

April 27, 2016

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

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

Dear Ms. Brown:

In the Notice of Proposed Rulemaking issued on March 23, 2016, in the above referenced docket (“Notice”), the Surface Transportation Board (“Board”) has proposed to revoke the class exemptions for certain commodities, including crushed or broken stone, hydraulic cement, coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings. 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.¹ It is apparent from the Notice that the Board’s Office of Economics also conducted analyses on other exempt commodities.²

The American Forest & Paper Association (“AF&PA”) submitted comments and participated in the Board’s February 2011 hearing on existing commodity exemptions and encouraged the Board to open a proceeding to determine if the paper and forest products exemptions should be revoked. However, the Board has not proposed to revoke those exemptions in its Notice. To the extent that the Board has conducted analyses on the existing paper and forest products exemptions, AF&PA respectfully requests the release of any and all such analyses and studies, as well as any supporting work papers, data, and other information, reviewed by the Board with respect to such commodities and that relate to the Board’s decision not to propose the revocation of the paper and forest products exemptions.³

In addition, because AF&PA intends to review any released Board studies on the paper and forest products exemptions and may conduct its own analyses to determine the extent of its participation in the rulemaking proceeding, it believes that it would be difficult to meet the Board’s due dates for the submission of opening comments on May 27 and reply comments on June 27. Accordingly, AF&PA supports the request of the Association of American Railroads

¹ Notice at 3.

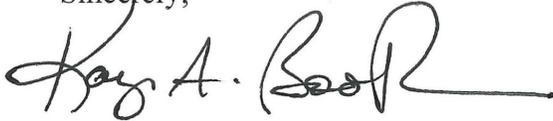
² Notice at 14, Vice Chairman Miller, concurring.

³ To the extent that any such analyses and supporting data contain confidential information, AF&PA agrees to the release of such information subject to confidentiality agreements and other STB processes governing confidential waybill data.

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for a 60-day extension of time from the current due dates for the filing of opening and reply comments or, alternatively, from the date of the Board's release of the analyses requested herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Karyn A. Booth". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karyn A. Booth

Attorney for the American Forest & Paper Association
