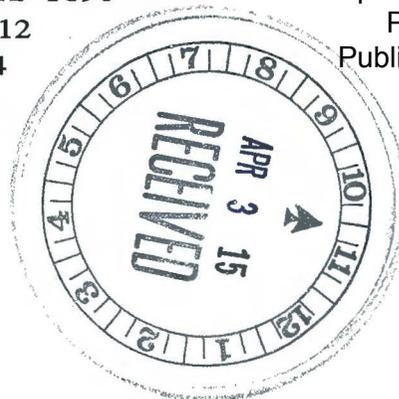


LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
 208 SOUTH LASALLE STREET - SUITE 1890  
 CHICAGO, ILLINOIS 60604-1112  
 TELEPHONE (312) 236-0204  
 FAX (312) 201-9695  
 mcfarland@aol.com

ENTERED  
 Office of Proceedings  
 April 3, 2015  
 Part of  
 Public Record

THOMAS F. MCFARLAND

April 2, 2015



By UPS overnight mail

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

Re: STB Docket No. AB-1128X, *Energy Solutions, LLC, d.b.a. Heritage Railroad Corporation -- Abandonment Exemption -- in Anderson and Roane Counties, TN*

Dear Ms. Brown:

Hereby transmitted is the original and 10 copies of a Petition for Exemption under 49 C.F.R. § 1152.60 for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$6,600 for the filing fee.

Very truly yours,

*Tom McFarland*

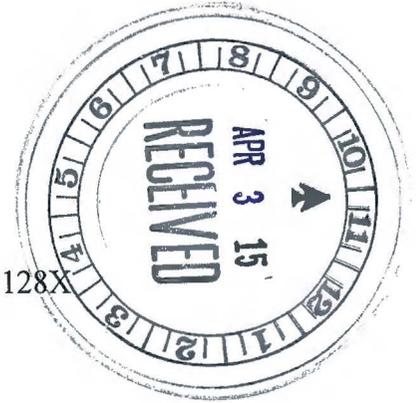
Thomas F. McFarland  
 Attorney for Petitioner

*TMcF:mg:enc:wp8.0\1635\ltrSTB1*

FEE RECEIVED  
 April 3, 2015  
 SURFACE  
 TRANSPORTATION BOARD

FILED  
 April 3, 2015  
 SURFACE  
 TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD



ENERGYSOLUTIONS, LLC, d.b.a. )  
HERITAGE RAILROAD CORPORATION )  
-- ABANDONMENT EXEMPTION -- )  
RAIL LINE OF UNITED STATES )  
DEPARTMENT OF ENERGY IN )  
ANDERSON AND ROANE COUNTIES,  
TN )

DOCKET NO. AB-1128X

PETITION FOR EXEMPTION UNDER 49 C.F.R. § 1152.60

ENERGYSOLUTIONS, LLC  
d.b.a. Heritage Railroad Corporation  
1560 Bear Creek Road  
Oak Ridge, TN 37830

Petitioner

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204 (office)  
(312) 201-9695 (fax)  
*mcfarland@aol.com*

Attorney for Petitioner

Date Filed: April 3, 2015

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

ENERGYSOLUTIONS, LLC, d.b.a.            )  
HERITAGE RAILROAD CORPORATION        )  
-- ABANDONMENT EXEMPTION --         )     DOCKET NO. AB-1128X  
RAIL LINE OF UNITED STATES            )  
DEPARTMENT OF ENERGY IN            )  
ANDERSON AND ROANE COUNTIES,  
TN

---

**PETITION FOR EXEMPTION UNDER 49 C.F.R. § 1152.60**

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Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1152.60, ENERGY SOLUTIONS, LLC (ES), d.b.a. HERITAGE RAILROAD CORPORATION, hereby petitions for an exemption from the formal application and approval requirements of 49 U.S.C. § 10903 for abandonment of its rail line that extends between a point of connection to Norfolk Southern Railway Company (NS) at or near Blair, TN (Milepost 0.0) and the end of track at East Tennessee Technology Center at or near Oak Ridge, TN (Milepost 7.0), including approximately three miles of spur tracks in Anderson and Roane Counties, TN (the Rail Line).

The relief sought is abandonment rather than discontinuance of rail service because ES proposes to convert the rail line from a regulated common carrier line to a private rail line. *See Paulsboro Refining Co., LLC -- Adverse Abandonment -- in Gloucester County, NJ*, 2014 WL 6774680 (Docket No. AB 1095 [Sub-No. 1], decision served December 4, 2014), at 6, note 16 (“...(T)his case involves an adverse abandonment [rather than an adverse discontinuance of service] because PRC is...seeking to convert the Line from a regulated line [to a private Line]...”). The caption in the Draft Environmental and Historic Report in this matter mistakenly stated that the proposal was for a discontinuance of service exemption, but it was made clear in

that Report that ES proposes to convert the Line from a regulated common carrier Line to a private industrial Line. Thus, the substance of the relief sought was correctly communicated to the public.

The Rail Line is owned by the United States Department of Energy (DOE). ES operates over the Rail Line pursuant to an easement for railroad purposes granted to it by DOE. ES does not propose to cease providing rail service over the Rail Line. Instead, ES proposes to discontinue operations over the Rail Line as a rail common carrier regulated by the Board. ES proposes to continue rail operations over the Rail Line as a private carrier, transporting commodities pursuant to contracts with shippers.

Attached to this Petition as Appendix 1 is a copy of a map that shows the Rail Line in relation to the national rail system (Appendix 1).

### **BACKGROUND**

The Rail Line was constructed by the United States Army Corps of Engineers in 1943 in conjunction with development of the Manhattan Project site, a K-25 uranium enrichment complex at Oak Ridge, TN, now known as the East Tennessee Technology Center. The Manhattan Project was the massive American, British, and Canadian operation that developed the atomic bomb. Through the World War II years and beyond, thousands of carloads of materials were transported by rail to and from the Project site. The Project site, including the Rail Line, is owned by DOE.

In 2003, Heritage Railroad Corporation, not then a part of ES, leased the Rail Line from DOE and operated it as a rail common carrier. *Heritage Railroad Corp. -- Lease & Oper. Exempt. -- Rail Line of United States Dept. of Energy*, 2003 STB LEXIS 422 (STB Docket No. FD 34372, decision served July 23, 2003).

In 2009, ES acquired an easement from DOE to operate the Rail Line as a rail common carrier. *Energy Solutions, LLC -- Acq. & Oper. Exempt. -- Heritage Railroad Corp.*, 2009 WL 2824760 (STB Docket No. FD 35288, decision served September 3, 2009). ES does business on the rail line as Heritage Railroad Corporation.

Currently, ES holds itself out to transport shipments over the Rail Line for customers generally as a rail common carrier. If an exemption for abandonment of that service were to be issued and become effective, ES would transport such shipments as a private carrier, providing transportation by means of contracts with shippers.

**RAIL LINE TRAFFIC**

The following traffic was originated or terminated on the Rail Line in calendar year 2014:

<b><u>Shipper</u></b>	<b><u>Carloads</u></b>
Olin Corporation	245
Energy Solutions	127
Greenfield Logistics	8
Southern Appalachia Railway Museum	4
BNSF Logistics	3
Oak Ridge National Lab	<u>2</u>
Total	389

Approximately that same volume of traffic is expected to be transported in calendar year 2015 and in a forecast year beginning April 1, 2015.

Shipments for Energy Solutions in the above table are company traffic. The small volume of traffic for the shippers other than Olin Corporation does not produce revenues

sufficient to offset ES's costs for maintenance of way. All shippers on the Rail Line will continue to be served by ES pursuant to contract. ES understands that Olin will not oppose the proposed abandonment of common carrier rail service.

### **THE STATUTORY STANDARDS FOR EXEMPTION**

It is provided in 49 U.S.C. § 10502(a) as follows:

. . . In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Board under this part, the Board, to the maximum extent consistent with this part, shall exempt a person, class of persons, or a transaction or service whenever the Board finds that the application in whole or in part of a provision of this part—(1) is not necessary to carry out the transportation policy of section 10101 of this title; and (2) either—(A) the transaction or service is of limited scope; or (B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power. . .

The Board is to apply the exemption provision broadly in pursuing exemptions for transportation or service that comply with the standards of the exemption statute. *American Trucking Ass'n v. ICC*, 656 F. 2d 1115, 1119 (5<sup>th</sup> Cir, 1981).

### **THE PROPOSED EXEMPTION SATISFIES THE STATUTORY STANDARDS**

#### **1. The Application Process Of 49 U.S.C. § 10903 Is Not Necessary To Carry Out The Transportation Policy of 49 U.S.C. § 10101.**

Detailed scrutiny of ES's proposed abandonment under 49 U.S.C. § 10903 is not necessary to carry out the rail transportation policy in this case. Inasmuch as ES will continue to provide rail service to shippers on the Rail Line pursuant to contracts in the event of abandonment of common carrier rail service, shippers on the Rail Line are not expected to oppose the proposed abandonment, nor are shippers likely to be adversely affected by the abandonment. *See Norfolk Southern Ry. Co. -- Discontinuance of Service Exemption -- in*

*Clermont, Brown, and Adams Counties, OH 2015 WL 217280 (Docket No. AB-290 (Sub-No. 370X), decision served January 15, 2015).*

An exemption would minimize the administrative expense of the application process; expedite regulatory decisions; reduce regulatory barriers to exit; and provide for the expeditious handling and resolution of proceedings in accordance with rail transportation policies at 49 U.S.C. § 10101(2), (7), and (15) (*Id*). An exemption would also foster sound economic conditions in transportation and encourage honest and efficient management of railroads in accordance with 49 U.S.C. § 10101(5) and (9) by more quickly permitting ES to abandon service as a common carrier, while continuing to provide service as a private carrier by means of contracts (*Id*). Other aspects of the rail transportation policy would not be adversely affected by use of the exemption process (*Id*).

**2. The Application Process Of 49 U.S.C. § 10903 Is Not Necessary To Protect Shippers From Abuse Of Market Power**

Shippers on the Rail Line will continue to be rail-served by ES as a private carrier in the event of abandonment of ES's common carrier rail service. That being the case, it is unlikely that any shipper on the Rail Line will oppose the proposed abandonment. Accordingly, a finding is warranted that the application process of 49 U.S.C. § 10903 is not necessary to protect shippers on the Rail Line from an abuse of market power.

In view of that finding, the Board need not determine whether the proposed abandonment is limited in scope. Nevertheless, the limited scope of the proposed abandonment is evident from the Class III rail carrier status of ES; from the short 7-mile length of the involved Rail Line; and from continued rail service over the Rail Line under contract in the event of abandonment of common carrier rail service.

### **DRAFT FEDERAL REGISTER NOTICE**

As required by C.F.R. § 1152.60(c), a draft Federal Register notice is attached to this Petition as Appendix 2.

### **FEDERALLY GRANTED RIGHT-OF-WAY**

As required by 49 C.F.R. § 1152.60(d), ES states that based on information in ES's possession, the Rail Line does not appear to contain federally-granted right-of-way. Any documentation in ES's possession would be made available promptly to those requesting it.

### **EMPLOYEE PROTECTION**

The customary employee protective conditions in rail abandonments and discontinuances set forth in *Oregon Short Line Railroad -- Abandonment -- Goshen Branch, ID*, 360 ICC 91 (1979), should be imposed as a condition in this proceeding.

### **ENVIRONMENTAL AND HISTORIC EFFECTS**

Attached as Appendix 3 is a copy of a Draft of Environmental and Historic Report that was sent by ES to prescribed agencies on February 25, 2015. Attached as Appendix 4 are copies of comments on that Report submitted by some of those agencies.

### **NEWSPAPER NOTICE**

Attached as Appendix 5 is a copy of notice of the proposed abandonment of common carrier rail service over the Line that is being published in newspapers of general circulation in Anderson and in Roane Counties, Tennessee, simultaneously with the filing of this Petition for Exemption, i.e., The Oak Ridger.

**CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, for the reasons stated, the Board should issue a decision granting an exemption from the application and prior approval process of 49 U.S.C. § 10903 for ES's abandonment of common carrier service over the Rail Line.

Respectfully submitted,

ENERGYSOLUTIONS, LLC  
d.b.a. Heritage Railroad Corporation  
1560 Bear Creek Road  
Oak Ridge, TN 37830

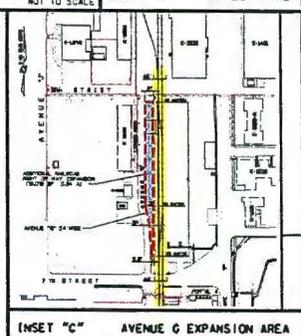
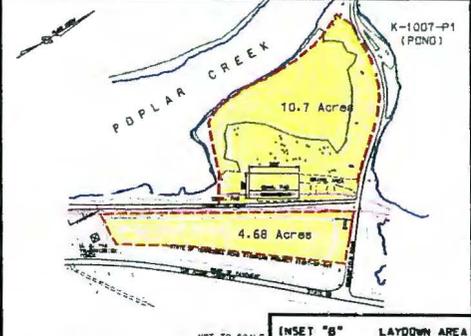
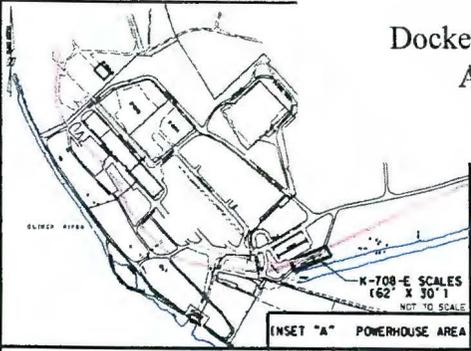
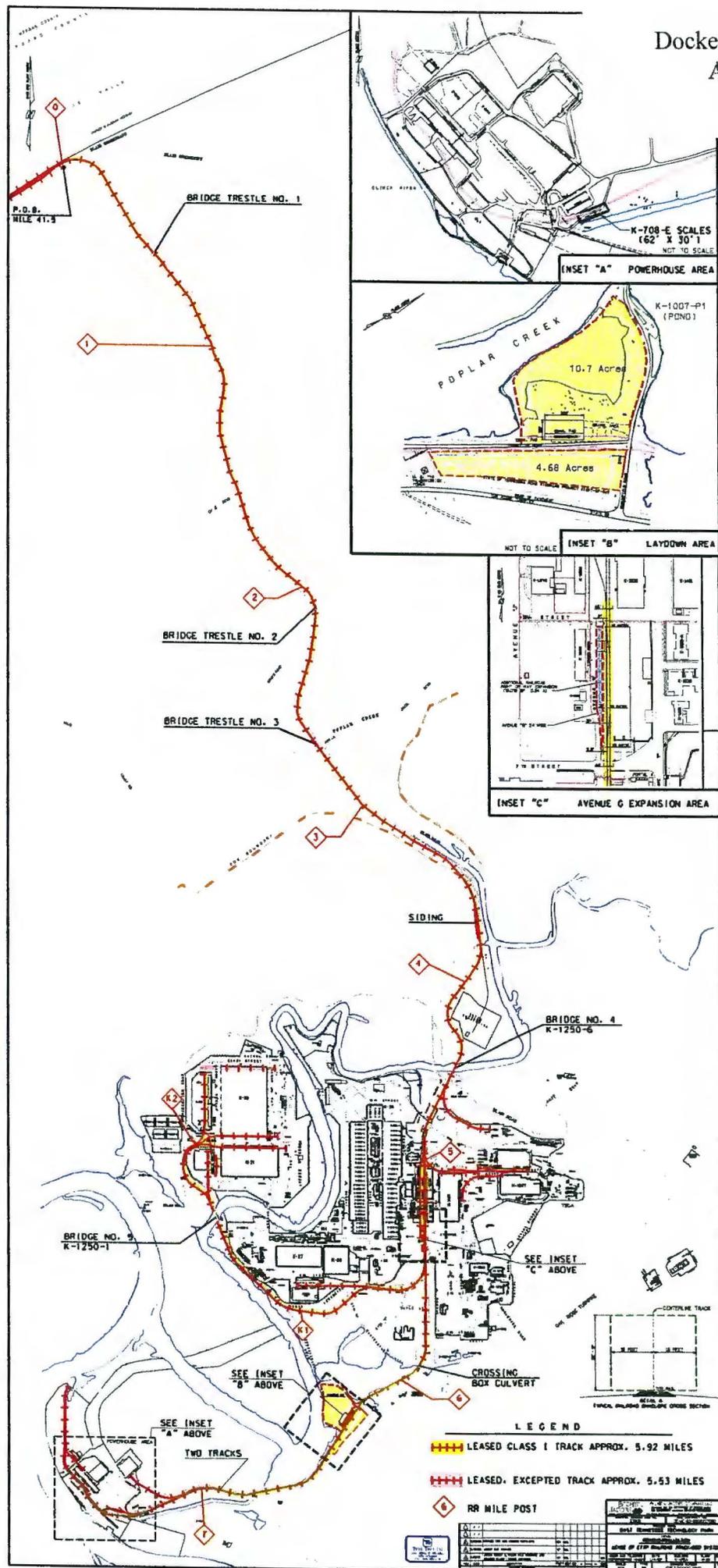
Petitioner



THOMAS F. McFARLAND  
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(312) 236-0204 (office)  
(312) 201-9695 (fax)  
*mcfarland@aol.com*

Attorney for Petitioner

Date Filed: April 3, 2015



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NO.	DESCRIPTION	DATE	BY
1	PREPARED BY		
2	DESIGNED BY		
3	CHECKED BY		
4	APPROVED BY		
5	DATE OF PREPARATION		
6	SCALE		
7	PROJECT NO.		
8	PROJECT NAME		
9	PROJECT LOCATION		
10	PROJECT STATUS		

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423

STB Docket No. 1128X

---

**ENERGYSOLUTIONS, LLC,  
d.b.a. HERITAGE RAILROAD CORPORATION --  
ABANDONMENT EXEMPTION --  
RAIL LINE OF UNITED STATES  
DEPARTMENT OF ENERGY  
IN ANDERSON AND ROANE COUNTIES, TN**

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**FEDERAL REGISTER NOTICE**

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On April 3, 2015, *ENERGYSOLUTIONS, LLC* (ES), d.b.a. HERITAGE RAILROAD CORPORATION filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the Blair-Oak Ridge Line, extending from a point of connection to Norfolk Southern Railway (NS) at or near Blair, TN (Milepost 0.0) and the end of track at East Tennessee Technology Center at or near Oak Ridge, TN (Milepost 7.0) including approximately three miles of spur tracks in Anderson and Roane Counties, TN which traverses through United States Postal Zip Codes 37830 & 37190. The line for which the abandonment exemption request was filed includes the stations of Blair, TN (Milepost 0.0) and Oak Ridge, TN (Milepost 7.0).

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by 49 U.S.C. § 10903.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at

49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA may contact the Office of Environmental Analysis. EA's in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LA SALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

February 25, 2015

**Natural Resources Conservation Service:**

Natural Resources Conservation Service  
675 US Courthouse 801 Broadway  
Nashville, TN 37203

**Tennessee Historical Preservation Office:**

Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, TN 37243-0442

**U.S. Fish & Wildlife Service:**

U.S. Fish & Wildlife Service - Region 4  
1875 Century Boulevard  
Suite 400  
Atlanta, GA 30345

**Tennessee State Clearinghouse:**

Tennessee State Planning Office  
500 Charlotte Avenue  
309 John Sevier Building  
Nashville, TN 37219

**Tennessee Environmental Protection Agency:**

Tennessee Dept. of Environment & Conservation  
401 Church Street L&C Annex, 1<sup>st</sup> fl.  
Nashville, TN 37243-0435

**Tennessee Pollution Control Agency:**

Tennessee Pollution Control Agency  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 15<sup>th</sup> fl.  
Nashville, TN 37243

**Tennessee Department of Transportation:**

Tennessee Department of Transportation  
James K. Polk Building, Suite 700  
505 Deaderick Street  
Nashville, TN 37243-0349

**National Park Service:**

National Park Service  
Mr. John Jarvis, Director  
1849 C Street, N.W., #MS3540  
Washington, DC 20240

**U.S. Army Corps of Engineers**

U.S. Army Corps of Engineers  
110 9<sup>th</sup> Avenue South  
Nashville, TN 37203-3863

**Environmental Protection Agency**  
**(regional office):**

U.S. Environmental Protection Agency  
Region 4, Sam Nunn Atlanta  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

**National Oceanic & Atmospheric Admin.:**

National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

**City Planner:**

Ms. Diana R. Stanley  
City Clerk  
City of Oak Ridge, TN  
200 South Tulane Avenue  
P.O. Box 1  
Oak Ridge, TN 37831

**County Commissioners:**

Roane County Commissioners  
200 E. Race Street  
Kingston, TN 37763

**County Commissioners:**

Anderson County Board of Commissioners  
100 North Main Street  
Room 118  
Clinton, TN 37716

**National Park Service (SW region):**

Mr. Stan Austin, Regional Director  
National Park Service  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Re: STB Docket No. AB-1128X, *Energy Solutions, LLC, d.b.a. Heritage Railroad Corporation -- Discontinuance of Service Exemption -- in Anderson and Roane Counties, TN*

THOMAS F. MCFARLAND

February 25, 2015

Page 2

Dear Agency or Governmental Representative:

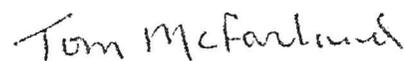
On or about April 1, 2015, EnergySolutions, LLC, d.b.a. Heritage Railroad Corporation (ES) intends to file a Petition for Exemption for discontinuance of its common carrier rail service over a rail line that extends from a point of connection with a rail line of Norfolk Southern Railway Company (NS) at Blair, TN to the end of track at or near Milepost 7.0 at or near Oak Ridge, TN, a distance of approximately 7 miles in Anderson and Roane Counties, TN, plus approximately 3 miles of spur tracks that extend from that rail line. ES proposes to continue to operate the rail line, but as a private carrier transporting shipments pursuant to contracts.

Attached is an Environmental and Historic Report describing the proposed action and any expected environment and historic effects, as well as a map of the affected area.

This Report is being provided so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423, 202-565-6211 and refer to the above Docket No. AB-1128X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204 (office), (312) 201-9695 (fax), [mcfarland@aol.com](mailto:mcfarland@aol.com).

Very truly yours,



Thomas F. McFarland

*TMcF:kl:enc:\1635\lrdehr*

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

ENERGYSOLUTIONS, LLC, d.b.a. )  
HERITAGE RAILROAD CORPORATION )  
-- DISCONTINUANCE OF SERVICE ) DOCKET NO. AB-1128X  
EXEMPTION -- IN ANDERSON AND )  
ROANE COUNTIES, TN )

---

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

---

ENERGYSOLUTIONS, LLC  
d.b.a. Heritage Railroad Corporation  
1560 Bear Creek Road  
Oak Ridge, TN 37830

Petitioner

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204 (office)  
(312) 201-9695 (fax)  
*mcfarland@aol.com*

Attorney for Petitioner

Date Submitted: February 25, 2015

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

ENERGYSOLUTIONS, LLC, d.b.a.	)	
HERITAGE RAILROAD CORPORATION	)	
-- DISCONTINUANCE OF SERVICE	)	DOCKET NO. AB-1128X
EXEMPTION -- IN ANDERSON AND	)	
ROANE COUNTIES, TN	)	

---

**DRAFT ENVIRONMENTAL AND HISTORIC REPORT**

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Pursuant to 49 C.F.R. § 1105.7 and 1105.8, *ENERGYSOLUTIONS, LLC, d.b.a. Heritage Railroad Corporation (ES)* hereby files this Draft Environmental and Historic Report.

When a rail carrier who has been authorized by the United States Surface Transportation Board (STB) to provide rail transportation of interstate shipments intends to discontinue common carrier rail service, regulations of the STB require that the rail carrier prepare a Draft Environmental and Historic Report identifying any anticipated adverse environmental and historic effects of the discontinuance, and to provide the Draft Report for review and comment by potentially affected federal, state, and local agencies.

This is the Draft Report required by those regulations. The Report relates to a rail line that extends from a point of connection to a rail line of Norfolk Southern Railway Company (NS) at Blair, TN to the end of track at or near Milepost 7.0 at or near Oak Ridge, TN, a distance of approximately 7 miles in Anderson and Roane Counties, TN, plus approximately 3 miles of spur tracks that extend from that rail line. That rail line will be referred to in this Draft Report as the Blair-Oak Ridge Line. That rail line is owned by the United States Department of Energy (DOE) and is operated by ES as a rail common carrier. ES proposes to discontinue operation

over the Blair-Oak Ridge Line as a rail common carrier, but continue to operate the Line as a private rail carrier, providing rail service to shippers on the Line pursuant to contracts. That proposed conversion from common carriage to private carriage requires authority or an exemption from the STB.

A Draft Environmental Report is followed by a Draft Historic Report. Attached as Appendix 1 is a map of the Blair-Oak Ridge Line.

Each agency receiving a copy of the Draft Environmental and Historic Report is respectfully requested to provide any pertinent comments on the Report as soon as possible, with a copy to counsel for ES at the address shown on the cover page.

The following information is required by STB regulations:

**I. Environmental Report - 49 C.F.R. § 1105.7(e)**

*(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

ES is using the Blair-Oak Ridge Rail Line to transport low-level radioactive materials and wastes for itself and, as a rail common carrier, for other shippers such as Olin Corporation (OLN) and Greenfield Logistics. The proposed action is discontinuance of ES's operation over the line as a rail common carrier. It is important to keep in mind, however, that ES would continue to provide rail service over the Line as a private carrier, contracting with shippers for rail transportation. Thus, if the STB were to grant ES's Petition for Exemption of the discontinuance of common carrier rail service, the track materials in the Line would remain in place, and ES would continue to operate over the Line as a private rail carrier. ES would

continue to transport its own low-level radioactive materials and wastes, and would contract to transport commodities for other shippers. That being the case, there would be little or no adverse environmental or historic effect as a result of the proposed discontinuance because rail operations over the line would continue; and there would be no disruption of the environment resulting from removal of track materials.

There is no reasonable alternative to the proposed discontinuance because in order to operate the line as a private rail carrier, ES must be relieved from its obligation as a rail common carrier by means of discontinuance of its service as a common carrier.

*(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

The proposed discontinuance will have no effect on regional or local transportation systems and patterns because rail operations over the line would continue. It is unlikely that there would be diversion of rail traffic to other modes.

*(3) Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

The proposed discontinuance will not be inconsistent with local or regional land use plans. Rail traffic would continue to be transported over the line. In accordance with the requirements of this regulation, ES is consulting by letter with the planning agencies of the City of Oak Ridge, TN and Anderson and Roane Counties, TN. See letter attached as Appendix 2. Any responses would be provided to the STB's Office of Environmental Analysis (OEA).

*(3)(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

Rail operations would continue over the line. Therefore, the proposed discontinuance would not have any effect on prime agricultural land. In accordance with this regulation, ES is consulting by letter with the Natural Resources Conservation Service, formerly known as the U.S. Soil Conservation Service (Appendix 2 hereto). Any response will be furnished to OEA.

*(3)(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

The proposed discontinuance does not affect land or water uses in a designated coastal zone.

*(3) (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

The right-of-way would not be suitable for alternative public use because it would continue to be operated as a rail line.

*(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.*

The proposed discontinuance will have no effect on transportation of energy resources.

*(4)(ii) Describe the effect of the proposed action on recyclable commodities.*

The proposed discontinuance will have no effect on recyclable commodities.

*(4)(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

The proposed discontinuance will have no effect on overall energy efficiency.

*(4)(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.*

Not applicable

*(5)Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross tons miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by car load activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.*

Not applicable

*(5)(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross tons miles annually) or an increase of at least three trains a day on any segment of the rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity). or (C) An average increase in truck traffic of more than 10 per cent of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.*

Not applicable

*(5)(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

Not applicable

*(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more;*

Not applicable

*(6)(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not applicable

*(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

The proposed discontinuance will have no effect on public health and safety.

*(7)(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accident release of hazardous materials.*

1. Hazardous materials that will continue to be transported are potassium hydroxide solution and sodium hydroxide solution.
2. Approximately 250 carloads per year of such hazardous materials will continue to be transported.
3. Hazardous materials will continue to be transported approximately five times per week.
4. There are no chemicals that, if mixed, could react to form more hazardous compounds.
5. Safety practices regarding continuing transportation of such hazardous materials are identified in the Heritage Rail Safety Plan.
6. There have been no derailments, accidents or spills in the six years of ES's operation of the Blair-Oak Ridge rail line.
7. The Heritage Rail Safety Plan is the contingency plan to deal with any accidental spill.

*(7)(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.*

There are no such spills, to ES's knowledge.

*(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

The proposed discontinuance would not adversely affect endangered or threatened species or areas designated as critical habitat. In accordance with this regulation, ES is consulting by letter with the U.S. Fish and Wildlife Service (Appendix 2). Any response will be furnished to OEA.

*(8)(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

The proposed discontinuance would not affect wildlife sanctuaries or refuges, nor National or state parks or forests.

*(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

The proposed discontinuance will be consistent with applicable Federal, State or local water quality standards. In accordance with this regulation, ES is consulting by letter with Tennessee water quality officials (Appendix 2). Any response will be furnished to OEA.

*(9)(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether designated wetlands or 100-year flood plains will be affected. Describe the effects.*

Permits under section 404 of the Clean Water Act are not required for the proposed discontinuance. The proposed discontinuance will not affect any designated wetlands or 100-

year flood plains. In accordance with this regulation, ES is consulting by letter with the U.S. Army Corps of Engineers (Appendix 2). Any response will be furnished to OEA.

*(9)(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

Permits under section 402 of the Clean Water Act are not required for the proposed discontinuance. In accordance with this regulation, ES is consulting by letter with the U.S. Environmental Protection Agency (Appendix 2). Any response will be furnished to OEA.

*(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

Not applicable

## **II. Historic Report**

ES hereby submits the following information required by 49 C.F.R. § 1105.8(d):

*(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older are part of the proposed action;*

The required topographic map is attached to this Report as Appendix 3.

*(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;*

The right-of-way involved is generally 100 feet wide and approximately 7.0 miles long, plus approximately 3 miles of spur tracks. It extends generally through rural terrain, including some forested areas.

*(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;*

Attached to this Report as Appendix 4 are photographs of the four railroad bridges on the rail line.

*(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;*

The bridges were constructed in 1943 when the rail line was constructed.

*(5) A brief narrative story of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;*

In 1943, the United State Army Corps of Engineers constructed the rail line from point of connection to a rail line of Norfolk Southern Railway Company (NS) at Blair, an unincorporated community in Roane County, TN, approximately seven miles south to the Manhattan Project site of the K-25 uranium enrichment complex near Oak Ridge, TN, including numerous spur tracks extending from that line. The Manhattan Project was the massive American, British, and Canadian operation that developed the atomic bomb. Through the World War II years and beyond, thousands of carloads of materials were moved to and from the Project Site. The Project Site, including the rail easement property and bridges, is currently owned by DOE.

In 2003, HRC leased the rail line from the DOE and began to operate that line. *See 2003 STB LEXIS 422, Heritage Railroad Corp. -- Lease & Oper. Exempt. -- Rail Line of United States Department of Energy (STB Finance Docket No. 34372, decision served July 23, 2003).*

In 2009, ES acquired an easement from DOE to operate the line. *2009 WL 2824760, Energy Solutions, LLC, d.b.a. Heritage Railroad Corp. -- Acq. & Oper. Exempt. -- Heritage Railroad Corp. (STB Finance Docket No. 35288, decision served September 3, 2009).*

ES uses the rail line to transport low-level radioactive materials and wastes from the East Tennessee Technology Center at the Oak Ridge site for safe disposal at points off the line. Currently, ES holds itself out to transport freight for customers generally as a rail common carrier. If the proposed discontinuance were to be authorized, ES would transport commodities as a private carrier, providing transportation over the line by means of contracts with shippers.

