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SEC

SERVICE DATE - MAY 21, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 561

RAIL GENERAL EXEMPTION AUTHORITY--NONFERROUS RECYCLABLES

AGENCY: Surface Transportation Board.

ACTION: Proposed rule; extension of comment due date.

SUMMARY: By decision served May 5, 1997, the Surface Transportation Board issued a notice of proposed rulemaking (NPR) proposing, *inter alia*, a total exemption from regulation for 29 nonferrous recyclable commodities. The NPR was not published in the *Federal Register* until May 16, 1997 (62 FR 27003) although parties in an earlier proceeding (Ex Parte No. 346 Sub-No. 36)) were served with a copy of the May 5, 1997 NPR. The May 16 *Federal Register* publication provided for the filing of a notice of intent to participate on May 26, 1997, with comments due June 30, 1997, and reply comments due July 15, 1997. The Association of American Railroads (AAR), in a request dated May 8, 1997, and supplemented on May 14, 1997, has requested an extension of time to July 15, 1997, to file comments and to August 5, 1997, to file reply comments. AAR requests the extension to allow it and its members sufficient time to compile current information and to consult and coordinate a response among themselves and shippers of nonferrous recyclable commodities. AAR contacted three parties who filed had filed opposition comments in the earlier proceeding and reports that two of those parties do not object to the extension, and the third took no position. The extension request will be granted. Moreover, because the due date of May 26, 1997 for notice of intent is a federal holiday, that due date will be extended to May 27, 1997.

DATES: Persons interested in participating in this proceeding as a party of record by filing and receiving written comments must file a notice of intent to participate by May 27, 1997. Comments must be submitted by July 15, 1997, and reply comments are due August 5, 1997.

ADDRESSES: Send an original plus 10 copies of notices of intent to participate and pleadings referring to STB Ex Parte No. 561 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

Decided: May 19, 1997.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary