

**Interstate
Commerce
Commission**

**Monday
April 27, 1992**

Part LVI

**Interstate Commerce
Commission**

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420; Sub-No. 22]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to instructions from OMB issued to implement the provisions of section 5 of Executive Order 12291 concerning regulatory agendas, the Commission is publishing an agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the

regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements

of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget, which is to be published in a single issue of the Federal Register in April 1992. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal Government's current regulatory plans and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: January 31, 1992.
By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.
Sidney L. Strickland, Jr.,
Secretary.

INTERSTATE COMMERCE COMMISSION (ICC)

Prerule Stage

4060. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM	08/28/85	50 FR 27031
Comment Period End		
Supplemental Comment Period	02/07/86	50 FR 52972
Comments Under Internal Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proceeding embraces the proposals and

record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AA13

4061. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 452

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole

or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM	01/17/86	50 FR 51565
Comment Period End		
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB35

4062. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

ICC

Prerule Stage

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM	07/02/87	52 FR 20632
Comment Period End		
Comments Under Evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB50

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

4063. RATE GUIDELINES—NONCOAL PROCEEDINGS, EX PARTE NO. 347 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive noncoal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy Statement	05/22/86	51 FR 18811
Notice of Intent To Participate Due	06/02/86	
Comments Due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
Comments Under Internal Evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-6181

RIN: 3120-AB41

4064. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB43

4065. ASSOCIATION OF AMERICAN RAILROADS—PETITION TO EXEMPT INDUSTRIAL DEVELOPMENT ACTIVITIES FROM 49 USC 10761(A), 10762(A) (1), 11902, 11903, AND 11904(A), EX PARTE NO. 346 (SUB-NO. 26)

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10761(a); 49 USC 10762(a)(1); 49 USC 11902; 49 USC 11903; 49 USC 11904(a); 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission proposes to exempt certain market development activities from the anti-rebating provisions of the Interstate Commerce Act, commonly referred to as the Elkins Act. The proposal would permit railroads to engage in these activities without fear of prosecution. The exemption would apply only to pre-movement, non-transportation activities; subsequent traffic movements would continue to be regulated to the extent they are today.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/90	55 FR 24132
ANPRM Comment Period End	07/13/90	
NPRM	07/15/91	56 FR 32159
NPRM Comment Period End	09/25/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce

ICC

Proposed Rule Stage

Commission, Room 2144, 12th &

Constitution Avenue NW., Washington,
DC 20423, 202 927-5660
RIN: 3120-AB65

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

4066. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444**Legal Authority:** 49 USC 10321; 49 USC 10708; 49 USC 10761; 49 USC 10762; 5 USC 553**CFR Citation:** 49 CFR 1312; 49 CFR 1314**Legal Deadline:** None**Abstract:** The ICC lifted a stay it had previously imposed in this proceeding in order to consider petitions for reconsideration. The result was that regulations which were previously adopted at 54 FR 6403 became effective for rail carriers only. Rail carriers are now permitted to file electronic tariffs as an alternative to printed tariffs. Rail carriers are required to accompany their electronic tariffs with identical printed tariffs until further notice. With respect to other modes, the effective

date of the adopted regulations is stayed pending consideration of a petition to reopen.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 9672
ANPRM	04/26/83	48 FR 18861
Comment Period End		
NPRM	10/22/87	52 FR 39549
NPRM Comment Period End	02/19/88	53 FR 5022
Final Action Effective Date Stayed	02/10/89	54 FR 6403
Final Action Effective	03/13/89	54 FR 10593
Stay Lifted in Part for Rail Carriers	10/19/89	54 FR 42959

Action	Date	FR Cite
Petition To Reopen Under Review	00/00/00	

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** Although final rules have been adopted in this proceeding, their effective date has been stayed for all transportation modes except rail pending disposition of a petition to reopen.**Agency Contact:** Charles E. Langyher, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5160

RIN: 3120-AA99

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

4067. JOINT PETITION FOR RULEMAKING ON RAILROAD CAR-HIRE COMPENSATION, EX PARTE NO. 334 (SUB-NO. 8), ET AL**Significance:** Agency Priority**CFR Citation:** 49 CFR 1033; 49 CFR 1039**Completed:**

Reason	Date	FR Cite
Final Action	12/26/91	56 FR 66792
Final Action Effective	01/25/92	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar, 202 927-5660

RIN: 3120-AB67

4068. SAFETY FITNESS POLICY, EX PARTE NO. 55 (SUB-NO. 84)**Significance:** Agency Priority**CFR Citation:** 49 CFR 1011; 49 CFR 1160; 49 CFR 1181; 49 CFR 1186**Completed:**

Reason	Date	FR Cite
Final Action - Reopening denied, 12/27/91, 56 FR 67002	09/13/91	56 FR 46732
Final Action Effective	09/27/91	56 FR 46732

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Suzanne Higgins O'Malley, 202 927-5610

RIN: 3120-AB68

4069. RAILROAD TRANSPORTATION CONTRACTS, EX PARTE NO. 387 (SUB-NO. 963)**CFR Citation:** 49 CFR 1313**Completed:**

Reason	Date	FR Cite
Final Action	11/19/91	56 FR 58320
Final Action Effective	05/17/92	56 FR 58320

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** James W. Greene, 202 927-5597

RIN: 3120-AB69

[FR Doc. 92-4568 Filed 04-24-92; 8:45 am]

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