*(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

No such documents are in ES's possession.

*(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic preservation Office, local historical societies or universities);*

It is opinion of ES, it is likely that the Manhattan Project site near Oak Ridge, TN meets the criteria for listing in the National Register of Historic Places. It is also ES's opinion that the proposed discontinuance will not have an adverse effect on that Project site because rail operations will continue over the line unchanged, the only difference being that ES will operate as a private rail carrier rather than as a rail common carrier.

It is unlikely that there are archeological resources or any other previously unknown historic properties in the project area.

In accordance with this regulation, ES is consulting by letter with the Tennessee Historic Preservation Office (*see* Appendix 2). Any response will be provided to OEA.

*(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill,*

*environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

ES has no knowledge of any prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

ENERGYSOLUTIONS, LLC  
d.b.a. Heritage Railroad Corporation  
1560 Bear Creek Road  
Oak Ridge, TN 37830

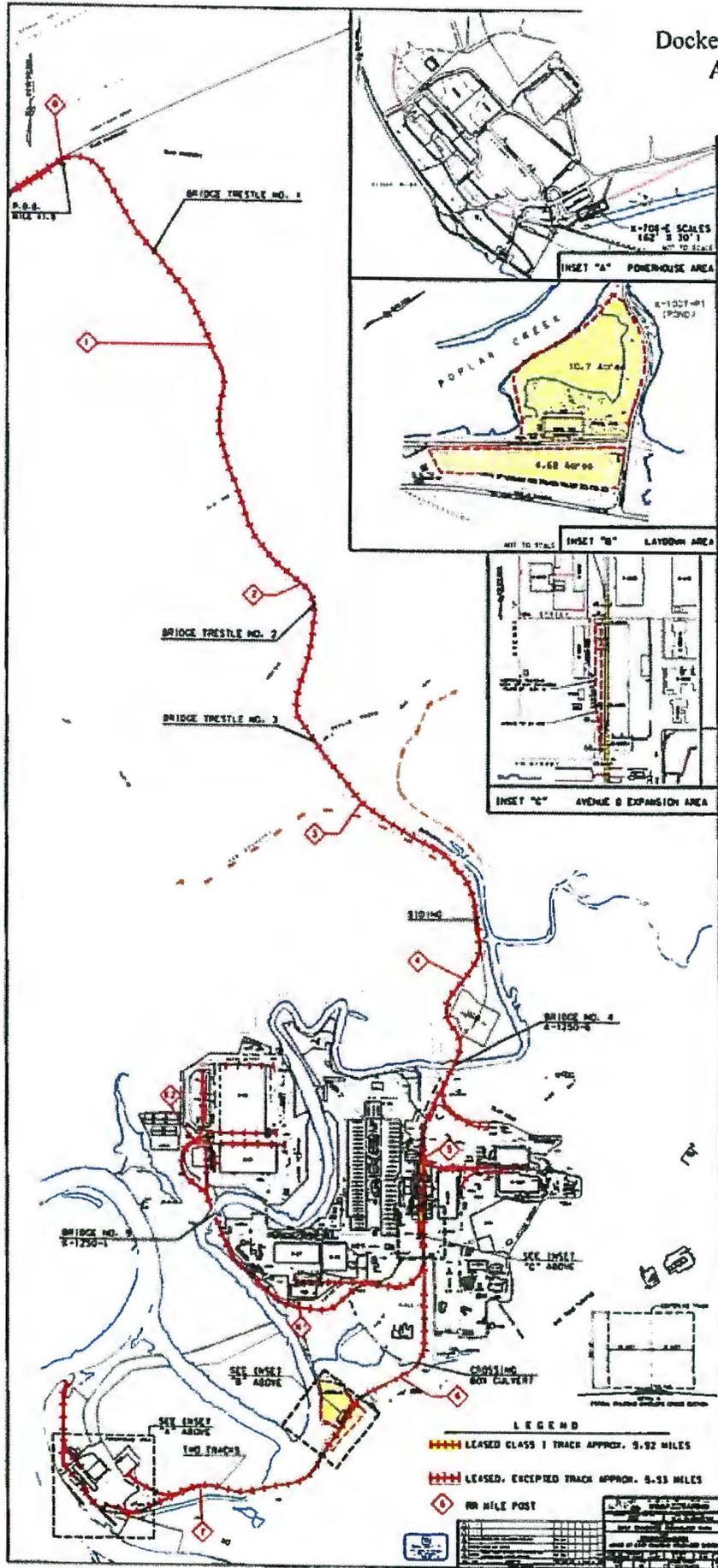
Petitioner

*Thomas F. McFarland*

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204 (office)  
(312) 201-9695 (fax)  
[mcfarland@aol.com](mailto:mcfarland@aol.com)

Attorney for Petitioner

Date Submitted: February 25, 2015



LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
mcfarland@aol.com

THOMAS F. MCFARLAND

February 25, 2015

Natural Resources Conservation Service:

Natural Resources Conservation Service  
675 US Courthouse 801 Broadway  
Nashville, TN 37203

Tennessee Historical Preservation Office:

Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, TN 37243-0442

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Region 4  
1875 Century Boulevard  
Suite 400  
Atlanta, GA 30345

Tennessee State Clearinghouse:

Tennessee State Planning Office  
500 Charlotte Avenue  
309 John Sevier Building  
Nashville, TN 37219

Tennessee Environmental Protection Agency:

Tennessee Dept. of Environment & Conservation  
401 Church Street L&C Annex, 1<sup>st</sup> fl.  
Nashville, TN 37243-0435

Tennessee Pollution Control Agency:

Tennessee Pollution Control Agency  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 15<sup>th</sup> fl.  
Nashville, TN 37243

Tennessee Department of Transportation:

Tennessee Department of Transportation  
James K. Polk Building, Suite 700  
505 Deaderick Street  
Nashville, TN 37243-0349

National Park Service:

National Park Service  
Mr. John Jarvis, Director  
1849 C Street, N.W., #MS3540  
Washington, DC 20240

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
110 9<sup>th</sup> Avenue South  
Nashville, TN 37203-3863

Environmental Protection Agency  
(regional office):

U.S. Environmental Protection Agency  
Region 4, Sam Nunn Atlanta  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

National Oceanic & Atmospheric Admin.:

National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

City Planner:

Ms. Diana R. Stanley  
City Clerk  
City of Oak Ridge, TN  
200 South Tulane Avenue  
P.O. Box 1  
Oak Ridge, TN 37831

County Commissioners:

Roane County Commissioners  
200 E. Race Street  
Kingston, TN 37763

County Commissioners:

Anderson County Board of Commissioners  
100 North Main Street  
Room 118  
Clinton, TN 37716

National Park Service (SW region):

Mr. Stan Austin, Regional Director  
National Park Service  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Re: STB Docket No. AB-1128X, *Energy Solutions, LLC, d.b.a. Heritage Railroad Corporation -- Discontinuance of Service Exemption -- in Anderson and Roane Counties, TN*

THOMAS F. MCFARLAND

February 25, 2015

Page 2

Dear Agency or Governmental Representative:

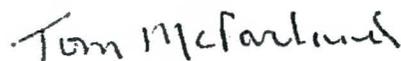
On or about April 1, 2015, EnergySolutions, LLC, d.b.a. Heritage Railroad Corporation (ES) intends to file a Petition for Exemption for discontinuance of its common carrier rail service over a rail line that extends from a point of connection with a rail line of Norfolk Southern Railway Company (NS) at Blair, TN to the end of track at or near Milepost 7.0 at or near Oak Ridge, TN, a distance of approximately 7 miles in Anderson and Roane Counties, TN, plus approximately 3 miles of spur tracks that extend from that rail line. ES proposes to continue to operate the rail line, but as a private carrier transporting shipments pursuant to contracts.

Attached is an Environmental and Historic Report describing the proposed action and any expected environment and historic effects, as well as a map of the affected area.

