SUPPLEMENTARY INFORMATION: On October 15, 1981 New York State informed the Environmental Protection Agency (EPA) of its intention to revise its State Implementation Plan (SIP). The State requested EPA approval of a "special limitation," issued under the provisions of Part 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The effect of this "special limitation" is to allow the General Electric Company to burn fuel oil with a maximum sulfur content of 2.8 percent, by weight, at its Rotterdam Steam Generating Facility located in Schenectady, New York. This "special limitation" will remain in effect for up to three years from March 5, 1982. The current, normal applicable sulfur content limitation is 2.0 percent, by weight.

A notice of proposed rulemaking on this action was published in the **Federal Register** on December 8, 1981 (46 FR 60016). The reader is referred to this December 8 notice for a detailed description of the State's revision request. In its December 8 notice EPA advised the public that comments would be accepted as to whether the proposed revisions to the New York SIP should be approved or disapproved. During the comment period, which ended on January 7, 1982, EPA received one comment.

The one comment, from a private citizen, urged EPA to disapprove the New York SIP revision. The commentator noted that the General Electric "special limitation" would contribute to the acid rain problem due to the increase in sulfur dioxide emissions resulting from the use of higher sulfur content fuel oil.

EPA acknowledges that the approval of the New York SIP revision will increase sulfur dioxide emissions by approximately 2,000 tons per year. However, at this time, there is no technically reliable way of quantifying the effect of this increase, if any, on acid deposition. Furthermore, EPA does not have authority to disapprove emission increases based on acid deposition impacts.

In an effort to expedite the processing of this SIP revision, EPA used a review procedure known as "parallel processing." Under this procedure EPA proposed its action essentially at the same time as the State action was proposed. As described in EPA's notice of proposed rulemaking, approval of New York's request was contingent upon the State finally adopting its proposal in a substantially unchanged form. On January 8, 1982 the State submitted to EPA for final approval its "special limitation" affecting the General Electric Company in a form identical to that originally submitted to EPA on October 15, 1981.

Based on EPA's review of the New York submittal and the one comment received, EPA has concluded that no violations of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur as a result of the use of higher sulfur content fuel oil by General Electric. Therefore, the revision meets the requirements of section 110 of the Clean Air Act, including section 110(a)(2)(E), and is approved.

This action is being made immediately effective because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves a state action. It imposes no new requirements. In addition, this action applies to only one source.

The Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291.

(Secs. 110 and 301 Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: February 26, 1982.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the **Federal Register** on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter 1, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670, paragraph (c) is amended by adding new subparagraph (c)(65) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(65) Revision submitted on January 8, 1982 by the New York State Department of Environmental Conservation which grants a "special limitation" to relax to 2.8 percent, by weight, for up to three years from [insert publication date], the sulfur-in-fuel oil limitation applicable to the General Electric Company's Rotterdam Steam Generating Facility located in Schenectady, New York.

[FR Doc. 82-6046 Filed 3-4-82; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[FCC 82-70]

Frequency Allocation and Radio Treaty Matters; General Rules and Regulations; Addition of Footnote Regarding Government Usage in the Fixed and Mobile Services at a Certain GHz Band.

AGENCY: Federal Communications Commission.

ACTIONS: Final rule.

SUMMARY: The Commission has modified the rules by adding a footnote to the Table of Frequency Allocations. This footnote reduces the status of the allocation to the Government fixed and mobile services at 14.4–14.5 GHz to a secondary basis; it provides temporary conditions for several important existing Government operations. This action is taken to provide priority stations to the non-Government fixed-satellite service.

DATE: Effective March 9, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lawrence Petak, (202) 653-8162, Room 7310.

SUPPLEMENTARY INFORMATION:

Adopted: February 11, 1982.

Released: February 23, 1982.

In the matter of an amendment of part 2 of the Commission's rules to add a footnote regarding Government usage in the fixed and mobile services at 14.4–14.5 GHz.

1. The current Table of Frequency Allocations, § 2.106 of the Commission's Rules and Regulations, provides a primary allocation to the fixed-satellite service at 14.0–14.5 GHz. This allocation supports Earth-to-space transmissions which complement space-to-Earth transmissions within the fixed-satellite service at 11.7–12.2 GHz. These bands (12/14 GHz) are being utilized by domestic satellites which operate with small antenna earth stations to provide communications services directly to customer premises. The 14.0–14.5 GHz band is also being used for uplinks to INTELSAT satellites with corresponding downlinks in the 10.95–11.2 and 11.45–11.7 GHz bands for international services. Although the fixed satellite service at 12/14 GHz is only beginning to develop, we expect small antenna earth stations to be used at many locations throughout the United States for domestic satellite services.

