

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR 100-179 (Ch. I)

[Docket No. HM-188]

Transportation of Hazardous Materials
Between Canada and the United
States; CorrectionAGENCY: Department of Transportation
(DOT).ACTION: Advance notice of proposed
rulemaking and notice of public hearing;
correction.

SUMMARY: This document corrects the Advance Notice (48 FR 20255, May 5, 1983) relating to the Materials Transportation Bureau's (MTB) request for public comments relative to any future action it should take concerning the provisions of § 173.8 of the Department's Hazardous Materials Regulations (HMR). This section allows, with certain exceptions, shipments of hazardous materials to be transported by railroad into or through the United States in conformance with the regulations of the Canadian Transport Commission (CTC). MTB will consider oral comments at a public hearing as well as written comments. Commenters may also address matters related to proposed requirements of Canada's Ministry of Transport (Transport Canada) even though such comments would only be relevant to § 173.8 if they are adopted as final requirements under Canada's Transportation of Dangerous Goods Act at a future date. The date of the hearing was given as June 2, 1983; however, no closing date was given for written comments. Written comments must be received by the Dockets Branch of MTB on or before June 29, 1983.

DATE: Hearing date: June 2, 1983, beginning at 9:30 a.m.

Written comments: Submit written comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, on or before June 29, 1983. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8428 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

ADDRESS: The Hearing will be held in room 2230, Nassif Building, DOT Headquarters, 400 Seventh Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Edward A. Altomos, International

Standards Coordinator, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone: (202) 426-0656.

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

Issued in Washington, D.C. on May 5, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-12488 Filed 5-8-83; 8:45 am]

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INTERSTATE COMMERCE
COMMISSION

49 CFR Parts 1309 and 1310

[Ex Parte No. MC-169]

Expansion of Zone of Reasonableness
for Motor Common Carriers of
Property and Freight ForwardersAGENCY: Interstate Commerce
Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Motor Carrier Act of 1980 permits motor common carriers of property and freight forwarders to reduce or increase rates within a 10 percent zone of rate freedom without investigation, suspension, revision, or revocation on the grounds that the changed rate is unreasonable because it is too high or too low. The Commission can increase the zone by up to five percentage points during any one-year period if it finds that there is sufficient actual and potential competition to regulate rates and that carriers or freight forwarders, shippers, and the public will benefit from increased rate flexibility. The Commission proposes to exercise its authority to expand the present zone from 10 percent to 15 percent. The Commission also proposes to streamline its tariff filing requirements governing rates and charges filed pursuant to zone of rate freedom authority. Adoption of these proposals will require revision of the rules established by the Commission in Docket No. 37416, *Identification of Rates Filed Under Zone of Rate Freedom By Motor Common Carriers of Property and Freight Forwarders* (not printed), decided July 15, 1980, which set forth the manner in which carriers must notify the Commission when they wish to have rates considered under the zone.

DATE: Comments are due on June 8, 1983.

ADDRESS: Send comments (original and 15 copies) to: Ex Parte No. MC-169, Rm. 2139, Interstate Commerce Commission,

Office of Proceedings, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Leonard L. Arnaiz, (202) 275-7831, or
Howell I. Sporn, (202) 275-7891

SUPPLEMENTARY INFORMATION: Section 10708 of Title 49, United States Code, was amended by the Motor Carrier Act of 1980¹ (MCA) by adding a "Zone of Rate Freedom for Motor Common Carriers of Property and Freight Forwarders" (ZORF). The ZORF provides individual motor carriers and freight forwarders with greater freedom to establish rates free from regulatory interference. Filings under ZORF can reduce or increase rates by 10 percent without Commission interference with the proposed rate on the basis that it is too high or too low².

Congress did not intend that the ZORF be fixed, but rather, that it reflect changes in the competitive character of the industry. Therefore, paragraph (2) of the new subsection provides for adjustment in the ZORF as follows:

(2) The Commission, by rule, may increase the percentages specified in paragraph (1)(B) of this subsection for any group of motor common carriers of property or freight forwarders if it finds that—

(A) There is sufficient actual and potential competition to regulate rates; and

(B) There are benefits to (i) carriers or freight forwarders, (ii) shippers, and (iii) the public from further rate flexibility; except that the Commission may not increase such percentages by more than 5 percentage points during any one-year period.

It is clear that there has been a significant increase in the level of competition in the motor carrier industry since passage of the MCA warranting the exercise of our authority to adjust the zone.

¹ Pub. L. No. 96-296, 94 Stat. 793.

² Subsection (d)(1) reads as follows:

(d)(1) Notwithstanding any other provision of this title, the Commission may not investigate, suspend, revise, or revoke any rate proposed by a motor common carrier of property or freight forwarder on the grounds that such rate is unreasonable on the basis that it is too high or too low if—

(A) The carrier notifies the Commission that it wishes to have the rate considered pursuant to this subsection; and

(B) The aggregate of increases and decreases in any such rate is not more than 10 percent above the rate in effect one year prior to the effective date of the proposed rate, nor more than 10 percent below the lesser of the rate in effect on July 1, 1980 (or, in the case of any rate which a carrier first establishes after July 1, 1980, for a service not provided by such carrier on such date, such rate on the date such rate first becomes effective), or the rate in effect one year prior to the effective date of the proposed rate.