

EXCLUSION OF DEMURRAGE REGULATION FROM CERTAIN CLASS EXEMPTIONS

Docket No. EP 760

Attorneys for
ArcelorMittal USA LLC

Dated: December 6, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**EXCLUSION OF DEMURRAGE REGULATION
FROM CERTAIN CLASS EXEMPTIONS**

Docket No. EP 760

**REPLY COMMENTS OF
ARCELORMITTAL USA LLC**

ArcelorMittal USA LLC (“AM”) submits these Reply Comments in response to the Surface Transportation Board’s (“Board”) Notice of Proposed Rulemaking served on October 7, 2019 (“NPRM”).

1. AM filed comments in this proceeding on November 6, 2019 (“AM Comments”). In its Comments, AM supported the Board’s proposal to amend its current miscellaneous exempt commodity regulations, codified at 49 C.F.R. § 1039.11(a), to expressly state that the Board retains jurisdiction to regulate demurrage charges on those partially exempt miscellaneous commodity moves.

2. AM has reviewed the comments filed by other parties to this proceeding. No party filing comments appears to oppose the Board’s proposal to amend its current miscellaneous exempt commodity regulations, codified at 49 C.F.R. § 1039.11(a), to expressly state that the Board retains jurisdiction to regulate demurrage charges on those partially exempt miscellaneous commodity moves.

3. In its Comments, AM also urged the Board to extend its proposed clarification to cover accessorial charges and to promptly reinstate full Board regulatory

authority over STCC Nos. 14-2, 29-914 and 33-12, as the Board has proposed in *Review of Commodity, Boxcar, and TOFC/COFC Exemptions*, EP 704 (Sub-No. 1) (STB served Mar. 23, 2016). *See* AM Comments at 3 n.2, 6 n.3. Several other parties in this proceeding have made similar requests. *See, e.g.*, Comments of the American Iron and Steel Institute at 4-5; Comments of the Portland Cement Association at 1-3.

CONCLUSION

For the reasons set forth above, AM respectfully requests that the Board take actions in this proceeding consistent with the views expressed in AM's Comments and Reply Comments.

Respectfully submitted,

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