2. Prior to the Space World Administrative Conference (Space WARC), which was convened in Geneva in June, 1971, the band 14.4–14.5 GHZ was allocated exclusively for Government use in the fixed and mobile services within the United States. At that Conference, the band was re-allocated internationally by adding the fixed-satellite service. Later, during the domestic implementation of the results of the Space WARC, § 2.106 of the Commission's Rules was modified to include an allocation to the fixed satellite service at 14.4–14.5 GHz for the non-Government sector. The allocation to the fixed and mobile services for the Government sector was continued. This Government allocation has supported several microwave communication requirements of the Federal agencies.

3. In accordance with normal practices where space and terrestrial services share the spectrum on a co-equal basis, the fixed-satellite service users are required to coordinate each new earth station with fixed and mobile service users and vice versa. To date, the Commission has been performing such coordination for its licensees with the National Telecommunication and Information Administration. This arrangement will become impractical as the earth stations grow in number, and it could eliminate advantages associated with the customer-premise applications envisioned at 12/14 GHz.

4. The Commission has recommended to the NTIA that the Government allocation to the fixed and mobile services at 14.4–14.5 GHz be reduced to secondary status. By virtue of this status, the coordination requirement would be eliminated. Furthermore, the fixed and mobile services would be required to protect satellites on the geostationary orbit from harmful interference. They also would be required to accept an interference caused by earth station operations.

5. NTIA has agreed to adopt the Commission's recommendation and will reduce the Government allocation to the fixed and mobile services to secondary status. However, it has requested that several important existing operations retain a primary status for a period of five years, after which they will either be reaccommodated or continue to operate on a secondary basis. During the interim five year period, commencing January 1, 1982, new fixed-satellite earth stations in the vicinity of the terrestrial stations would be coordinated between the FCC and NTIA. Particulars of these Government operations are described in Appendix A.

6. This change of Government allocation at 14.4–14.5 GHz and the provision of temporary conditions for the Government operations is reflected by the addition of a new footnote to the Table of Frequency Allocations in § 2.106. The text of the new footnote, US234, is given at Appendix B.

7. Because this amendment will not affect existing FCC licensees and reflects an NTIA action regarding the Government allocation which will result in an increase in spectrum availability to the non-Government users of this band, compliance with the prior provision of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary.

8. Accordingly, it is ordered That, effective March 9, 1982, § 2.106 of the rules is amended as set forth in Appendix B. Authority for this action is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.— Appendix A will not appear in the CFR.

Appendix A

Operation	Points of communication	Frequency (MHz)	Emission	Power (W)
Point Mugu, CA	From 34° 07′ N. 119° 07′ W. to 34° 00′ N. 119° 38′ W	14420	4000F9	1
Fort Bragg, NC	From 35° 08′ N. 79° 05′ W. to 35° 10′ N. 79° 01′ W	14421.25	40000F9	.8
Vandenberg, CA	Transportable terminals within 25 km radius of 34° 44′ N. 120° 35′ W	14415	20000F9	.2

Appendix B

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 2.106 is revised by adding footnote US234 at Column 6 for the band 14.4–14.5 GHz and by including its text at the list of footnotes following the Table of Frequency Allocations.

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission		
Band (gigahertz) 5	Allocation 6	Band (gigahertz) 7	Service 8	Class of station 9
*	*	*	*	*
14.4–14.5	G. NG. (US203) (US207) (US234)	14.4–14.5	Fixed-Satellite Space Research.	Earth Space.

* * * * *

US234 In the band 14.4–14.5 GHz, all Government fixed and mobile stations, effective December 31, 1981, shall be on a secondary basis to stations in the non-Government fixed-satellite service. Exceptionally, the Government operations listed below, which were in existence on December 31, 1981, may continue to operate on a coequal primary basis with stations in the non-Government fixed-satellite service until December 31, 1986.

Operation	Points of communication
Point Mugu, CA	From 34° 07′ N. 119° 07′ W. to 34° 00′ N. 119° 38′ W.
Fort Bragg, NC	From 35° 08′ N. 79° 05′ W. to 35° 10′ N. 79° 01′ W.
Vandenberg, CA	Transportable terminals within 25 km radius of 34° 44′ N. 120° 35′ W.

[FR Doc. 82–5968 Filed 3–4–82; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Delegations To Individual Commissioners; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Reinstatement of final rules; corrections.

SUMMARY: In Ex Parte No. 55 (Sub-No. 39) *Suspension Board Matters* (45 FR 5739, January 24, 1980), the Commission revised certain references to Suspension Board Matters and procedure relating to that board. Those revisions inadvertently removed 49 CFR 1011.5(b)(2), Delegation to Individual Commissioners, which contained the delegation to the Commission's Vice Chairman to handle matters involving admission, disbarment or discipline of practitioners before the Commission. The rule is reinstated.

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202–275–0956.

SUPPLEMENTARY INFORMATION:

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

This notice corrects an inadvertent error. 49 CFR 1011.5(b)(2) relating to delegation of matters regarding practitioners before the Commission to the Vice Chairman was removed erroneously. That rule is hereby reinstated. The rule is as follows:

§ 1011.5 Delegations to individual Commissioners.

* * * * *

(b) * * *

(2) Matters involving the admission, disbarment or discipline of practitioners before the Commission under rules 7 through 11 of the General Rules of Practice (49 CFR 1100.7–1100.11).

* * * * *

This action will not significantly affect either the quality of the human environment or conservation of energy resources and will not affect small businesses.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 20, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-6043 Filed 3-4-82; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1201, 1206 and 1207

[Docket No. 37465]

Business Entertainment Expenses

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; adoption of guidelines.

SUMMARY: The Motor Carrier Act of 1980, Pub. L. 96–296 (MC Act) and the Staggers Rail Act of 1980, Pub. L. 96–454 (Staggers Act) legalized previously illegal business entertainment expenses. This legislation also required the Commission to establish guidelines for carriers to follow when accounting for these expenditures. This rule establishes those guidelines. Depending upon the nature of the expenditure these items will be accounted for as either an operating or a nonoperating expense.

DATE: This is to be effective on April 5, 1982.

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

SUPPLEMENTARY INFORMATION: On July 1, 1980, the MC Act became law and on October 14, 1980, the Staggers Act became law. This legislation now allows regulated carriers to engage in previously prohibited entertainment of customers or potential customers to the extent that such practices are lawful in unregulated industries. Prior to the enactment of this legislation certain business entertainment expenses would have constituted violations of the anti-rebating and antidiscrimination provisions of chapters 107 and 119 of Title 49 of the United States Code. Both of these Acts require the Commission to establish guidelines to attempt to distinguish between (1) sales related expenses that have always been permissible and (2) those expenses that previously would have constituted illegal rebates or discrimination but which are now permitted. The importance of this distinction is that only the first category of expenses can be included in the carriers' cost of service or the rate base. All other entertainment expenditures now permitted by this legislation are to be accounted for as non-operating expenses.

On January 6, 1981, at 46 FR 1323, we published a Notice of Proposed Rulemaking (NPR) requesting comments on accounting for business entertainment expenses. We discussed various approaches to handling business entertainment expenses and asked all interested parties to comment on the following issues: (1) What guidelines should the Commission use on determining whether a business entertainment expense should be accounted for as an operating or non-operating expense, and (2) Should the Commission attempt to develop standards to identify still remaining unlawful practices.

Review of Responses

Ten respondents (listed in Appendix B) submitted comments, summarized below, on the NPR.

The Association of American Railroads, the American Trucking Associations, Inc., Yellow Freight System, Inc. (Yellow Freight), Pilot Freight Carriers, Inc., and the Norfolk & Western Railway Co., submitted very similar comments. All of the above respondents, except for Yellow Freight, favor adopting a brief policy statement formulating the guidelines for carriers to follow. Yellow Freight favors adopting the NPR's guidelines. In addition, all of the above respondents believe that the Commission should not attempt to prescribe specific regulations for determining what expenses still constitute unlawful rebates or discrimination.

Lee Way Motor Freight, Inc. (Lee Way), Matlack, Inc. (Matlack), and Central Transport favor adopting Internal Revenue Service guidelines for business entertainment expenses. Lee Way also argues that the Commission should not attempt to formulate guidelines to determine unlawful expenses.

