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SERVICE DATE - SEPTEMBER 25, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42036

NATIONAL MOTOR FREIGHT TRAFFIC ASSOCIATION, INC.  
--EXTENSION REQUEST--SUBJECT 5 OF NCC DOCKET NO. 983

Decided: September 23, 1998

By letter filed September 3, 1998, the National Motor Freight Traffic Association, Inc. (NMFTA) requested that the Board extend the 120-day deadline found in rule 5 Article V of the National Classification Committee (NCC) agreement.<sup>1</sup> NMFTA seeks the extension for disposition of Subject 5 of NCC Docket 983. On June 9, 1998, an NCC panel disapproved a shipper proposal, and the shipper proponent has appealed the decision of the panel to the full NCC. NMFTA states that the appeal will not receive final disposition until the October 5, 1998, NCC open meeting.

The extension will be granted. According to NMFTA, although NCC has revised its meeting schedule,<sup>2</sup> taking more than 120 days to dispose of a proposal is a rarity because few proposals are appealed and only a limited number of appeals require more than 120 days to obtain final disposition. Accordingly, I find "unusual circumstances" exist under rule 5 to grant the request.

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

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<sup>1</sup> The NCC Agreement specifically provides in Article V:

Rule 5. Disposition of Proposals

(a) Final disposition of proposals for new or changed provisions in the Classification shall be made by the 120th day after docketing, except that in unusual circumstances such period may be extended, if, within the 120-day period, a petition requesting an extension of that period and setting forth supporting reasons is filed with the Interstate Commerce Commission.

<sup>2</sup> The revised meeting schedule reduces the number of NCC meeting that consider appeals from 4 to 3 each year and the number of panel meeting that consider initial proposals from 8 to 6. See National Motor Freight Traffic Association, Inc.-Petition for Declaratory Order, STB Docket No. 41940 (STB served Aug. 22, 1997).

It is ordered:

1. The extension request is granted.
2. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary