

AVIATION TECHNOLOGIES LTD.

Administrative Offices: 4959 - Talbot Lane, Unit # 69, Reno, Nevada 89509
Physical Operations: Tonopah Airport, Tonopah, Nevada

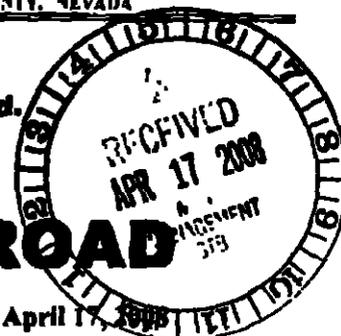
Aviation Technologies Ltd., "ATL" PRINCIPAL PLACE OF BUSINESS, TONOPAH AIRPORT, NYE COUNTY, NEVADA

Robert Alan Kemp

Chief Executive Officer - Aviation Technologies Ltd.

[Representing]

222160



NEVADA CENTRAL RAILROAD

(Thursday), April 17, 2008

VIA - USPS & IMMEDIATE FAX FILING

The Honorable Charles D. Nottingham, Chairman - STB
The Honorable Ann K. Quinlan, Acting Secretary
Office of the Chairman and Secretary
Surface Transportation Board
395 - E Street, SW.
Washington, DC 20423 0001

RE: Docket No. AB-33 (SUB-NO. 230X)

(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance

Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --

Dear Secretary Quinlan

Please find the instant (NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance filed by UP on March 28th, 2008, which refers to the Union Pacific Railroad Company Abandonment Exemption Request, Docket No. AB-33 (SUB-NO. 230X), the Public Comment Letter filed by NCR on October 13th 2006, and the Notice of Intent and Extension of Time to File [OFA], respectively filed by NCR on October 30th 2006., and January 25th, 2007.

Despite continuing assertions by Union Pacific Railroad filed with the Board on March 28th, 2008, and again by Supplemental Filing, (the provision of which NCR conditionally stipulates) Dated April 4th, 2008, the Data which NCR requested for production from Union Pacific Railroad Company ("UP"), pursuant to: 49 C.F.R 1152.27(a), has **Not yet been received by NCR** at it's Administrative Office located at: 4959 - Talbot Lane, Unit: # 69, Reno, NV 89509, as of Today, April 17th, 2008 Three original hard copies of this letter that will be enclosed via USPS, to permit circulation of same to the Board Please feel free to contact me personally if You have any Questions or Comments

Very truly yours,

Robert Alan Kemp (775) 827-3258

Acting Representative and Legal Resident Agent for: **NEVADA CENTRAL RAILROAD**

Enclosures (NCR - Reply) to UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance, Exhibits, Certification of Service

cc. Mr. John T Digilio, Jr., Vice Chairman - Director/President, Nevada Central Railroad
Mr Joseph Anthony McNulty, III - Director/Vice President, Nevada Central Railroad

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO: AB-33 (Sub. No: 230X)

**Union Pacific Railroad Company
- ABANDONMENT EXEMPTION -
IN WASHOE COUNTY, NV, AND LASSEN COUNTY, CA.**

(NCR - REPLY) to:

**UP REQUEST TO REMOVE TOLLING PERIOD FOR FILING
SUBMISSIONS OF
OFFERS OF FINANCIAL ASSISTANCE
- NEVADA CENTRAL RAILROAD -**

**THIS INFORMATION IS PROVIDED BY NEVADA CENTRAL RAILROAD IN RESPONSE TO THE REQUEST FILED
BY UNION PACIFIC RAILROAD TO THE STB ON: MARCH 28TH, 2008.**

Dated and Filed by NCR: April 17th, 2008

The Board by Decision stated February 2nd, 2007 was enacted by the Board to ensure that NCR was provided with information and data by UP relating, but not limited to INFORMATION SUPPORTING THE (NLV) OF THE LINE, as well as the REPORT OF CURRENT CONDITION OF THE LINE, in addition to the NLV. Following the Decision of the Board in this regard in 2007, UP informed NCR that it would NOT deal in any way with NCR, and further in effect, would NOT provide any additional information to NCR that it had already agreed to provide to RTI, directly relating to the Condition of the Track which is the subject of the instant Abandonment Proceeding, as a result of what UP described as it's previously executed Contract with RTI for the Sale of the Trackage as described within the instant Abandonment. UP Legal Counsel as well as UP Planning Managers in Nebraska, also directly confirmed to NCR that the Board had NO AUTHORITY to Determine which OFA Offeror could be selected, and that the Selection Decision was to be executed at the Sole Discretion of UP, and further that UP had already decided by Written Contract to Sell the said line to RTI, and therefore in effect, that NO FURTHER INFORMATION WOULD BE PROVIDED TO NCR IN SUPPORT OF THE NLV, than recently provided to NCR, including the Condition Report of the Trackage of the Susanville Industrial Lead, and the Rail Yard in Wendel, CA.