This Report is being provided so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423, 202-565-6211 and refer to the above Docket No. AB-1128X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

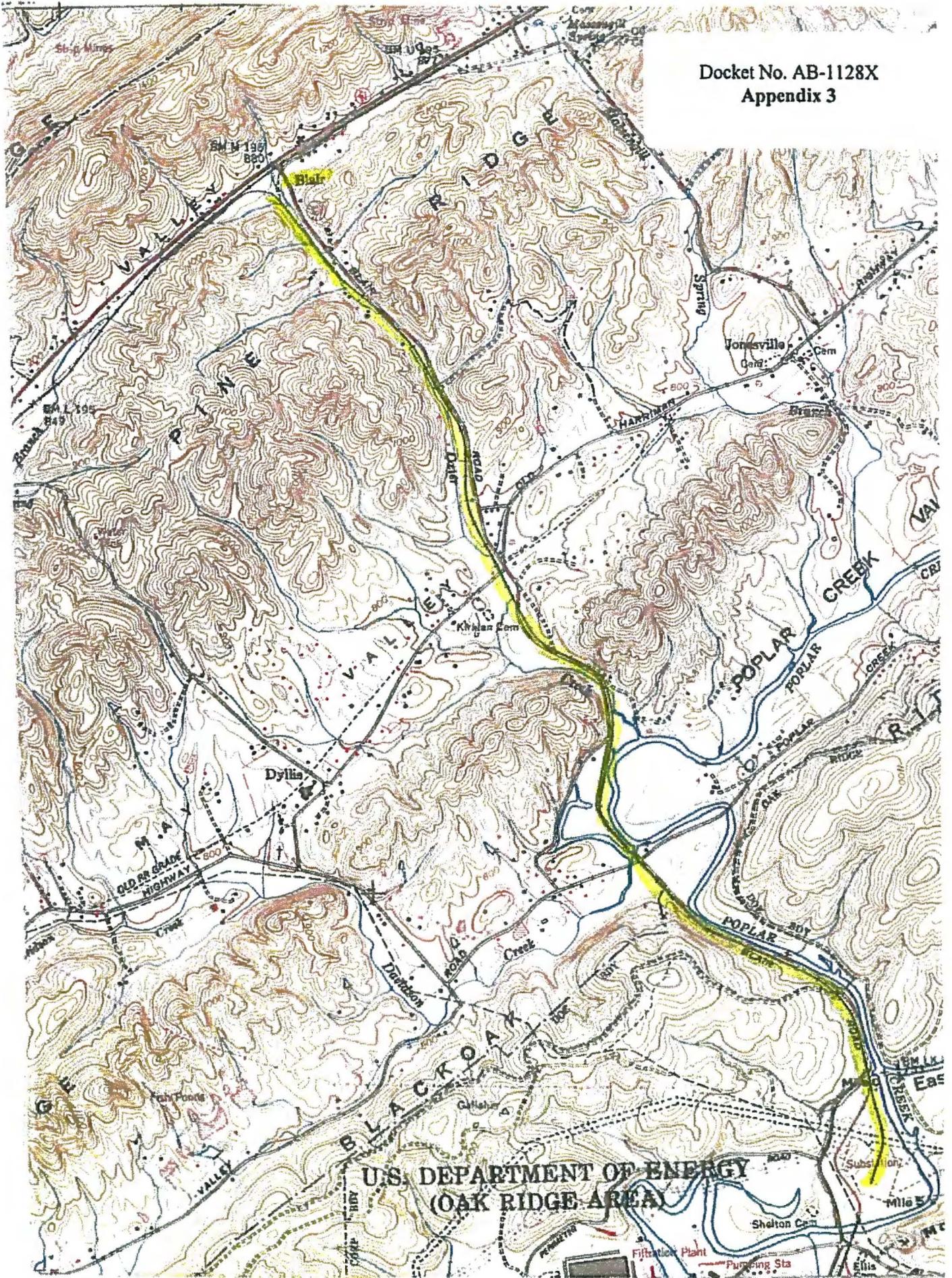
Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204 (office), (312) 201-9695 (fax), [mcfarland@aol.com](mailto:mcfarland@aol.com).

Very truly yours,



Thomas F. McFarland

Docket No. AB-1128X  
Appendix 3



# Heritage Railroad

## 2014 Annual Bridge Inspection Reports



Crouch Engineering, P.C.  
428 Wilson Pike Circle  
Brentwood, Tennessee 37027  
Phone: 615.791.0630 Fax: 615.791.8451  
[www.crouchengineering.com](http://www.crouchengineering.com)



engineering p.c.



engineering p.c.

## Photographs

Bridge No.

1

Date: February 20, 2014

Section: 1 of 1

Milepost: 0.48

Photograph 1 - Looking Northwest



Photograph 2 - Looking West





engineering p.c.

## Photographs

Bridge No.

1

Date: February 20, 2014

Section: 1 of 1

Milepost: 0.48

Photograph 3 - Looking Northeast



Photograph 4 - Bent 1 Deteriorated Cap





# Photographs

Bridge No.  
2

Date: February 20, 2014    Section: 1 of 1    Milepost: 2 09

Photograph 1 - Looking South



Photograph 2 - Looking South





engineering p.c.

## Photographs

Bridge No.

2

Date: February 20, 2014

Section: 1 of 1

Milepost: 2.09

Photograph 3 - Looking North



Photograph 4 - Looking North





# Photographs

Bridge No.  
3

Date: February 20, 2014    Section: 1 of 3    Milepost: 2.68

Photograph 1 - Looking Southeast



Photograph 2 - Looking East





engineering p.c.

## Photographs

Bridge No.

3

Date: February 20, 2014    Section: 2 of 3    Milepost: 2.68

Photograph 1 - Looking East



Photograph 2 - Looking Northwest





# Photographs

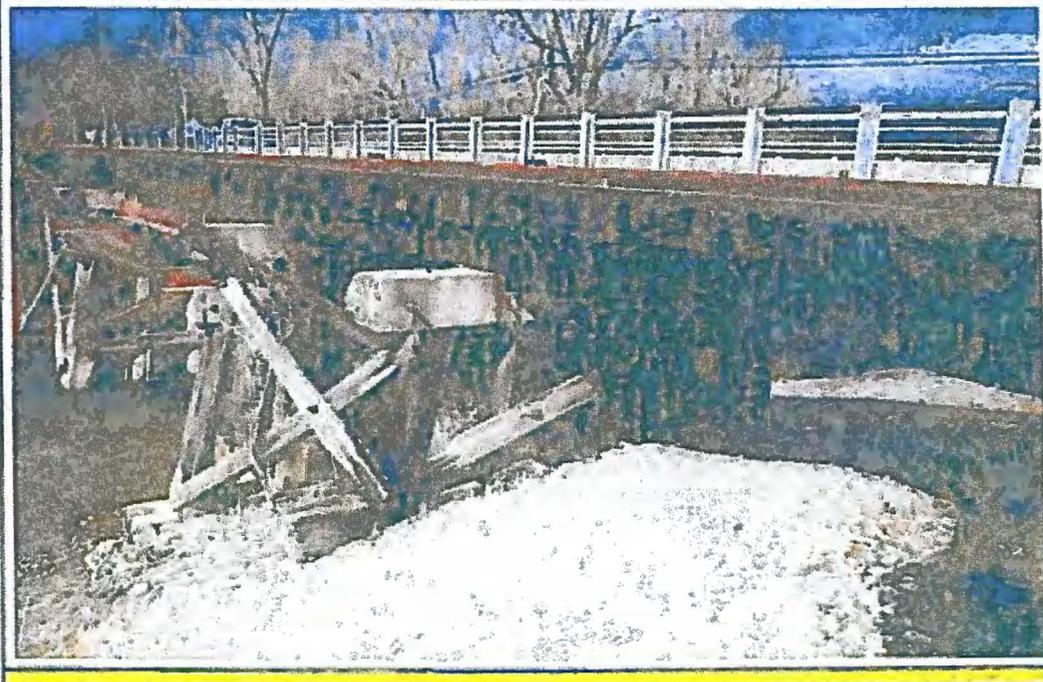
Bridge No.  
3

Date: February 20, 2014    Section: 3 of 3    Milepost: 2.68

Photograph 1 - Looking Northwest



Photograph 2 - Looking North





engineering p.c.

