



**Department of Energy**  
Washington, DC 20585

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September 26, 2013

Chairman Daniel R. Elliott III  
Office of Chairman  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20420-0001

ENTERED  
Office of Proceedings

SEP 26 2013

Part of  
Public Record

RE: Docket Nos. 38302S and 38376S

Dear Chairman Elliott:

The August 19, 2013, decision in these dockets (served August 26, 2013, and effective on September 25, 2013), approved the Government's settlement agreement with BNSF Railway Company ("BNSF"), and held that these proceedings would continue to be held in abeyance, with the Government filing quarterly reports on the progress of settlement negotiations. That order followed a prior order in these proceedings entered July 27, 2005 (served August 2, 2005, and effective September 1, 2005), approving the Government's settlement agreement with Union Pacific Railroad Company.

This report updates our most recent report of June 28, 2013. In addition to noting the Board's recent approval of the Government's settlement with BNSF, we continue efforts toward a settlement and finalized settlement documents with Norfolk Southern Railway Company. We will file a further report by the end of December 2013.

Sincerely,

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cc: Vice Chairman Ann D. Begeman  
Board Member Francis P. Mulvey  
Attached Service List



CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2013, copies of the foregoing document were served by prepaid first-class mail on counsel for the major carrier parties of record and counsel for other parties participating in related proceedings by mailing copies to the following:

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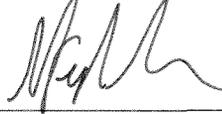
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