UP then over a Year Later, after unlawfully ignoring NCR's request for information provided to RTI, conveniently RETRACTS it's representations made both to the Board, as well as NCR, confirming the previously documented contract of sale of the line to RTI, and then proceeds to document to the Board by way of Motion, that NCR has sat on its hands for over a Year, and has Never Filed It's OFA, despite the fact that UP has knowingly FAILED to EVER COMPLY with the BOARDS DECISION of February 1st, 2007. As a result, NCR filed its Motion on April 9th, 2008 to EXTEND TOLLING PERIOD for NCR, and COMPEL.

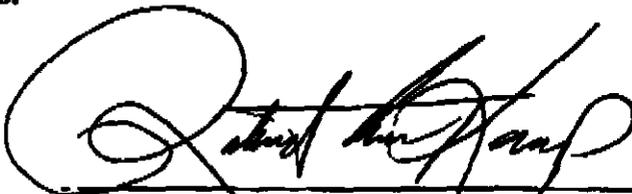
UP, now fully comprehending that NCR will in FACT file a Legally and Financially Compliant OFA with the Board in order to successfully affect the Acquisition of the Subject Lines, now seeks to cover its

tracks, and provides NCR with what is characterized as a New NLV, purportedly RAISING THE PRICE for the said Trackage, and asks the Board to ORDER NCR TO FILE OFA.

NCR has yet to obtain the MOST CURRENT REPORT OF CONDITION for both of the Subject Lines, as well as Supporting Information previously sought from UP over a Year Ago. NCR then discovers on April 15th, 2008 that UP has already COMMENCED the Salvage of the said Rail Lines which are the subject of this Abandonment, and have also KNOWINGLY ALTERED their representations and Factual Documented Description of Rail and Track Materials previously provided to the Board in an Attempt to Cover Up the Fact that UP has knowingly enabled individuals to come in and REMOVE and REPLACE selected HIGH VALUE Track Material, as well as to Terminate and Sever the Rail Connection to the Susanville Industrial Lead. See attached NCREXHIBITS: (113-1, 113-2, 113-3). Exhibit: 113-1, indicates a Photo of the Switch to the Susanville Industrial Lead depicting the FACT that the "FROG" has already been removed from the Switch, effectively Severing Access of Forward Bound Traffic NW to the Susanville Industrial Lead. (Note): in NCR Exhibits: 113-2 and 113-3, that the Identification of CWR and Relay Rail, has been altered to cover up the Fact that UP has been Cherry Picking ALL of the HIGH VALUE Trackage subsequent to the Filing of the Abandonment Filing in the instant AB Docket to the BOARD.

Finally, NCR just discovered that the Honey Lake Power Plant is in fact located ADJACENT the Subject Line for which this Abandonment is based, and as such can and will be served by NCR as a Class-III Interstate Commerce Carrier, following the successful acquisition of said lines by NCR.

NCR hereby respectfully requests that the BOARD therefore Deny the Request filed by UP on March 28th, 2008.



BY:

Robert Alan Kemp (775) 827-3258

Acting Representative and Legal Resident Agent for: NEVADA CENTRAL RAILROAD

AVIATION TECHNOLOGIES LTD.

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NEVADA CENTRAL RAILROAD

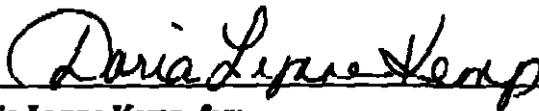
RE: Docket No. (SUB-NO. 230X) (UNION PACIFIC COMPANY)

(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance

Concerning: ABANDONMENT EXEMPTION

CERTIFICATE OF SERVICE

I, Daria Lynne Kemp certify that on this 17th day of April, 2008, that I made service of the attached original NCR **(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance** filed by UP on March 28th, 2008, upon the Surface Transportation Board, (STB) via United States Priority Mail postage prepaid, and mailed a Single Copy of same to all Parties, Agencies, and Individuals, listed for Service within the Union Pacific Exemption: AB-33 (SUB-NO. 230X), by depositing same into the United States First Class Mail with prepaid postage, and also Directly to the STB via IMMEDIATE EMERGENCY FAX DELIVERY FILING to: (202) 245-0458 / 245-0464.



Daria Lynne Kemp, for:

Robert Alan Kemp
Chairman & CEO., AVIATION TECHNOLOGIES LTD.,
4959 - Talbot Lane, Unit: # 69
Reno, Nevada, 89509 (775) 827- 3258

Representing: **NEVADA CENTRAL RAILROAD**

DISTRICT OF COLUMBIA EXHIBIT-113-1A



[NCR: US-FEDERAL COURT OF APPEALS DISTRICT OF COLUMBIA EXHIBIT-113-2.]

NET LIQUIDATION VALUE OF TRACK & BRIDGES										
MODOC SUB (Flanigan Ind Ld) (MP 360.10 Wendel, CA TO MP 338.33 Flanigan, NV)										
M.P.	338.33	TO	360.10	=	21.77	TRACK MILES				
MISCELLANEOUS SIDINGS					2.30					
Other tracks (Susanville Br.)					0.82					
					<u>27.89</u>	TOTAL T.M.S				
TRACK COMPONENTS										
Rail Weight	RAIL		OTM	SWITCHES			NET TONS	NET TONS		
	Track Miles	Net Tons	Net Tons	No. 7	No. 8 & No. 9	No. 14 & No. 15				
1300		0.00	0.00				0.00	0.00		
1330		0.00	0.00				0.00	0.00		
1320		0.00	0.00				0.00	0.00		
1310		0.00	0.00				0.00	0.00		
1100	3.93	902.16	234.88			1	8.78	1048.72		
1120		0.00	0.00				0.00	0.00		
1130	5.00	1171.40	338.80			1	4.83	1514.90		
1130 CWR	0.95	188.94	33.48				0.00	222.37		
1120	10.87	2083.88	687.87			3	14.88	2708.01		
1120 CWR	0.00	17.76	2.78				0.00	20.88		
1100	3.00	898.22	184.28			8	18.88	781.38		
1000	0.00	0.00	0.00				0.00	0.00		
900	2.33	387.48	80.71			2	7.21	468.48		
800	0.00	0.00	0.00				0.00	0.00		
800	0.37	38.02	7.71			2	7.27	52.99		
700	0.88	88.78	18.81				0.00	108.37		
TOTAL	27.89	6387.88	1488.28				67.88	8144.35		
TIES										
SWITCH TIES					638	EA				
CROSS TIES					82474	EA				
TOTAL WOOD TIES					83112	EA				
VALUE OF TRACK COMPONENTS										
MAIN & SIDE TRACKS:		2,044.88	N.T. x	\$335.00	N.T. =	684,834	Scrap Rail			
MAIN & SIDE TRACKS:		1,180.91	N.T. x	\$910.00	N.T. =	\$986,500	Scrap Rail			
MAIN & SIDE TRACKS:		2,191.98	N.T. x	\$280.00	N.T. =	\$1,172,548	No 2 Chial Rail			
Turnouts:		14.00	ea. x	\$8,180.00	ea. =	\$72,100	SH 610 T.O.s			
O.T.M. & Turnouts:		288.00	N.T. x	\$345.00	N.T. =	\$99,480	Scrap Material			
TIE PLATES:		0	ea. x	\$2.50	ea. =	\$0	SH Relay Tie Plates 14" & 18"			
TIE PLATES:		0	ea. x	\$1.50	ea. =	\$0	Tie Plates 8x13			
SWITCH & CROSS TIES :		20,883	ea. x	\$8.00	ea. =	\$167,477	Reusable Ties			
SWITCH & CROSS TIES :		27,828	ea. x	\$8.00	ea. =	\$137,630	Landscape Ties			
SWITCH & CROSS TIES :		18,883	ea. x	\$3.00	ea. =	\$56,647	Landscape Ties			
SWITCH & CROSS TIES :		18,381	ea. x	\$8.00	ea. =	\$147,048	Scrap Ties			
TOTAL TRACK VALUE							\$2,742,408			
BRIDGE VALUE										
TOTAL VALUE							\$2,768,326			
REMOVAL COSTS										
TRACK REMOVAL		27.89	T.M.s @	\$8.00	Per Mile	\$223,120				
SWITCH & CROSSTIES		83412	EA. @	\$3.00	EA.	\$250,236				
ROAD CROSSING REMOVAL		284	FT. @	\$85.00	Per Ft.	\$24,140				
BRIDGE REMOVAL COST						\$28,168				
TOTAL REMOVAL							\$495,664			
NET LIQUIDATION VALUE							\$2,228,104			
Value of Material Railroad will retain							\$379,102			
Labor associated with Material retained by Railroad							\$149,802			