# Photographs

Bridge No.

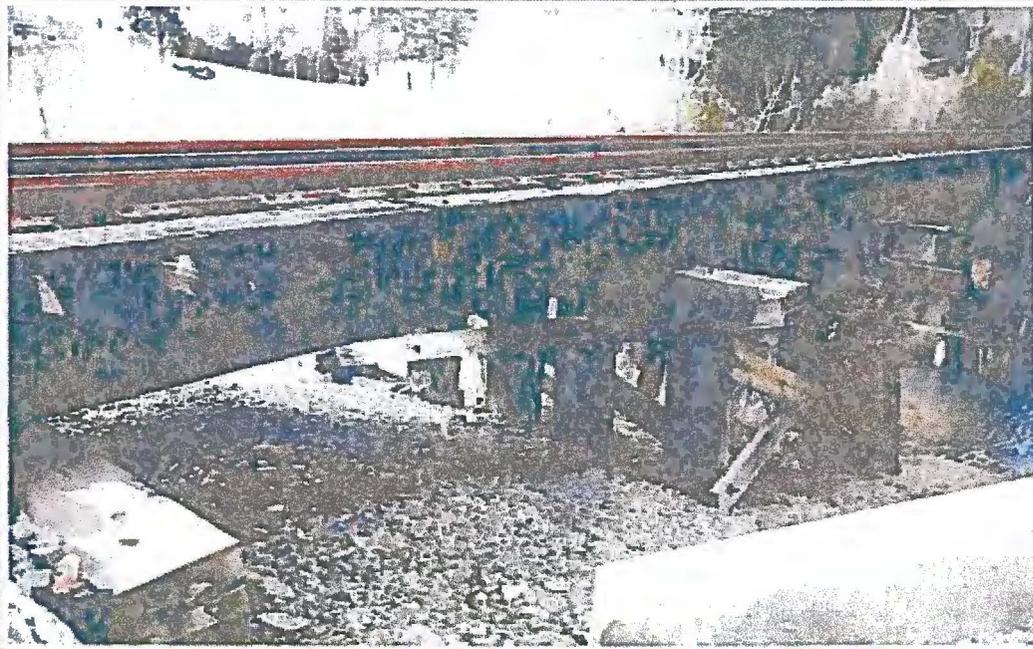
3

Date: February 20, 2014

Section: 3 of 3

Milepost: 2.68

Photograph 3 - Looking West



Photograph 4 - South Backwall





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## Photographs

Bridge No.

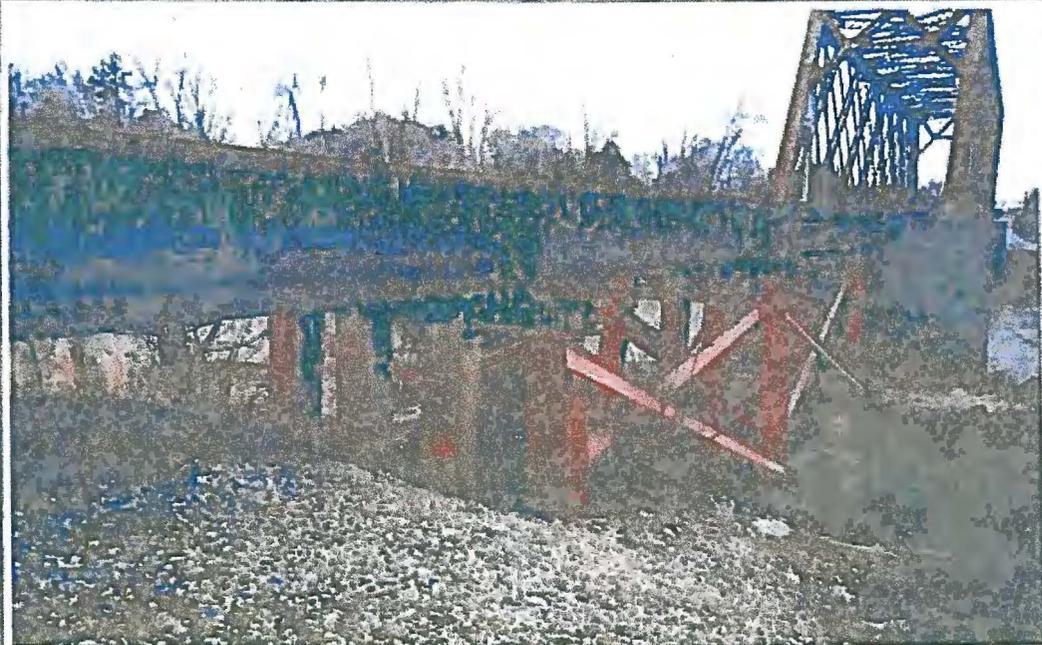
4

Date: February 20, 2014    Section: 1 of 3    Milepost: 4.29

Photograph 1 - Looking South



Photograph 2 - Looking South





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## Photographs

Bridge No.

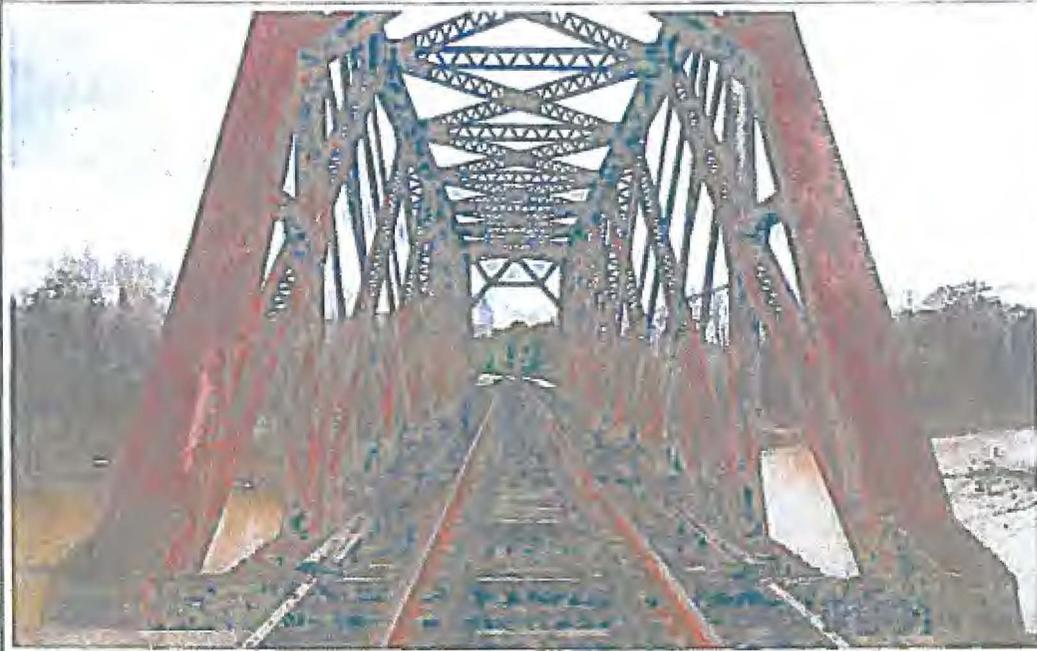
4

Date: February 20, 2014

Section: 2 of 3

Milepost: 4.29

Photograph 1 - Looking North



Photograph 2 - Deteriorated Gusset Plate





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## Photographs

Bridge No.

