

April 27, 2016

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Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

ENTERED  
Office of Proceedings  
April 27, 2016  
Part of  
Public Record

Re: EP 704 (Sub-No. 1), *Review of Commodity, Boxcar, and TOFC/COFC Exemptions*

Dear Ms. Brown:

The Institute of Scrap Recycling Industries (“ISRI”) commends the Surface Transportation Board (“STB” or “Board”) for its issuance of the Notice of Proposed Rulemaking (“NPRM”) on March 23, 2016, in the above referenced docket. In the NPRM, the STB has proposed to revoke the class exemptions for iron or steel scrap, among other commodities. The Board’s proposal is based on the oral testimony and written comments received by the Board in February 2011 regarding the effectiveness of existing commodity exemptions, as well as waybill rate data for years 1992 through 2013 and other industry information.<sup>1</sup>

On April 8, 2016, the Association of American Railroads (“AAR”) petitioned the STB to “release all data, reports, work papers, and other materials that underlie the proposed rule changes...and requests access to “analyses and any other work papers and materials related to the NPRM that are not already part of the publicly available record in EP 704.”<sup>2</sup> To the extent that the Board grants this request and releases to the AAR and/or its attorneys and consultants, such analyses and supporting data and work papers that pertain to the Board’s proposal to revoke the class exemption for iron and steel scrap, ISRI respectfully requests that the same information also be provided to ISRI and/or its attorneys and consultants.<sup>3</sup>

Sincerely,

  
Karyn A. Booth

*Attorney for the Institute of Scrap Recycling Industries, Inc.*

<sup>1</sup> NPRM at 3. It is apparent from the NPRM that the Board’s Office of Economics also conducted analyses on other exempt commodities. NPRM at 14, Vice Chairman Miller, concurring.

<sup>2</sup> See AAR Petition for Release of Information and Request for Extension of Time, April 8, 2016, at 2.

<sup>3</sup> If the Board’s analyses and supporting data and work papers contain confidential information, ISRI agrees to the release of such information subject to confidentiality agreements and other STB processes governing confidential waybill data.