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SEC

SERVICE DATE – NOVEMBER 14, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42097

ALBEMARLE CORPORATION

v.

THE LOUISIANA AND NORTH WEST RAILROAD COMPANY

Decided: November 13, 2006

On April 17, 2006, Albemarle Corporation (Albemarle) filed a complaint, alleging that the line-haul rates of The Louisiana and North West Railroad Company (LNW) for the movement of chemicals and petroleum products between Albemarle's South Plant at Ethyl, AR, and LNW's interchange points with The Kansas City Southern Railway Company at Gibsland, LA, and with Union Pacific Railroad Company at McNeil, AR, as modified by LNW's fuel surcharge tariff, are unreasonably high, and that the fuel surcharge tariff results in an unreasonable practice. By decision served on May 2, 2006, the proceeding was held in abeyance until the completion of the rulemaking in Major Issues in Rail Rate Cases, STB Ex Parte No. 657 (Sub-No. 1). A decision in that proceeding was served on October 30, 2006.

On October 31, 2006, Albemarle filed a motion to dismiss, requesting that the Board dismiss with prejudice its complaint because the parties have reached a settlement of the issues. Accordingly, the motion to dismiss will be granted, and this proceeding will be discontinued.

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

It is ordered:

1. The complaint is dismissed with prejudice, and this proceeding is discontinued.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary