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SERVICE DATE – LATE RELEASE JANUARY 10, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42060 (Sub-No. 1)

NORTH AMERICA FREIGHT CAR ASSOCIATION, ET AL.

v.

BNSF RAILWAY COMPANY

Decided: January 10, 2008

In the course of litigation before the District of Columbia Circuit, BNSF Railway Company (BNSF) has consented in writing that a portion of the agency record that was filed under seal (at BNSF's request) be unsealed. The document to be unsealed is Langston Deposition Exhibit No. 9 (a single page labeled "BNSF 010668") contained in Volume II of Complainant's Opening Statement of Fact and Argument and filed pursuant to a protective order on July 29, 2005. Accordingly, the administrative record is unsealed to the extent necessary to permit public disclosure of this document.

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

It is ordered:

1. The administrative record in this case is unsealed to the extent indicated in this decision.
2. This decision is effective on its service date.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan  
Acting Secretary