

filing of the reply or upon expiration of 15 days after the filing of the petition to revoke (whichever is shorter), and would close within 105 days. Parties could proceed with depositions only by filing a petition with the Commission. All discovery and scheduling matters would be handled by an Administrative Law Judge. RLEA's proposed regulations also allow for the filing of briefs by petitioner and respondent and set a staggered schedule.² Finally, the proposed procedural schedule calls for

² Petitioner's brief would be due 30 days after the close of discovery, or if there is no discovery, 15 days after the filing of the reply. Respondent's brief would be due 30 days after service of petitioner's brief or within 15 days if there is no discovery. Petitioner would be permitted to file a reply brief (not to exceed 10 pages) within 10 days after service of the opposition brief.

a Commission decision to be issued within 45 days from the filing of the reply brief, if there has been discovery, or within 30 days, if there has been no discovery.

We are now seeking public comments on this proposal by RLEA to amend 49 CFR 1121.4(i) to provide formal procedural rules for the filing and processing of a revocation petition.

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

Because this is not a notice of proposed rulemaking within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we need not make, at this time, the small business impact examination required by that

Act. Nevertheless, we welcome any comments regarding the small entities considerations embodied in that Act. If we decide to issue a notice of proposed rulemaking, we will conduct an appropriate Regulatory Flexibility Act examination at that time.

List of Subjects in 49 CFR Part 1121

Rail exemption procedures.

Authority: 49 U.S.C. 10326, 10505 and 5 U.S.C. 553.

Decided: April 27, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,
Secretary.

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