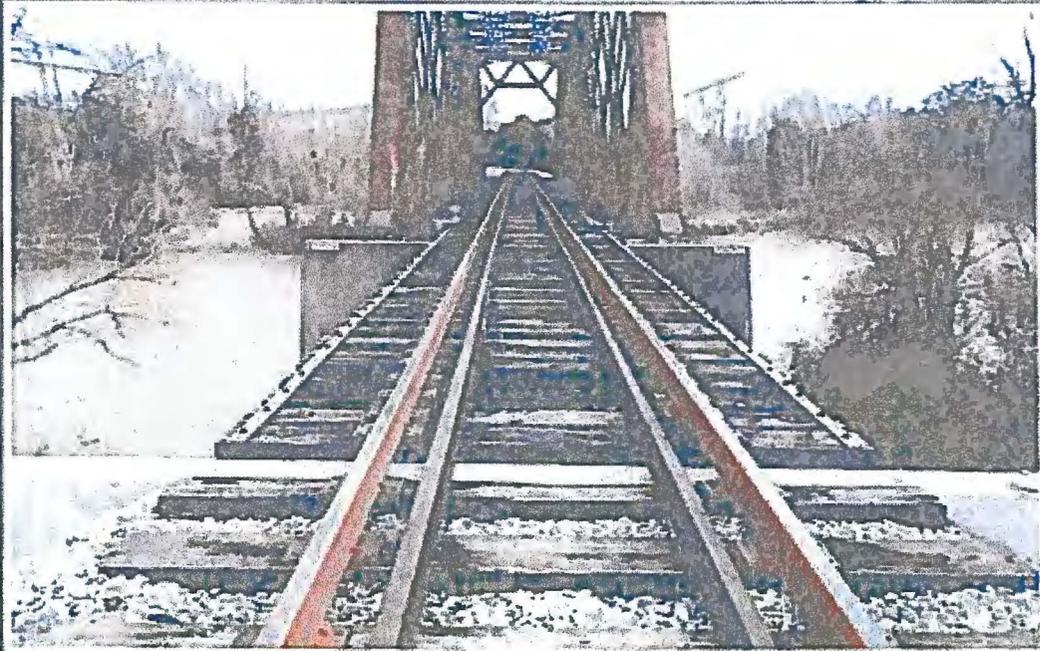
4

Date: February 20, 2014

Section: 3 of 3

Milepost: 4.29

Photograph 1 - Looking North



Photograph 2 - Ties Not Secured to Tie Spacer





engineering p.c.

## Photographs

Bridge No.

5

Date: February 20, 2014

Section: 1 of 1

Milepost: 105 K

Photograph 1 - Looking Northwest



Photograph 2 - Looking Northwest





engineering p.c.

# Photographs

Bridge No.  
5

Date: February 20, 2014    Section: 1 of 1    Milepost: 1.05 K

Photograph 3 - Looking Southeast



Photograph 4 - Looking Southeast





TENNESSEE HISTORICAL COMMISSION

STATE HISTORIC PRESERVATION OFFICE

2941 LEBANON ROAD

NASHVILLE, TENNESSEE 37214

OFFICE: (615) 532-1550

[www.tnhistoricalcommission.org](http://www.tnhistoricalcommission.org)

March 25, 2015

Mr. Thomas F. McFarland  
Thomas F. McFarland, Inc.  
208 S. LaSalle St./1890  
Chicago, Illinois, 60604-1112

RE: STB, ABANDONMENT/HERITAGE RAIL LINE, ROANE, ANDERSON COUNTY

Dear Mr. McFarland:

In response to your request, received on Monday, March 2, 2015, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

Considering available information, we find that the project as currently proposed MAY ADVERSELY AFFECT PROPERTIES THAT ARE ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. You should now begin immediate consultation with our office. Please direct questions and comments to Joe Garrison (615) 770-1092.

Sincerely,

E. Patrick McIntyre, Jr.  
Executive Director and  
State Historic Preservation Officer

EPM/jyg



Natural Resources Conservation Service  
675 U.S. Courthouse  
801 Broadway  
Nashville, Tennessee 37203

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March 19, 2015

Thomas F. McFarland, PC  
208 South LaSalle Street - Suite 1890  
Chicago, Illinois 60604

Dear Mr. McFarland:

We received your request for concerns we might have about any agricultural or environmental impacts of a project to abandon a Norfolk Southern rail line at Blair, TN to the end of track at or near Milepost 7.0 near Oak Ridge, TN, including several miles of spur tracks off that line.

NRCS has responsibility for implementing the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact that Federal programs have on the conversion of farmland to nonagricultural uses. When locations and all possible alternates have been established for this project, a CPA-106 form should be initiated by the responsible agency and submitted to this office. NRCS will then supply a farmland conversion impact rating. More information about FPPA can be found at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>.

In most cases however, an FPPA Assessment will not be required for modifications to existing structures, for land that is already in or committed to urban uses (commonly identified as having density of 30 or more structures per 40-acre area), for land within an existing right-of-way purchased on or before August 4, 1984, for corridor projects less than 10 acres in 1 mile where an approved LESA system is in place, for corridor subsurface projects such as buried water, sewage, and/or electrical lines which will develop a soil disturbance/removal and reconstruction plan for all agricultural land uses, for land used for water storage, or for other projects that do not irreversibly convert prime farmland to non-agricultural uses. Land use zoning for non-agricultural use in itself, or current ownership however are not exemptions under FPPA.

It appears from the project description and location information you sent that the project is entirely modifications to existing structures which would not convert farmland. As such, the project appears to meet exemptions for FPPA. If the Federal agency that is assisting you with this project agrees, an FPPA Assessment would not be required for this project

-- MORE --

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

I will forward this correspondence on to the Tennessee NRCS NEPA coordinator in case he might want to comment on other environmental aspects of your project.

Our soil survey information can also be found online at <http://websoilsurvey.nrcs.usda.gov>. This website will provide you with all of our most current soil survey data and interpretations, including prime farmland and hydric soils.

Please feel free to call me at (615) 277-2550, or e-mail me at [doug.slabaugh@tn.usda.gov](mailto:doug.slabaugh@tn.usda.gov), if you have questions about this request, or if you need assistance with accessing our soils information on the web and any other needs that may arise for Tennessee Soil Survey products or information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Douglas Slabaugh". The signature is fluid and cursive, with a large initial "J" and "S".

J. DOUGLAS SLABAUGH, State Soil Scientist

Cc.

Frank Sagona, Tennessee NRCS State NEPA Coordinator, Chattanooga, TN  
Carroll Chandler, Tennessee NRCS State Resource Conservationist, Nashville, TN

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423

STB Docket No. AB-1128X

**ENERGYSOLUTIONS, LLC,  
d.b.a. HERITAGE RAILROAD CORPORATION --  
ABANDONMENT EXEMPTION --  
RAIL LINE OF UNITED STATES  
DEPARTMENT OF ENERGY  
IN ANDERSON AND ROANE COUNTIES, TN**

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**

ENERGY SOLUTIONS, LLC (ES), d.b.a. HERITAGE RAILROAD CORPORATION gives notice that on or about April 3, 2015, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Petition for Exemption under 49 USC § 10502(a) and 49 CFR § 1152.60 permitting the abandonment of an approximately seven mile rail line between a point of connection to Norfolk Southern Railway (NS) at or near Blair, TN (Milepost 0.0) and the end of track at East Tennessee Technology Center at or near Oak Ridge, TN (Milepost 7.0) including approximately three miles of spur tracks in Anderson and Roane Counties, TN which traverses through United States Postal Zip Codes 37830 & 37190. The proceeding is docketed as STB Docket No. AB-1128X, *EnergySolutions, LLC, d.b.a. Heritage Railroad Corporation -- Abandonment Exemption -- Rail Line of United States Department of Energy in Anderson and Roane Counties, TN.*

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [*See* 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative, [*See* 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, phone 312-236-0204.

**CERTIFICATE OF SERVICE**

As required by 49 C.F.R. § 1152.60(d), ES hereby certifies that a copy of this Petition for Exemption was sent to the following by first-class U.S. mail on April 2, 2015:

Tennessee Department of Transportation  
James K. Polk Building, Suite 700  
505 Deaderick Street  
Nashville, TN 37243-0349

United States Department of Defense,  
Military Traffic Management Command  
Transportation Engineering Agency,  
Railroads Defense Program  
1400 Defense Pentagon  
Washington, DC 20301-1400

National Park Service  
Mr. John Jarvis, Director  
1849 C Street, N.W., #MS3540  
Washington, DC 20240

United States Department of Agriculture  
Chief of the Forest Service  
200 W.T. Weaver Road  
Asheville, NC 28804

*Thomas F. McFarland*

---

Thomas F. McFarland