

From: [Whitfield, Peter](#)
To: [Navecky, David](#)
Cc: [Gosselin, Danielle](#); [Rutson, Vicki](#)
Subject: RE: FD 36514: Third-party Contractor Documents
Date: Thursday, July 8, 2021 10:48:27 AM
Attachments: [image001.png](#)

Thanks, Dave. We will note today that KCS and CN want to assist as best as possible to get the information you need to move the analysis along, but we might not have all the information you need quite yet. So we will inquire about the best way not to slow you all up on our call today. Will you have a scoping-equivalent process if you decide on an EA?

For our call today, we were thinking a short agenda

1. Introductions
2. Timing of review
3. Best practices for aiding OEA
4. Questions

From: Navecky, David <David.Navecky@stb.gov>
Sent: Thursday, July 8, 2021 9:44 AM
To: Whitfield, Peter <pwhitfield@sidley.com>
Cc: Gosselin, Danielle <Danielle.Gosselin@stb.gov>; Rutson, Vicki <Vicki.Rutson@stb.gov>
Subject: RE: FD 36514: Third-party Contractor Documents

Good morning, Peter –

The STB does not have a standard time for initiating scoping or a designated number of days after filing that scoping must begin. Rather, if we have sufficient pre-filing information from an applicant, and determine that an environmental impact statement (EIS) will be prepared, OEA usually starts scoping before an applicant files because the environmental review process often takes longer to complete than the STB's review of a case on its merits.

The scoping process is initiated when OEA issues a notice of intent (NOI) to prepare an EIS and draft scope of study for the EIS. We can proceed with the NOI as soon as we have sufficient information from an applicant that enables us to describe the proposed action, have a preliminary understanding of the potential impacts that need to be addressed, and request informed comments from agencies, the public and other interested parties on alternatives, the scope of the environmental review, and potential impacts.

OEA prefers that applicants file their petition or application as soon as possible to ensure that the proposed action described in the Draft EIS matches what's described in the petition or application.

In the CN/KCS merger case, a decision on whether to prepare an environmental assessment or EIS has not yet been made. CN's written response to OEA's Information Request No.1 should provide OEA with enough information to make that determination and enable us to proceed with scoping if we determine that an EIS is appropriate.

Please let me know if you have any additional questions.

Thanks,

Dave

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From: Whitfield, Peter <pwhitfield@sidley.com>
Sent: Wednesday, July 7, 2021 5:34 PM
To: Navecky, David <David.Navecky@stb.gov>
Subject: RE: FD 36514: Third-party Contractor Documents

Dave,

Does STB have a standard time for initiating the scoping process under NEPA? Is it within a certain number of days following the application?

From: Navecky, David <David.Navecky@stb.gov>
Sent: Friday, July 2, 2021 9:14 AM
To: Whitfield, Peter <pwhitfield@sidley.com>
Cc: Gosselin, Danielle <Danielle.Gosselin@stb.gov>; Rutson, Vicki <Vicki.Rutson@stb.gov>; Hynes, Terence M. <thynes@sidley.com>
Subject: FD 36514: Third-party Contractor Documents

Good morning, Peter –

Please find attached a letter approving the use of Burns & McDonnell as the third-party contractor for the environmental review in the CN/KCS merger case. Also attached is a Disclosure Statement and Memorandum of Understanding (MOU). Instructions for the Disclosure Statement and MOU are contained in the transmittal letter.

We are available for a virtual meeting next week on the following days and times:

Wednesday, July 7, 1:30-3:00 PM
Thursday, July 8, 1:00-3:00 PM
Friday, July 9, 10:00 AM – Noon

Please let us know if any of those days and times work for you. If you can use Microsoft Teams, we can send out the meeting invitation. If you would prefer to use Zoom, it would be best if you sent out the meeting invitation.

Thanks,

Dave

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