

commodity rates and not classification matters.

Baldor Electric Company, GAF Building Materials Corp. and W.R. Grace Company filed consolidated comments. These firms assert that shippers should be allowed to initiate tariff reconciliation procedures. We agree, and are amending the rules to this effect. The commenters also believe that the responsibility for serving the petition is unclear. We have amended the regulations to show that the party who files the petition has the responsibility to serve all the parties. These three corporations also argue that the Commission should adopt the second method of reconciliation by issuing an order, and that the procedures should encompass contract carriage. We disagree. To expedite dispute resolution and in light of our limited resources, we will permit uncontested and uninvestigated petitions to become orders of the Commission after 45 days. The contract carriage issue does not lie because contract carriage does not involve filed tariffs.

National Small Shipments Traffic Conference, Inc., considers that the requirements for the information proposed to be contained in each petition are too burdensome. It also favors permitting the petitions to become orders of the Commission after 45 days. We agree in both instances and the final rules respond to both concerns.

The Petroleum Marketing Association of America argues that we should adopt a single-page standardized form for the petitions. We do not consider this necessary. The Association also argues that there should be no fee, or at most a nominal fee for filing the petitions. We are required to assess a fee based on actual cost for services rendered to the public. The fees adopted here are based on the average cost of processing similar applications.

Roadway Services, Inc., a common carrier, is concerned, as is D & J Associates, that the rules not be applied to pure billing errors. We have disposed of this issue in connection with the comments of D & J Associates discussed previously. Also, Roadway indicates that the information required in the proposed 10-step procedures is too complex and burdensome. We agree and in the final rules have significantly reduced the amount of required information. Roadway also believes that nominal claims (\$1,000 or less) should be settled without our involvement. We disagree. We do not think that the adopted rules are burdensome, especially since we would permit

multiple claims involving one shipper or consignee to be consolidated.

We note that, because it substantially eliminated tariff filing requirements for independently determined rates, enactment of the Transportation Industry Regulatory Reform Act has substantially reduced the need for the remedy authorized by section 4 of the NRA and our proposed regulations. In the past few months we have received fewer than 15 requests for adjustments, and these requests primarily involve one motor carrier. Nevertheless, we expect that, as filed tariff provisions are reviewed, these requests will continue at the rate of one or two per month for some time. Also, because it is possible that tariff errors will be made in collectively set tariffs, we may receive requests pertaining to rate bureau tariffs.

We believe that the simplified regulations adopted here will allow efficient processing of section 4 petitions by the Commission without subjecting petitioners to undue burdens. Actual handling of the petitions will be by our Special Docket Board. The filing fees of \$40 for petitions involving \$25,000 or less and \$80 for petitions involving more than \$25,000 correspond to the fees currently in place for rail special dockets.

**Environmental Statement**

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

**Regulatory Flexibility Certification**

Pursuant to 5 U.S.C. 605(b), we conclude that adoption of these rules will not have a significant economic impact on a substantial number of small entities. The economic impact will be minimal because the rules merely provide a simple, voluntary method to resolve certain billing problems that are likely to arise in only a small proportion of the shipments transported by the motor carrier industry. Thus, the economic impact is unlikely to be significant within the meaning of the Regulatory Flexibility Act.

**List of Subjects**

*49 CFR Part 1002*

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

*49 CFR Part 1011*

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

*49 CFR Part 1130*

Administrative practice and procedure.

Decided: December 21, 1994.

By the Commission, Chairman McDonald, Vice Chairman Morgan, Commissioners Simmons and Owen.

**Vernon A. Williams**  
*Secretary.*

For the reasons set forth in the preamble, title 49, chapter X, parts 1002, 1011 and 1130 are amended as set forth below.

**PART 1002—FEES**

1. The authority citation for part 1002 continues to read as follows:

**Authority:** 5 U.S.C. 552(a)(4)(A), 5 U.S.C. 553, 31 U.S.C. 9701 and 49 U.S.C. 10321.

2. In § 1002.2(f), in the table, a new No. 81 is added to read as follows:

**§ 1002.2 Filing fees.**

\* \* \* \* \*  
(f) \* \* \*

Type of proceeding	Fee
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less .....	\$40
(ii) Petitions involving over \$25,000 .....	80

\* \* \* \* \*

**PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY**

3. The authority citation for part 1011 continues to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 49 U.S.C. 10301, 10302, 10304, 10305, 10321, 10762.

4. Section 1011.6(e) is revised to read as follows:

**§ 1011.6 Employee boards.**

\* \* \* \* \*

(e) *Special Docket Board.* Disposition of special docket and tariff reconciliation proceedings under 49 CFR 1130.2(e), (f) and (g).

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**PART 1130—INFORMAL COMPLAINTS**

5. The authority citation for part 1130 is revised to read as follows:

**Authority:** 5 U.S.C. 553 and 559; 49 U.S.C. 10321, 10707 and 11712.

6. In § 1130.2, paragraph (f) is amended by adding the words "or tariff reconciliation petition" after the word "petition" in the parenthetical phrase in the first sentence and by adding the