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Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: STB Docket No. 42119
North America Freight Car Association v. Union Pacific Railroad Company

Dear Ms. Brown:

In a letter dated March 16, 2012, Union Pacific contests NAFCA's claim that UP disclosed confidential dispute resolution communications in its Reply statement. This issue is hardly a major point in this case, but that does not give UP the right to file a "Reply to a Reply" without prior leave of the Board. See 49 C.F.R. § 1104.13(c).

The most egregious element of UP's improper reply appears in the last full paragraph on page 2 of the UP letter, where UP defends its public discussion of matters that UP does not deny were part of the parties' negotiations, but also, as pointed out by NAFCA in its Rebuttal, mischaracterizes NAFCA's position.

The issue upon which UP focuses is the question of what consequences follow when UP accepts a car into transportation. UP asserted in its Reply that NAFCA's position was that any such car became forever beyond remedial or punitive actions by UP. That position was not taken in any NAFCA complaint or amended complaint provision to which UP cites, and it is not true. NAFCA's position was that, once UP accepted a car into transportation, the car had to be deemed to be in "safe" condition at that time, and that any later leakage or product residue from the car could not

automatically be deemed to be the fault of the shipper. It is primarily to correct the misimpressions advanced in UP's Reply that NAFCA files this letter.

Respectfully submitted,



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Attorneys for

North America Freight Car Association

cc: Michael L. Rosenthal
Counsel for
Union Pacific Railroad Company
(By Electronic Transmission)