The Department of Defense, Regulatory Law Office (DOD) does not object to any proposed guidelines. DOD did not comment on establishing guidelines to determine unlawful expenditures. However, DOD suggested that the rulemaking mention that Federal Government employees, under the terms of 18 USC 201 and Executive Order 11222 of May 8, 1965, may not accept any form of business entertainment now lawful for carriers to offer present or potential customers.

ATO, Inc. does not believe that there should be any drastic change in the existing guidelines. It recommends that the practice of business entertainment be abolished.

Conclusions

Both the MC Act and the Staggers Act make it lawful for regulated carriers to engage in entertainment practices that are legal for non-regulated industries. We must issue guidelines advising carriers how to account for entertainment expenditures. See 49 U.S.C. 10751(C).

Any newly authorized business entertainment expense shall not be taken into account in determining the cost of service or the rate base. See 49 U.S.C. 10751(b). Thus, all newly authorized business entertainment expenses will be accounted for as non-operating expenses.

With this in mind it is now possible to break business entertainment expenses into two categories:

(1) Business entertainment expenses that were legal prior to this legislation. These expenses will continue to be included in the cost of service or the rate base, and

(2) Business entertainment expenses that are legal because of this legislation. These expenses will not be included in the cost of service or the rate base.

In attempting to establish guidelines for carriers to follow the above categories become very helpful. We will not use Internal Revenue Service regulations to determine whether an item is an operating or non-operating expense. Prior to the MC Act and Staggers Act many expenditures deductible for tax purposes were considered illegal rebates or discrimination for Commission purposes. Allowing these items to be included in the cost of service or the rate base because they are deductible for tax purposes violates this legislation. The MC Act and the Staggers Act specifically require the newly permitted business entertainment expenditures to be accounted for as non-operating expenses. It is also clear that adoption of Federal Trade Commission commercial bribery regulations would do little to clarify whether an item is an operating or non-operating expense. Likewise, state commercial bribery statutes are so diverse as to make this standard impossible to apply.

After reviewing the legislation and the comments from interested parties we will not develop detailed regulations but rather issue a new instruction giving the carriers the guidelines to follow. The new instruction recognizes that lawful business entertainment expenses shall not constitute an illegal rebate or discrimination. In choosing not to adopt detailed regulations to determine which expenditures may or may not be included in the carriers' rate base we recognize that the actual expenditures incurred will rarely duplicate or be similar to the examples given.

Business entertainment will be accounted for as an operating expense when the entertainment can be shown to be related to the sales or marketing activity and reasonable in relation to the business conducted, and the business purpose for the entertainment can be adequately supported. Business entertainment will be accounted for as a non-operating expense when it is primarily related to recreation, or when it is more directly related to the convenience or comfort of the individuals than to the transaction of business. In all instances the burden of proof will fall on the carrier involved. In order to assist the Commission in regulating these expenditures, the Annual Report will be revised to include a footnote to the Results of Operations requiring disclosure of total business entertainment expenditures charged to the non-operating expense accounts.

We do not believe that Congress intended us to identify remaining unlawful practices. Additionally, DOD's suggestion relating to business entertainment expenditures and government employees is beyond the scope of this rulemaking.

This action will not significantly affect either the quality of the human environment, the conservation of energy resources or small entities.

Accordingly, we are amending 49 CFR Parts 1201, 1206 and 1207 by adding to each part the instruction set forth in Appendix A.

(49 U.S.C. 10321 and 10751 and 5 U.S.C. 553)

Decided: February 22, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, and Clapp.

Agatha L. Mergenovich,

Secretary.

Appendix A

Amend Parts 1201, 1206, and 1207 of Title 49 of the Code of Federal Regulations as follows:

PART 1201—RAILROAD COMPANIES

Add the following section as General Instructions 1–16 Business Entertainment Expenses.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Add the following section as Instruction 2–37 Business Entertainment Expenses.

PART 1207—COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Add the following section as Instruction 36 Business Entertainment Expenses.

