FOR FURTHER INFORMATION CONTACT: Mark S. Shaffer, (202) 275–7691, or Louis E. Gitomer, (202) 275–7691.

Decided: June 13, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Acting Secretary.

[FR Doc. 86–13959 Filed 6–19–86; 8:45 am]

BILLING CODE 7035–01–M

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49 CFR Part 1165

[Ex Parte No. MC–142 (Sub-2)]

Freight Forwarder Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In *Global Van Lines, Inc.* v. *ICC*, 714 F.2d 1290 (5th Cir. 1983), issued September 19, 1983, the United States Court of Appeals for the Fifth Circuit reversed the decision in this proceeding, which had applied the motor carrier restriction removal procedures (49 CFR Part 1165) to freight forwarders. The court held that the statutory authority the Commission had specifically relied upon did not confer the requisite authority. The Commission here proposes to apply these rules to freight forwarders consistent with and in reliance on its conditioning power at 49 U.S.C. 10923(d)(1). If the proposal is approved, the language of §§ 1165.1(a) and 1165.12 will be amended to include freight forwarder applicants and to afford interested parties the opportunity to comment on freight forwarder restriction removal applications.

DATES: Comments are due on July 21, 1986.

ADDRESS: Send comments (original and 10 copies) to: Ex Parte No. MC–142 (Sub-No. 2), Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Robin Williams Denick, (202) 275–7711

or

Louis E. Gitomer, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2229, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 toll-free outside the DC area.

Environmental and Energy Considerations

Adoption of the proposed rules, amending 49 CFR 1165.1(a) and 1165.12, does not appear to affect significantly the quality of the human environment. We anticipate that these rule changes will improve operating efficiency, promote competition, and foster intermodalism. Comments on these issues are welcome.

Regulatory Flexibility Analysis

We conclude preliminarily that the rules proposed here would not have a substantial economic impact upon a significant number of small entities. The effect of the proposed rules will not require the filing of reports or any record-keeping by small entities. The proposed rules are permissive, not mandatory, and would not duplicate, overlap, or conflict with any existing Federal rules.

The only alternative to the adoption of the proposed rules is refusal to apply the restriction removal procedures to freight forwarders. To preclude freight forwarders from using procedures designed to facilitate the removal of restrictions from operating authorities would, in effect, deny the industry access to these cost-saving procedures.

We invite comments on the foregoing issues.

List of Subjects in 49 CFR Part 1165

Motor carriers, Freight forwarders.

Authority: 49 U.S.C. 10101, 10321, 10923(d)(1) and 5 U.S.C. 553.

Decided: June 12, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre and Lamboley.

Noreta R. McGee,

Acting Secretary.

Title 49 CFR Part 1165 would be amended as follows:

PART 1165—[AMENDED]

1. The authority citation for Part 1165 would be amended as follows:

Authority: 49 U.S.C. 10101, 10321, 10922(h)(1), and 10923(d)(1); 5 U.S.C. 553 unless otherwise noted.

2. The introductory text of § 1165.1(a) would be revised to read:

§ 1165.1 Purpose.

(a) These regulations govern applications filed by motor carriers of property and freight forwarders seeking to remove operating restrictions from their certificates or permits in order to:

* * * * *

3. Section 1165.12 would be amended by adding a new paragraph (d) to read as follows:

§ 1165.12 Participation of interested persons.

* * * * *

(d) Comments on applications filed by freight forwarders. Any interested persons may comment on the applicant's proposal, addressing either or both: the merits of the particular proposal, or whether the proposal should be properly considered under the restriction removal rules. Interested parties may also comment on applicant's fitness.

[FR Doc. 86–13958 Filed 6–19–86; 8:45 am]

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