

authorized for Specialized Mobile Radio System operations under § 90.355(c), and shared systems that have the expressed agreement of all users, will be permitted to employ any emission mode, provided that the emissions are contained within the channel bandwidth. The authorized bandwidth will be 25 kHz with the center of the bandwidth being the assigned channel frequency. This bandwidth may be subdivided into individual narrow band channels if desired. If more than a single emission is used within a 25 kHz channel, the sum of the emissions shall not exceed the effective radiated power limits specified in § 90.379. Out of band emissions shall conform to those indicated in § 90.209.

[FR Doc. 81-21632 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[Docket No. 79-191, 79-334, RM-3691]

Allocation of the Remaining Frequencies in Certain Private Land Mobile Frequency Bands

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: On January 3, 1980, a notice of Proposed Rule Making, PR Docket 79-334, was released concerning rules to be applied to wide-area, regional, and ribbon type 800 MHz land mobile radio systems. Many of the comments received cross-referenced comments filed in PR Docket 79-191 and since the issues in both Dockets are interrelated in this Order, we are consolidating PR Docket 79-334 into PR Docket 79-191.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Lewis Goldman, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: June 16, 1981.

Released: July 14, 1981.

By the Commission:

In the Matter of Amendment of Part 90 of the Commission's Rules to Designate Frequencies in the 806-821 and 851-866 MHz bands for Slow-Growth Land Mobile Radio Systems of Utilities and Public Safety Agencies; PR Docket No. 79-191 RM-3380. Amendment of Part 90 of the Commission's Rules to Allocate Frequencies in the 806-821 and 851-866 MHz bands for Public Safety/Special Emergency, Industrial/Land Transportation, Business Radio Service and SMRS/CR Frequency Pools. Amendment of Part 90 of the Commission's Rules to Facilitate Authorization of Wide-Area Mobile

Radio Communications Systems on Frequencies Allocated for Trunked Systems; PR Docket No. 79-334. Amendment of Part 90 of the Commission's Rules to Allocate Additional Frequencies from the 800 MHz Spectrum Reserve to Loaded Specialized Mobile Radio-Trunked Systems in Markets Having All Presently-Allocated SMR-Trunked Frequencies Assigned; RM-3691.

1. On January 3, 1980, we released a Notice of Proposed Rule Making to explore what rules should be applied to the operation of wide area and ribbon configuration systems in the 806-821 and 851-866 MHz bands. Notice of Proposed Rule Making, Docket No. 79-334, FCC 79-855, adopted December 19, 1978, released January 3, 1980, published in the Federal Register on January 10, 1980 (45 FR 2067).

2. Seventeen parties submitted comments and replies in our Notice. Several cross referenced the comments which had been filed in our proceeding in Docket No. 79-191.

3. After careful examination of the comments in this proceeding, we conclude the public interest would best be served by consolidating the proceedings in Docket No. 79-334 and Docket No. 79-191. The issues are interrelated and should be addressed comprehensively.

4. Accordingly, it is ordered that the proceeding in Docket No. 79-334 is consolidated into Docket No. 79-191 and will henceforth be addressed under the latter docketed proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-21631 Filed 7-22-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Program Administration

49 CFR Parts 172 and 174

[Docket HM-180 Advance Notice]

Placarding of Empty Tank Cars

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

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The MTB is publishing this Advance notice of proposed rulemaking to request comments on a petition for rulemaking submitted by the International Association of Fire Chiefs for removal of requirements for display

of EMPTY placards on tank cars. The petition is quoted for comment.

DATE: Comments must be received by October 20, 1981.

ADDRESS: Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT:

Lee E. Metcalfe, Regulations Development Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590, (202) 426-0656.

SUPPLEMENTARY INFORMATION: MTB requests comments from interested persons concerning a petition to eliminate the requirement for display of EMPTY placards on tank cars. The petition is quoted as follows:

Petition for Rulemaking

Pursuant to the procedures specified in Part 106 of your regulations, the International Association of Fire Chiefs (IAFC) hereby petitions for removal of all references to EMPTY placards set forth in Title 49, Code of Federal Regulations, Parts 172 and 174.

Your regulations presently require that an EMPTY placard be displayed on a tank car that has been emptied but not cleaned and purged of all hazardous residues. This means that a significant quantity of a hazardous material may remain in a tank car while the placards displayed on the car indicated that it is empty. An EMPTY placard (or sign) may be useful to emergency personnel in making assessments in how to deal with accidents if the tank car bearing such a message is truly empty (cleaned and purged). However, THE PRESENT SYSTEM IS MISLEADING AND DANGEROUS and should be terminated.

We believe that many qualified experts will agree that, in many instances, a nearly empty tank car presents a potentially greater danger than a filled car. If the Federal Railroad Administration were to conduct a full-scale fire test on a 32,000-gallon propane car which is empty according to the law but full of propane vapor and possible a few gallons of liquefied propane, what would be the result? If a car similarly containing chlorine were breached in an accident, what would be the result? Keep in mind the cars just described would be placarded EMPTY during their transportation.

We recognize that placards are used by the railroad industry to comply with the car placement and other handling requirements of your regulations. However, we maintain that the system could be modified to accomplish those objectives and still provide

for proper communication of the risks presented by the hazardous material in tank cars. For example, the words on shipping papers now reading "EMPTY Last contained * * *" could be changed to read "NEAR EMPTY" in recognition of the need for brevity in the entries on shipping documents. Some other indication on the placard could also be developed which would not give the false impression that the EMPTY one does.

An additional argument is our contention that the placarding system should be consistent. Tank trucks must remain placarded when empty unless cleaned and purged of all hazardous material residue or reloaded with a nonhazardous material, while rail tank cars can use the EMPTY placard with residue and vapors present. It is difficult for us to have an effective and comprehensive training program for hundreds of thousands of firefighters when major inconsistencies, such as demonstrated in this petition, are permitted by your agency to exist.

Based on its evaluation of the comments received in response to this advance notice, MTB may issue a Notice of Proposed Rulemaking proposing to delete or modify the requirements for display of EMPTY placards.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT implementing procedure (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.)

Issued in Washington, D.C. on July 14, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-21505 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-60-M

Federal Railroad Administration

49 CFR Part 212

[FRA Docket No. RSSP-3 Notice No. 2]

Revision to State Safety Participation Regulations; Correction

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a notice of proposed rulemaking to revise the FRA regulations on state participation in railroad safety inspections and investigations that appeared at page 32888 in the Federal Register of Thursday June 25, 1981 (46 FR 32888). The action is necessary to correct a typographical error in the

preamble to the notice that appeared on page 32891.

DATES: (1) Written comments: Written comments must be received before August 14, 1981. Comments received after that date will be considered so far as possible without incurring additional expense or delay.

(2) Public hearing: A public hearing will be held at 10:00 a.m. on July 30, 1981. Any person who desires to make an oral statement should notify the Docket Clerk before July 24, 1981, by phone or by mail.

ADDRESSES: (1) Written comments: Written comments should identify the docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Written comments will be available for examination, both before and after the closing date for written comments, during regular business hours (8:30 a.m.-5:00 p.m.) in Room 8211 of the Nassif Building at the above address.

(2) Public hearing: A public hearing will be held in Room 4234 of the Nassif Building. Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202-426-8836) or by writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Bruce Fine, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590 (Phone 202-426-4345). Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 (Phone: 202-426-8836).

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 81-18880 appearing on page 32888 of the June 25, 1981 issue of the Federal Register:

On page 32891 at the top of the third column, the text beginning with "Section 221.223, by contrast * * *" through "* * *" to issue qualification requirements." is corrected to read as follows:

"Section 212.223 by contrast, would define the position of operating practices compliance inspector, whose duties would be limited to measuring particular conduct against uniform and objective requirements. While the compliance inspector would not be involved in the general evaluation of railroad operating rules programs, the compliance inspector would (a) observe operations to determine the extent of

compliance with Blue Signal requirements and the Rear End Marking Device Regulations; (b) examine records and conduct interviews to determine the extent of compliance with the Accident/Incident Reporting Regulations; and (c) conduct investigations to develop facts relevant to compliance with the Hours of Service Act.

"Section 212.225 would prescribe entry qualifications for operating practices inspector apprentices.

"Section 212.227 would permit the Associate Administrator for Safety, FRA (Associate Administrator), to determine that a qualification requirement is not germane to the duties of a particular position. For instance, an individual seeking qualification as a signal and train control inspector in a state where there is no traffic control system in service should not have to demonstrate particularized knowledge of 49 CFR Part 236, Subpart D. Similarly, an operating practices inspector of a state that did not seek authority with respect to the Radio Rules should not be required to have specialized knowledge of those requirements.

"Section 212.229 would permit the state program to keep pace with regulatory change in the major areas of technical expertise by authorizing the Associate Administrator to issue qualification requirements."

Issued in Washington, D.C., on July 17, 1981.

John H. Broadloy,
Chief Counsel.

[FR Doc. 81-21544 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-03; Notice 5]

Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 121, *Air Brake Systems*, to delete the requirement for a separate reservoir capable of releasing parking brakes. This action is being taken as a result of a petition from the Berg Manufacturing Co. Berg suggested, and agency test data confirm, that other methods are available to release parking brakes that can be as effective as a reservoir. Accordingly, to promote innovation and