US-FEDERAL COURT OF APPEALS DISTRICT OF COLUMBIA EXHIBIT-113-3.J

NET LIQUIDATION VALUE OF TRACK & BRIDGES									
MODOC SUB (Flanigan Ind Ld) (MP 380.10 Wendel, CA TO MP 338.33 Flanigan, NV)									
04/10/91									
M.P.		338.33	338.10	353.10		31.77 TRACK MILES			
MISCELLANEOUS SIDINGS		Other tracks (Susanville Br.)				0.30		0.01	
27.89 TOTAL T.M.S									
Rail Weight	RAIL		OTM		SWITCHES			NET TONS	
	Track Miles	Not Tons	Not Tons	No. 7	No. 8 & 9	No. 11 & 12	Not Tons		
1000		0.00	0.00				0.00		0.00
1220		0.00	0.00				0.00		0.00
1320		0.00	0.00				0.00		0.00
1310		0.00	0.00				0.00		0.00
1100	3.83	002.15	234.83				0.00		0.00
1100		0.00	0.00			1	0.73		0.00
1130	0.42	1117.71	323.04				0.00		1042.72
1120 CWR	1.80	310.31	80.81			1	4.03		0.00
1120	10.10	3000.00	800.70				0.00		1440.37
1120 CWR	0.03	17.34	2.70			2	12.80		374.01
1100	0.00	000.00	0.00				0.00		2000.00
1000	0.00	000.00	104.25			0	0.00		30.00
1000	0.00	0.00	0.00			0	0.00		704.00
000	2.32	307.40	00.71			0	0.00		0.00
000	0.00	0.00	0.00			0	7.21		400.00
000	0.07	30.00	7.71			0	0.00		0.00
700	0.00	-00.70	10.01			2	7.37		00.00
Total	27.89	5307.05	1000.00				07.00		2000.00
SWITCH TIES		600 EA							
CROSS TIES		1000 EA							
TOTAL WOOD TIES		1600 EA							
MAIN & SIDE TRACKS:		2044.70 N.T. X		0000.00 N.T. =		01,100,000 Scrap Rail			
MAIN & SIDE TRACKS:		1,100.04 N.T. X		0100.00 N.T. =		0400,000 Scrap Rail			
MAIN & SIDE TRACKS:		2,132.23 N.T. X		0000.00 N.T. =		01,300,000 No. 2 Coal Rail			
Turnouts:		14.00 ea. X		00,000.00 ea. =		070,000 011 010 Ties			
S.T.M. & Turnouts:		200.00 N.T. X		0070.00 N.T. =		0101,000 Scrap Material			
TIE PLATES:		0 ea. X		00.00 ea. =		00 011 Railway Tie Plates 14" x 10"			
TIE PLATES:		0 ea. X		00.00 ea. =		00 Tie Plates 0x10			
SWITCH & CROSS TIES :		00,010 ea. X		00.00 ea. =		0100,170 Reusable Ties			
SWITCH & CROSS TIES :		10,000 ea. X		00.00 ea. =		0100,000 Landscape Ties 01			
SWITCH & CROSS TIES :		10,000 ea. X		00.00 ea. =		000,000 Landscape Ties 02			
SWITCH & CROSS TIES :		00,000 ea. X		00.00 ea. =		00 Scrap Ties			
TOTAL TRACK VALUE						\$1,211,000			
TOTAL VALUE						\$3,000,000			
TRACK REMOVAL		27.89 T.M.s @		\$1,000 Per M.S.		\$27,890			
SWITCH & CROSS TIES		0000 EA @		\$3.00 EA		\$300,000			
ROAD CROSSING REMOVAL		000 FT @		\$00.00 Per Ft.		\$00,700			
BRIDGE REMOVAL COST						\$00,770			
TOTAL REMOVAL						\$600,360			
NET LIQUIDATION VALUE						\$2,399,640			
Value of Material Railroad will retain:						\$251,300			
Labor associated with Material retained by Railroad						\$141,300			

[NCR: US-FEDERAL COURT OF APPEALS DISTRICT OF COLUMBIA EXHIBIT-113-4.]



02/06/1997 00:10