniform system of accounts for telephone companies. The Federal Communications Commission published these amendments at 46 FR 19481, March 31, 1981. This document makes necessary corrections because of omissions and inaccuracies which occurred in the preparation and printing of these amendments.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael Wilson, Common Carrier Bureau, (202) 632-3863.

Adopted: May 18, 1981.

Released: May 18, 1981.

In the matter of an amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone

Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment, CC Docket No. 79-105, RM-3017, errata.

On March 31, 1981, the Commission released the First Report and Order in the above-captioned proceeding (46 FR 19481; March 31, 1981). A number of inadvertent errors were contained in the rule revisions in Part 31 of the Commission's Rules, as set forth in the Appendix. The following items should be corrected to read as indicated.

On page 19490, in item 5, the Note in § 31.124 should have the words "customer provided" added after the word "connect".

On page 19491, in item 7, the second sentence of Note A in § 31.232 should have the word "not" added so that the sentence reads: "The cost of cables used in installing equipment includable in account 234, 'Large private branch exchanges,' shall be included in that account and shall not be included in whole or in part in account 232." Note C in this item should have the first word changed from "Provision" to "Provisional".

On page 19492, in item 11, the word "customer" in the third item in the items list in § 31.316 should be changed to "custom" and the word "same" in the fourth item should be changed to "sale".

On page 19492, in item 13, in paragraph (b) of § 31.6-61 the words "does not include" should replace the words "also includes" and the word "provided" should replace the word "owned" so that the sentence reads as follows: "The cost of repairs does not include expenses associated with the provision of repair services on customer provided telecommunications equipment. (Note also account 316)."

On page 19492, item 16, paragraph (c) of § 31.605 should have the word "disconnecting" added so that the sentence reads: "This account shall include also the cost of disconnecting or removing station apparatus and disconnecting inside wiring."

(Secs. 4, 220, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-15809 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-22; Amdt. No. 62]

International Maritime Dangerous Goods Code; Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendments 17-79 and 18-79 to the IMCO Code. This document has been approved for incorporation by reference by the Director of the Office of the Federal Register.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos (202-426-0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendments 17-79 and 18-79 to the IMCO Code which have recently been published by the International Maritime Consultative Organization (IMCO). These amendments promulgate numerous miscellaneous changes to the IMCO Code and address such matters as listing, classification, labeling, packaging and documentation. IMCO has established June 1, 1981, as the implementation date for these amendments. Since this rule does not impose additional requirements, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17), is revised to read as follows:

§ 171.7 Matter incorporated by reference.

(d)
(17) "International Maritime Dangerous Goods Code" (IMCO Code), Volumes I, II, III and IV, 1977 Edition,

and Amendments 14-76, 15-77, 16-78, 17-79 and 18-79 thereto.

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that, since this rule does not impose additional requirements, the document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 CFR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-15809 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 577

[Docket No. 80-17; Notice 2]

Defect and Noncompliance Notification

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule, correction.

SUMMARY: On January 22, 1981 (46 FR 6971), the agency published a final rule amending 49 CFR 577.5(g)(1)(vii) to require the use of the agency's toll free telephone number in all defect and noncompliance notification letters. As the result of a typographical error, one of the digits in the telephone number published in the January notice was incorrect. This notice corrects that telephone number to 800-424-9393.

FOR FURTHER INFORMATION CONTACT: Roger Tilton, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-9511).

(Secs. 108, 112, and 119, Pub. L. 89-563; 80 Stat. 718; Secs. 102, 103, and 104, Pub. L. 93-492; 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1408, and 1411-1420); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-15809 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub. No. 34)]

Charleston, SC, Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By petition filed November 17, 1980, the Charleston Trident Chamber of Commerce seeks redefinition and extension of the Charleston, SC, commercial zone limits which have been defined individually as set forth in 49 CFR 1048.3. Petitioner proposed to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include points in Dorchester County. The present zone includes all points within 6 miles of Charleston, points in Charleston County, and a portion of Berkeley County. No statements in opposition to the petition were filed. The regulation set forth below is promulgated pursuant to the Commission's action on the evidence.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Rue (202) 275-7919 or Edward E. Guthrie (202) 275-7691.

