

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Ex Parte No. 646 (Sub-No. 1)

SIMPLIFIED STANDARDS FOR RAIL RATE CASES

REQUEST TO PARTICIPATE

OF

U.S. CLAY PRODUCERS TRAFFIC ASSOCIATION, INC.

The U.S. Clay Producers Traffic Association, Inc. ("Clay Producers") is a non-profit association of companies involved in the mining and processing of a mineral resource generically called "clay". Members of the Association ship clay in all modes of transportation, but primarily by rail, from Georgia, South Carolina and Tennessee origins to numerous industries throughout the United States, Canada, Mexico, and the world.

We recognize that the notices of intent to participate were originally due on September 1, 2006. However, we subsequently learned from a recent meeting with Board personnel on another matter that railroad shipments of clay (STCC 32-95), one of the principle commodities produced by our members, was erroneously considered by the Board as an exempt commodity under 49 C.F.R. 1039. This erroneous assumption is confirmed by Table 2, page 37, of the Board's July 28, 2006 decision which excludes clay shipments from the list of regulated

commodities. It is our intent to submit comments to correct any misapprehension concerning the regulated status of this commodity and to comment on other aspects associated with its proposals. Therefore, we request that the Board accept this late filed notice of intent to participate.

Respectfully submitted,

/s/ Vincent P. Szeligo
Henry M. Wick, Jr.
Vincent P. Szeligo
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Dated: October 12, 2006

*Attorneys for The U.S. Clay Producers
Traffic Association, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request to Participate is served on all parties of record, as they appear on the service list downloaded this date, by first class mail, postage pre-paid, in accordance with the Rules of Practice.

Dated: October 12, 2006

/s/ Vincent P. Szeligo
Vincent P. Szeligo