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SEC

SERVICE DATE – APRIL 12, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42064

E. I. DUPONT DE NEMOURS AND COMPANY – PROTEST AND PETITION FOR
INVESTIGATION

Decided: April 11, 2006

In a decision served October 18, 2001 (October 18 decision), the Board ordered that this proceeding and certain other proceedings be put on hold while parties and interested individuals and organizations negotiated concerning the storage and diversion issues raised relating to the 1986 Agreement prescribed in Investigation of Tank Car Systems, 3 I.C.C.2d 196 (1986). The parties were directed to give the Board a written report on the progress of the negotiations. In decisions served November 20, 2001, January 8, 2002, February 22, 2002, April 12, 2002, May 29, 2002, and July 5, 2002, the Board held the October 18 decision in abeyance until January 4, 2002, February 19, 2002, April 5, 2002, May 20, 2002, June 29, 2002, and August 5, 2002, respectively.

In a letter filed August 5, 2002, E. I. DuPont De Nemours and Company (DuPont) informed the Board that negotiations with Union Pacific Railroad Company (UP) had been concluded and that, upon execution of a written agreement with UP, DuPont would notify the Board that it would withdraw its protest and petition in this proceeding. It was not until March 27, 2006, that DuPont filed a motion to dismiss its protest and petition for investigation on the grounds that DuPont and UP have agreed upon a settlement of the issues. Accordingly, DuPont's motion to dismiss will be granted, and this proceeding will be discontinued.

It is ordered:

1. The motion to dismiss is granted, 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