SUPPLEMENTARY INFORMATION: This regulation is issued under the authority of 49 U.S.C. 10321 and 49 U.S.C. 10526(b)(1) (the Interstate Commerce Act) and 5 U.S.C. 553 (the Administrative Procedure Act).

§ 1048.3 [Amended].

Accordingly, Part 1048 of Chapter X of Title 49 of the Code of Federal Regulations is amended by removing the period and inserting a semicolon at the end of paragraph 1048.3(c) and adding to the existing description the words "and all points in Dorchester County, SC".

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-15000 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 320 (Sub-No. 2)]

Market Dominance Determinations and Consideration of Product Competition

AGENCY: Interstate Commerce Commission.

ACTION: Decision.

SUMMARY: This proceeding covers two issues—revision of our market dominance regulations and possible consideration of product (including geographic) competition as an issue in rail rate cases. The proceeding stems from provisions in the Staggers Rail Act of 1980. The issue of product competition in rate reasonableness determinations must, under the terms of the Staggers Act, be resolved by May 18, 1981. As a result, the two issues have been separated for decision.

The Commission has determined not to consider product competition in determining rail rate reasonableness. A decision on the other matters raised in our Federal Register Notice of December 18, 1980, 45 FR 83342—namely, those with regard to revision of our market dominance regulations including the issue of product competition in this context—will be issued separately.

EFFECTIVE DATE: This action is effective June 29, 1981.

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

SUPPLEMENTARY INFORMATION: In our notice in this rulemaking (45 FR 83342, 12-18-80 and 46 FR 10181, 2-2-81) we proposed to do two things: 1) amend our existing market dominance regulations (49 CFR 1109.1) and 2) determine to what extent and in what context we should consider "product competition" in a rate challenge. A proceeding to resolve this second issue was mandated by Section 205 of the Staggers Rail Act of 1980. Section 205 defines product competition such that it encompasses geographic competition as well. We did the same in the notice.

The Staggers Act requires that we issue a decision on product competition by May 18, 1981. In view of the May 18th deadline, we are deciding the product competition issue in advance of other matters raised in the notice.

We have carefully considered all the comments filed. Issues and arguments not discussed here have been analyzed and found unjustified or their discussion not necessary to resolve the limited issues addressed here.¹ We have concluded that product competition should not be considered as part of our rate reasonableness analysis. Its inclusion in our market dominance

¹ The responses to our notice contained various motions, including requests to terminate the proceeding. As these motions were addressed to the market dominance issue, they will be resolved in the separate decision on that question.

determinations will be addressed in the later decision in this proceeding.²

General Discussion

Product competition is defined in Section 205 of the Staggers Act as:

[T]he availability to the consignee, at a competitive delivered cost and in sufficient quantities, of products or commodities which are of the same type as the commodity or product to which the rate in question applies, without regard to whether such products or commodities are available from the same or different origin as those to which the rate applies.³

In our notice, we indicated that, while we had declined to elevate evidence of product competition to the level of a rebuttable presumption of market dominance, we nevertheless had recognized it was a factor to consider in determining the extent to which railroads could exercise market power.⁴ We also noted, and we continue to believe, that evidence on this subject is critical in certain cases. A finding of effective competition (i.e., the absence of market dominance) may depend on the shipper's ability to substitute one source or product for another. The shipper's ability to use alternative carriers or modes through access to substitute products or alternative geographic sources of supply may substantially affect a carrier's pricing decisions.⁵

We have two main reasons for concluding that product competition should not be a factor in our reasonableness determinations. First, as noted above, it bears on the question of effective competition—our jurisdictional limitation—and thus it is more appropriate to analyze it at this threshold stage. Second, we believe including it as a factor in a rate reasonableness determination would be inapposite and impractical because of the manner in which we currently assess a rate to be reasonable or unreasonable. Such assessments are based primarily on a comparison between the challenged rate and the cost of the movement to which it applies. In most instances, rates should be as close to costs as possible to insure efficient and

² Concerns raised by the parties regarding practical application of the concept will also be addressed in the later decision.

³ This definition thus includes geographic competition.

⁴ "While certain evidence is not germane to computing market share, proponents of a rate may introduce evidence of potential competition, competition from private carriage, alternative product competition or geographic competition to show that effective competition exists." Special Proc. for Findings of Market Dominance, 359 I.C.C. 735, 738 (1979).

⁵ See Railroad comments, V.S. of R.M. VanHook.