

**49 CFR Part 1186****[STB Ex Parte No. 553]****Removal of Obsolete Regulations Concerning Exemption of Motor Carrier of Property Finance Transactions****AGENCY:** Surface Transportation Board, Transportation.**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing from the Code of Federal Regulations obsolete regulations concerning exemption of finance transactions between motor carriers of property and between such carriers and noncarriers.

**EFFECTIVE DATE:** March 6, 1997.**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Public Law No. 104-88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC) and established the Board within the Department of Transportation. Section 204(a) of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

Prior to January 1, 1996, former 49 U.S.C. 11343 provided that certain rail, motor, and water carrier finance transactions, including those related to mergers, purchases, and acquisitions of control, could not be carried out without prior ICC approval. However, under former 49 U.S.C. 11343(e), the ICC could exempt from regulation certain individual financial transactions involving motor carriers of property. Regulations implementing this exemption provision are found at 49 CFR 1186.<sup>1</sup>

Under the ICCTA, portions of section 11343, including the exemption provision of 49 U.S.C. 11343(e), have been repealed. Accordingly, we will eliminate the exemption regulations at 49 CFR part 1186.

We also note that new 49 U.S.C. 14303 is the only remaining statutory provision analogous to the non-rail portions of former 49 U.S.C. 11343. Under section 14303, motor carriers of passengers must still obtain Board approval for the same transactions that formerly were subject to former 49 U.S.C. 11343, unless the parties'

aggregate gross operating revenues do not exceed \$2 million.<sup>2</sup>

Currently, our regulations at 49 CFR part 1182 govern the purchase, merger, or acquisition of control of motor passenger and water carriers. In a separate proceeding instituted shortly, we will remove the regulations for water carriers in part 1182 (49 U.S.C. 14303(g) applies only to motor passenger carriers) and make appropriate modifications to the portions of 49 CFR part 1182 dealing with motor passenger carriers.

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

**List of Subjects in 49 CFR Part 1186**

Administrative practice and procedure, Freight Forwarders, Motor carriers.

Decided: January 24, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,  
*Secretary.***PART 1186—[REMOVED]**

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended by removing part 1186.

[FR Doc. 97-2547 Filed 2-3-97; 8:45 am]

**BILLING CODE 4915-00-P****49 CFR Part 1310****[STB Ex Parte No. 555]****Household Goods Tariffs****AGENCY:** Surface Transportation Board, Transportation.**ACTION:** Final rules.

**SUMMARY:** The Surface Transportation Board (Board) adopts regulations governing the tariffs that motor carriers and freight forwarders are required to maintain for the transportation of household goods; and establishing the notice requirements with which household goods carriers must comply in order to be entitled to enforce the provisions of their tariffs against individuals whose shipments are subject to such tariffs. These regulations reflect changes effected by the ICC Termination Act of 1995.

**EFFECTIVE DATE:** These rules are effective March 6, 1997.

<sup>2</sup>Regulatory approval, formally required under former 49 U.S.C. 10926, is no longer needed when the parties' aggregate gross operating revenues do not exceed the \$2 million threshold.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** The Board's decision adopting these regulations is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

**Small Entities**

The Board certifies that these rules will not have a significant economic effect on a substantial number of small entities.

**Environment**

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

**List of Subjects in 49 CFR Part 1310**

Household goods carriers, Moving of household goods, Tariffs.

Decided: January 22, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,  
*Secretary.*

For the reasons set forth in the preamble, the Board adds a new part 1310 to title 49, chapter X, of the Code of Federal Regulations to read as follows:

**PART 1310—TARIFF REQUIREMENTS FOR HOUSEHOLD GOODS CARRIERS****Sec.**

- 1310.1 Scope; Definitions.
- 1310.2 Requirement to maintain tariffs.
- 1310.3 Contents of tariffs.
- 1310.4 Incorporation of tariff provisions by reference.
- 1310.5 Availability of tariffs at carrier offices.
- 1310.6 Furnishing copies of tariff publications.

Authority: 49 U.S.C. 721(a), 13702(a), 13702(c) and 13702(d).

**§ 1310.1 Scope; Definitions.**

(a) The provisions of this part address the tariff requirements imposed by 49 U.S.C. 13702 on motor carriers and freight forwarders for the transportation of household goods, and the notice requirements with which such carriers must comply in order to be entitled to enforce the provisions of their tariffs against individuals whose shipments are subject to such tariffs.

(b) The provisions of this part apply to all movements of household goods defined in paragraph (c)(1) of this section, and to those movements of household goods defined in paragraph (c)(2) of this section that are not provided under contracts entered into pursuant to 49 U.S.C. 14101(b) or former

<sup>1</sup>These rules were originally promulgated in *Exemption of Certain Transactions Under 49 U.S.C. 11343*, 133 M.C.C. 449 (1984).