



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

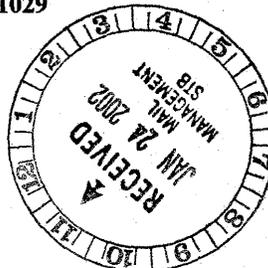
IRON HORSE PARK
NO. BILLERICA, MASS. 01862

204568

LAW DEPARTMENT
(978) 663-1029

October 10, 2001

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423
Attn. Kenneth Blodgett



ENTERED
Office of the Secretary

JAN 24 2002

Part of
Public Record

**Re: Abandonment and Discontinuance of Service-Boston and Maine Corporation
Mystic Wharf Branch-Suffolk County, MA
AB 32 (Sub No. 92)**

Dear Mr. Blodgett:

The Boston and Maine Corporation ("B&M") is in receipt of a request for a federal consistency review filed by the Massachusetts Office of Coastal Zone Management ("CZM") in relation to the above-referenced application. While we are in the process of preparing a response to this request that will outline our position in detail, I wanted to clarify for the Board that the statement by CZM that it had not received notice of this application is incorrect.

In its request, CZM states that it, "...has not yet received the required notice from the applicant [B&M]". Because notice was provided in at least two different formats, the B&M asserts that this statement is incorrect and is unsupported by either the record in this proceeding or the regulations governing notice in abandonment and discontinuance proceedings. More particularly, on May 30, 2001, the B&M first mailed a request for information to be used in compiling the Environmental/ Historical report supporting this application to those parties upon whom that report is to be served pursuant to 49 C.F.R. §1105.7(b), including CZM. Also, on June 29, 2001, the B&M mailed a copy of the Environmental/Historical report supporting this application to CZM, although we subsequently were notified by the post office that the CZM address had changed. Thereafter, on July 3, 2001, a copy of this report was re-sent to CZM to the attention of Ms. Jane W. Mead at 251 Causeway Street, Boston, MA 02114. In addition, the Notice of Intent to abandon and discontinue service was published in *The Boston Globe* for three successive weeks, beginning on June 28, 2001. Based upon this information, the B&M

believes that proper notice was given to all parties, including CZM, of the B&M's intention to file the present application.

Moreover, after reviewing our records and speaking with Ms. Mead of CZM, it appears that the July 3rd mailing of the Environmental/Historical report was delivered to CZM, although Ms. Mead was hesitant to confirm actual receipt. Nevertheless, CZM appears to be somewhat confused with regard to the Board's notice requirements in abandonment and discontinuance proceedings, and has apparently taken the position that this prior notice was not related to the present application. However, the B&M would submit that proper notice was given, particularly in light of the provisions of 49 C.F.R. §1152.24(e)(2), which does not require an applicant to provide new notice in accordance with 49 C.F.R. §1152.20 under the present circumstances. Finally, the B&M would also make the Board aware that, pursuant to 15 C.F.R. §930.54(a)(1), CZM has waived its right to review this activity by failing to notify the Board of this intent within 30 days of receipt of the Environmental/Historical report and/or publication in the newspaper.

Thank you for your attention to this matter. Please feel free to contact me if you should have any questions or comments.

Sincerely,



Robert B. Culliford
Corporate Counsel

cc: Jane W. Mead
CZM

By Certified Mail

Thomas W. Skinner
CZM

By Certified Mail