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SERVICE DATE - MAY 5, 1997

SURFACE TRANSPORTATION BOARD

DECISION

Ex Parte No. 346 (Sub-No. 36)

RAIL GENERAL EXEMPTION AUTHORITY--EXEMPTION OF NONFERROUS  
RECYCLABLES AND RAILROAD RATES ON RECYCLABLE COMMODITIES

AGENCY: Surface Transportation Board.

ACTION: Proposed rule, withdrawal.

SUMMARY: The Surface Transportation Board is discontinuing the rulemaking in Ex Parte No. 346 (Sub-No. 36).

DATES: This withdrawal is made on May 5, 1997.

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

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPR) in this proceeding served on August 23, 1994, and published in the *Federal Register* on August 24, 1994 (59 FR 43529), the Interstate Commerce Commission (ICC) solicited comments on a proposal to exempt partially from regulation the rail transportation of 28 nonferrous recyclable commodities. After the issuance of the NPR, the ICC Termination Act of 1995 (ICCTA), Pub. L. No. 104-88, 109 Stat. 803 was enacted. The ICCTA significantly changed the basis for the NPR by eliminating former 49 U.S.C. 10731(e). Consequently, in *Rail General Exemption Authority--Nonferrous Recyclables*, STB Ex Parte No. 561 (published elsewhere in this section of the *Federal Register*), we are issuing a new NPR proposing a total exemption from regulation for 29 nonferrous recyclable commodities. Because we will consider a broader exemption in STB Ex Parte No. 561, we are discontinuing this proceeding. The comments previously filed in response to the NPR will be made part of the record in STB Ex Parte No. 561 and need not be refiled.

Decided: April 24, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams  
Secretary