(a) Business entertainment expenses are to be accounted for as operating expenses when incurred in conjunction with sales or marketing related activities. Sales or marketing related activities are those that emphasize a carrier's ability to provide efficient, timely and competitive service. These activities include outlays designed to promote new business as well as outlays incurred in maintaining existing business. The entertainment expenditures must be reasonable in relation to the business conducted and the business purpose for the entertainment must be adequately supported. Examples of this type of activity include the following:

(1) Salespersons' salaries and travel expenses, advertising, promotional and educational material;

(2) The conduct of shipper symposiums, conferences, meetings and traffic related functions;

(3) The use of direct mail solicitations and the publication and distribution of routing guides and service directories;

(4) Incidental promotional materials such as road atlases, calendars, pens, scratchpads, and other materials of nominal value;

(5) The conduct of business oriented lunches and dinners, public affairs programming, conferences and customer service calls;

(6) Sponsoring sales promotion functions, involving a number of customers or potential customers.

It must be noted that an activity listed above is not to be automatically accounted for as an operating expense. A carrier must be able to justify that an activity was primarily sales or marketing related.

(b) Business entertainment expenses are to be accounted for as non-operating expenses when they cannot be shown to be related to the sales or marketing activity. These are expenses that are primarily related to recreation or to the convenience and comfort of the individuals rather than to the transaction of business. Examples of this type of activity include the following:

(1) Recreational or resort entertainment, including but not limited to, fishing, hunting, tennis, golfing, skiing or other sporting or recreational trips or outings;

(2) Expense paid transportation in any carrier owned, leased or furnished vehicles, planes, helicopters, boats, yachts, or other methods;

(3) Expense paid lodging in any carrier owned, leased or furnished motels, hotels, apartments, condominiums, lodges, rooms and other places of overnight accommodation;

(4) Paid admission to any sporting, cultural, educational, recreational, or entertaining occurrence or event;

(5) Gifts such as athletic equipment, food or liquor, beverages of all types, smoking materials, clothing and personal accessories;

(6) The furnishing of lunches, dinners, appetizers or beverages where there is no true business purpose;

(7) Social occasions such as holiday parties.

It must be noted that an activity listed above is not to be automatically accounted for as a non-operating expense. If a carrier can justify that the activity was primarily sales or marketing related, it may be accounted for as an operating expense.

Note.—The examples listed above are not inclusive, but are intended as a guide to give carriers an indication of what will or will not be permitted to be recovered through the rate structure. In all instances the burden of proof will fall on the carrier involved.

Appendix B—Respondents to Notice of Proposed Rulemaking, Docket No. 37465 Business Entertainment Expenses

American Trucking Association, Inc.
Association of American Railroads
A-T-O Inc.
Central Transport
Department of Defense
Lee Way Motor Freight, Inc.
Matlack, Inc.
Norfolk and Western Railway Company
Pilot Freight Carriers, Inc.
Yellow Freight System, Inc.

[FR Doc. 82-6044 Filed 3-4-82; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1249

[No. 38568]

Revisions to Annual Motor Carrier Reporting Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is eliminating a number of supporting schedules contained in the Form M (Annual Report for Motor Carriers of Property) that it no longer uses on a regular basis. The Commission is also eliminating the Annual Report Supplement on Corporate Disclosure. Elimination of these annual reporting requirements will result in a reduced reporting burden for the carriers involved.

DATE: This action is to be effective for the reporting year beginning January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne D. Howard, (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Act authorizes the Commission to require and prescribe the form of annual, periodic, and special reports filed by carriers subject to its regulation. The information reported by these carriers helps to fulfill the regulatory responsibilities of the Commission in the areas of rate regulation, valuation of transportation property, operating rights, mergers, acquisitions, abandonments and discontinued service.

On September 16, 1981, at 46 FR 45967, the Commission published a Notice of Proposed Rulemaking (NPR) requesting comments on the proposed elimination of certain annual reporting requirements. In that NPR the Commission proposed to: (1) Eliminate certain supporting schedules contained in the Form M that the Commission no longer uses regularly (see Appendix), (2) eliminate the Annual Report Supplement on Corporate Disclosure (this report was required from carriers having gross operating revenues of $20 million or more), and (3) require only the highest ranking carrier within a consolidated group to file the consolidated financial information.

Review of Responses

A total of twenty-nine respondents submitted comments. The following respondents supported the NPR: American Trucking Associations, Inc., Riss International, M&G Convoy, Inc., Complete Auto Transit, Inc., DSI Transports, Inc., T.H. Compton, Inc., United Van Lines, CRST, Inc., Carolina Freight Carriers Corporation, The 7 Santini Brothers, CODE Express, Inc., Overnite Transportation Company, Consolidated Freightways, Hall's Motor Transit, Chemical Leaman Tank Lines, Inc., Clairmont Transfer Co., Georgia Highway Express, Inc., Holmes Transportation, Inc., McLean Trucking Company, Meridian Express Company, ARA Services, Inc., Campbell "66" Express, Inc., Arkansas Best Corporation, St. Johnsbury Trucking Company, Inc., Herman Bros., Inc. and National Bus Traffic Association, Inc.

Clark Tank Lines wants the Commission to eliminate additional annual reporting requirements.

The International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America generally supports the reduction of reporting requirements which can be demonstrated to be non-essential. However, they are concerned that any reduction in reporting requirements not deprive the Commission or the public of vital information. In their view, filing of information concerning transactions with officers, shareholders and employees (Schedule 320), investments and advances—affiliated companies (Schedule 520), payables to affiliated companies—current and long-term (Schedule 540), and compensation of officers and directors (Schedule 800-B) should be retained.

Rate Comparison Services, Inc. believes that while it may be true that a number of schedules proposed for elimination are of little use to the Commission, several of the schedules may be of interest and value to parties outside of the Commission. They believe that Schedule 800-B should be retained.

Conclusions

The Commission recognizes that a number of supporting schedules contained in the Form M are used by parties outside of the Commission. However, the Commission also has the responsibility to require only information necessary to regulate properly the motor carrier industry. To recognize publicly this responsibility, the Commission on May 7, 1979, served a notice instituting a policy to require only information necessary to meet the Commission's needs in performing its regulatory function. In addition, because of recent budget cuts, the Commission can no longer afford to act as a data collection agent for all of the various private interests. In conclusion, we believe that elimination of the aforementioned annual reporting requirements is in the best interest of all parties involved. However, the Commission reserves the right to request specific information when needed for a particular regulatory function.

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(b), the Secretary of the Commission has certified that the requirements of the Regulatory Flexibility Act do not apply to this final rule since it will not have a significant impact on a substantial number of small businesses. The Commission is eliminating certain annual reporting requirements: no new accounting or reporting requirements for regulated carriers are introduced in this proceeding.

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

Accordingly, we adopt in Appendix A for the reporting year ending December 31, 1981, the changes to the annual report which are described in 49 CFR Part 1249.

This rule is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 26, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Clapp, and Sterrett.

Agatha L. Mergenovich,

Secretary.

Appendix

The Commission is eliminating the following items from the annual reporting requirements for motor carriers of property, under 49 CFR Part 1249—Reports of Motor Carriers.

Carriers should note that the 1981 Form M was scheduled for printing before this proceeding was approved. Thus, the schedules to be eliminated will still appear in the 1981 Form M. Carriers should not complete the schedules eliminated by this proceeding.

(1) The following schedules are eliminated from the Form M:

Schedule 300—Compensating Balances And Short-Term Borrowing Arrangements
Schedule 310—Receivables From Affiliates
Schedule 320—Transactions With Officers, Stockholders, And Employees
Schedule 400—Leases
(A)—Rental Expense Of Lessee
(B)—Minimum Rental Commitments
(C)—Lessee Disclosure
(D)—Lease Commitments—Present Value
Schedule 500—Other Intangible Property And Accumulated Amortization
Schedule 510—Investments And Advances—Affiliated Companies
Schedule 520—Undistributed Earnings From Certain Investments In Affiliated Companies
Schedule 530—Other Investments And Advances
Schedule 540—Payables To Affiliated Companies—Current And Long Term
Schedule 610 C—Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons For Services Received Or Provided
Schedule 610 D—Other Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons
Schedule 710—Commodities Transported In Intercity Service By Tank Or Hopper Type Vehicles
Schedule 800 B—Compensation Of Officers, Directors, Etc.
Schedule 900—Competitive Bidding—Clayton Antitrust Act.

(2) The Annual Report Supplement on Corporate Disclosure is eliminated. This Report was only required from carriers having gross operating revenues of $20 million or more.

(3) The instruction requiring consolidated financial information from each carrier in a consolidated group is amended so that only the highest ranking carrier in the consolidated group will file the consolidated financial information.

[FR Doc. 82-6039 Filed 3-4-82; 8:45 am]
BILLING CODE 7035-01-M