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SEC

SERVICE DATE – NOVEMBER 23, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 38302S

UNITED STATES DEPARTMENT OF ENERGY AND UNITED  
STATES DEPARTMENT OF DEFENSE

v.

BALTIMORE & OHIO RAILROAD COMPANY, ET AL.

STB Docket No. 38376S

UNITED STATES DEPARTMENT OF ENERGY AND UNITED  
STATES DEPARTMENT OF DEFENSE

v.

ABERDEEN & ROCKFISH RAILROAD COMPANY, ET AL.

Decided: November 22, 2004

AGENCY: Surface Transportation Board.

ACTION: Notice of Extension of Time to File Comments.

SUMMARY: The request by CSX Transportation, Inc. (CSXT), for a 14-day extension from December 6, 2004, to December 20, 2004, to file comments on the proposed Settlement Agreement negotiated by the United States Department of Energy and the United States Department of Defense (the Government) and Union Pacific Railroad Company (UP) is being granted.

DATES: Parties of record and other interested persons, including the United States Department of Justice and the United States Department of Transportation, may file with the Board written comments concerning the proposed Settlement Agreement by December 20, 2004. Replies by the parties to the proposed Settlement Agreement must be filed by January 14, 2005. This decision is effective on November 23, 2004.

ADDRESSES: Any filing submitted in this proceeding must refer to STB Docket Nos. 38302S and 38376S and must be submitted **either** via the Board's e-filing format **or** in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board's "www.stb.dot.gov" website, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an IBM-compatible floppy disk with any

textual submission in any version of either Microsoft Word or WordPerfect) to: Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each filing in these proceedings must be sent to each of the following (any such copy may be sent by e-mail, but only if service by e-mail is acceptable to the recipient): (1) Stephen C. Skubel, Room 6H087 9GC-32) U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, DC 20585; (2) Michael Glennon, Naval Sea Systems Command, 1333 Isaac Hull Ave, S.E., Mail Stop 1150, Washington, DC 20376-1150; (3) Michael L. Rosenthal, Covington & Burling, 1201 Pennsylvania Ave., N.W., Washington, DC 20004; and (4) Louise A. Rinn, Union Pacific Railroad Company, 1400 Douglas St. Stop 1580, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: 1-800-877-8339.]

SUPPLEMENTAL INFORMATION: On September 15, 2004, the Government and UP filed a motion jointly requesting the Board's approval of an Agreement to settle these rate reasonableness complaints. The Board adopted a procedural schedule for filing comments and replies in support of, or opposition to, the proposed Agreement in a decision served and published at 69 FR 64629 on November 5, 2004.

CSXT, in a motion filed on November 10, 2004, requests that the date for filing comments be extended from December 6, 2004, to December 20, 2004, and that the date for filing replies be extended from December 20, 2004, to January 14, 2005. According to CSXT, the extension is needed in view of the protracted nature and complexity of these proceedings and the major implications the proposed Agreement will have on the remaining defendants. CSXT states that the Government and UP agree with the extension as long as the time to file replies is extended to January 14, 2005, to accommodate the holidays. The extension request is reasonable and will be granted.

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

It is ordered:

1. The parties to this proceeding and interested persons must comply with the revised procedural schedule and requirements outlined above.

2. This decision is effective on November 23, 2004.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary