

SERVICE DATE - JULY 5, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42064

E. I. DUPONT DE NEMOURS AND COMPANY —
PROTEST AND PETITION FOR INVESTIGATION

Decided: July 3, 2002

In a decision served May 29, 2002 in this and two other proceedings,¹ the Board, *inter alia*, ordered that the parties in STB Docket No. 42064 be given a 30-day extension (to June 28, 2002) to negotiate. The Board also clarified that the 20-day period for filing petitions for reconsideration or clarification of the Board's October 18, 2001 decision (October decision)² would begin when all negotiations ended. Noting that the negotiations appeared fruitless in STB Docket No. 42060, the Board stated that it would be kept apprised of the negotiations in STB Docket No. 42064 and when those negotiations end, it would issue a decision indicating the beginning of the 20-day period for filing petitions.³

In a letter filed July 2, 2002, in STB Docket No. 42064, E.I. du Pont de Nemours and Company (DuPont) seeks an additional 30 days to conclude negotiations. DuPont indicates that it and the Union Pacific Railroad Company (UP) have completed negotiations, but one part of the proposed settlement needs review and approval by relevant DuPont business units. DuPont states that, due to vacations and other matters, this review and approval could not be completed by June 28. DuPont

¹ STB Docket No. 42060, North America Freight Car Association — Protest and Petition for Investigation — Tariff Publications of The Burlington Northern and Santa Fe Railway Company, and STB Docket No. 42060 (Sub-No. 1), North America Freight Car Association v. Burlington Northern and Santa Fe Railway Company.

² In that decision, the Board ordered that STB Docket Nos. 42060 and 42064 and three now discontinued proceedings be put on hold while parties and interested individuals and organizations negotiate concerning the storage and diversion issues raised related to the 1986 agreement prescribed in Investigation of Tank Car Systems, 3 I.C.C.2d 196 (1986).

³ The Board also stated that, if the negotiations in STB Docket No. 42064 became protracted, a separate decision in STB Docket No. 42060 would be issued setting a procedural schedule.

states that UP has indicated that it has no objection to the request.

The extension request will be granted. No one has objected to the extension, and it appears reasonable. This extension means that the beginning of the 20-day period for filing petitions for reconsideration or clarification of the October 18 decision will be set at a future date.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. In STB Docket No. 42064, the parties are given a 30-day extension (until August 5, 2002) to negotiate.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary