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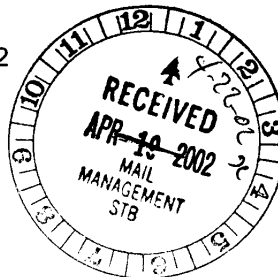
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205223

D.D # 0101927002

April 19, 2002



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VIA COURIER

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, DC 20423-0001

**RE: Finance Docket No. AB-598X BHP Nevada Railroad Company -
Discontinuance Exemption - Rail Line Between Cobre, Nevada
and Keystone, Nevada**

Dear Secretary Williams:

We have enclosed an original and ten copies of BHP Nevada Railroad Company's Verified Notice of Exemption for filing as set forth in 49 U.S.C. § 1152.50. Also enclosed is a check in the amount of \$2,600.00 to cover the costs associated with this filing.

We would appreciate your date stamping the extra copy of this submission so that our files might properly reflect this filing. If you have any questions, please feel free to contact me.

FILED

APR 22 2002

SURFACE

EDG/gmr TRANSPORTATION BOARD
Enclosure

cc: Mr. Kent Fletcher (via facsimile)
226058.1

Very truly yours,

Edward D. Greenberg
Counsel for the BHP Nevada Railroad

FILE RECEIVED

APR 22 2002

SURFACE
TRANSPORTATION BOARD

INTERLAW.

An International Association of Independent Law Firms in Major World Centers

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**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. AB-598



**BHP NEVADA RAILROAD COMPANY -- DISCONTINUANCE EXEMPTION --
RAIL LINE BETWEEN COBRE, NEVADA AND KEYSTONE, NEVADA**

VERIFIED NOTICE OF EXEMPTION

Pursuant to 49 U.S.C. § 10903 and 49 C.F.R. §1152.50, BHP Nevada Railroad Company ("BHP Nevada") hereby files this Verified Notice of Exemption of its intention to discontinue service on a line of railroad extending between Cobre, Nevada (milepost 0.0) and Keystone, Nevada (milepost 146.1) (the "Line"), a distance of 146 miles in Elko and White Pine Counties, Nevada.¹ BHP Nevada intends to consummate this discontinuance in approximately 60 days from the date of the filing of this Notice (or, on or about June 20, 2002).

1. **Certification required in § 1152.50(b):**

BHP Nevada certifies that no local traffic has moved over the Line for at least two years, that there is no overhead traffic moving over the Line, and that no formal complaint has

¹ BHP Nevada does own the connecting line of track that runs from Keystone, Nevada to Riepetown, Nevada (milepost 149.1), a distance of approximately 3 miles but is not now seeking to abandon service over that portion of its right-of-way.

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**SURFACE
TRANSPORTATION BOARD**

been filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line.

2. Exact Name of Petitioner (49 C.F.R. § 11.52.22(a)(1)):

The Name of Petitioner is BHP Nevada Railroad Company.

3. Common Carrier Status (49 C.F.R. § 11.52.22(a)(2)):

BHP Nevada is a Class III common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105.

4. Relief Sought (49 C.F.R. § 11.52.22(a)(3)):

BHP Nevada intends to discontinue service over the Line.

5. Detailed Map (49 C.F.R. § 11.52.22(a)(4)):

A detailed map is attached as Exhibit No. 1.

6. Petitioner's Representative (49 C.F.R. § 11.52.22(a)(7)):

Edward D. Greenberg, Esq
Galland, Kharasch, Greenberg, Fellman
& Swirsky, P.C.
Canal Square
1054 Thirty-First Street, N.W., Suite 200
Washington, D.C. 20007
Telephone Number: (202) 342-5277
Facsimile Number: (202) 342-2311

7. List of All Zip Codes the Line Traverses (49 C.F.R. § 11.52.22(a)(8)):

The Line traverses United States Postal Service Zip Codes:

89835, 89301, 89315 and 89318

8. Suitability of Right of Way (49 C.F.R. § 11.52.22(e)(4)):

A portion of the right-of-way is owned by the City of Ely, Nevada, which authorized the White Pine Historical Railroad Foundation ("Foundation") to enter into a license agreement with BHP Nevada by which rail operations could be conducted over that portion of the Line that was owned by the City of Ely. Similarly, the remainder of the right-of-way of the Line is owned by the Los Angeles Department of Water and Power, which leased that portion of the Line to BHP Nevada for rail operations. Once the discontinuance becomes effective, the Line will continue to be owned by those parties and is not appropriate for use for other public purposes.

9. Labor Protection.

As BHP Nevada is not proposing to abandon all rail operations, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line R. Co. - - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

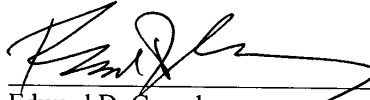
10. Certificate of Compliance with Notice Requirements (49 C.F.R. § 1152.50(d)(1)):

The required certification is set forth as Exhibit No. 2 to this Notice.

11. Environmental and/or Historic Report Issues (49 C.F.R. § 1105.11):

BHP Nevada does not own either the right-of-way or the property on which the Line is situated. In addition, the proposed discontinuance will not result in any diversion of traffic from rail to truck, nor will it result in any salvage of rail-related structures or facilities. BHP Nevada has accordingly been advised by the Board's Section of Environmental Analysis that it is not required to submit or serve an environmental and/or historical report relating to its discontinuance of operations over the Line.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ed Greenberg', written over a horizontal line.

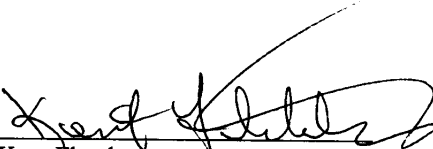
Edward D. Greenberg
GALLAND, KHARASCH, GREENBERG,
FELLMAN & SWIRSKY, P.C.
1054 Thirty-First Street, NW
Washington, DC 20007-4492
Telephone: (202) 342-5200
Counsel for BHP Nevada Railroad Company

DATED: April 19, 2002

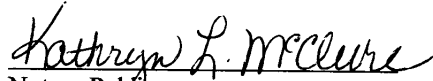
VERIFICATION

STATE OF ARIZONA)
) ss:
COUNTY OF Pinal)

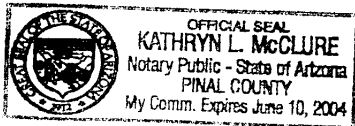
Kent Fletcher, makes oath and says that he is the Vice President and General Manager of the BHP Nevada Railroad Company, applicant herein; that he has been authorized by the applicant to verify and file with the Surface Transportation Board the foregoing application in STB AB- 598; that he has carefully examined all of the statements in the application as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the application; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.


Kent Fletcher

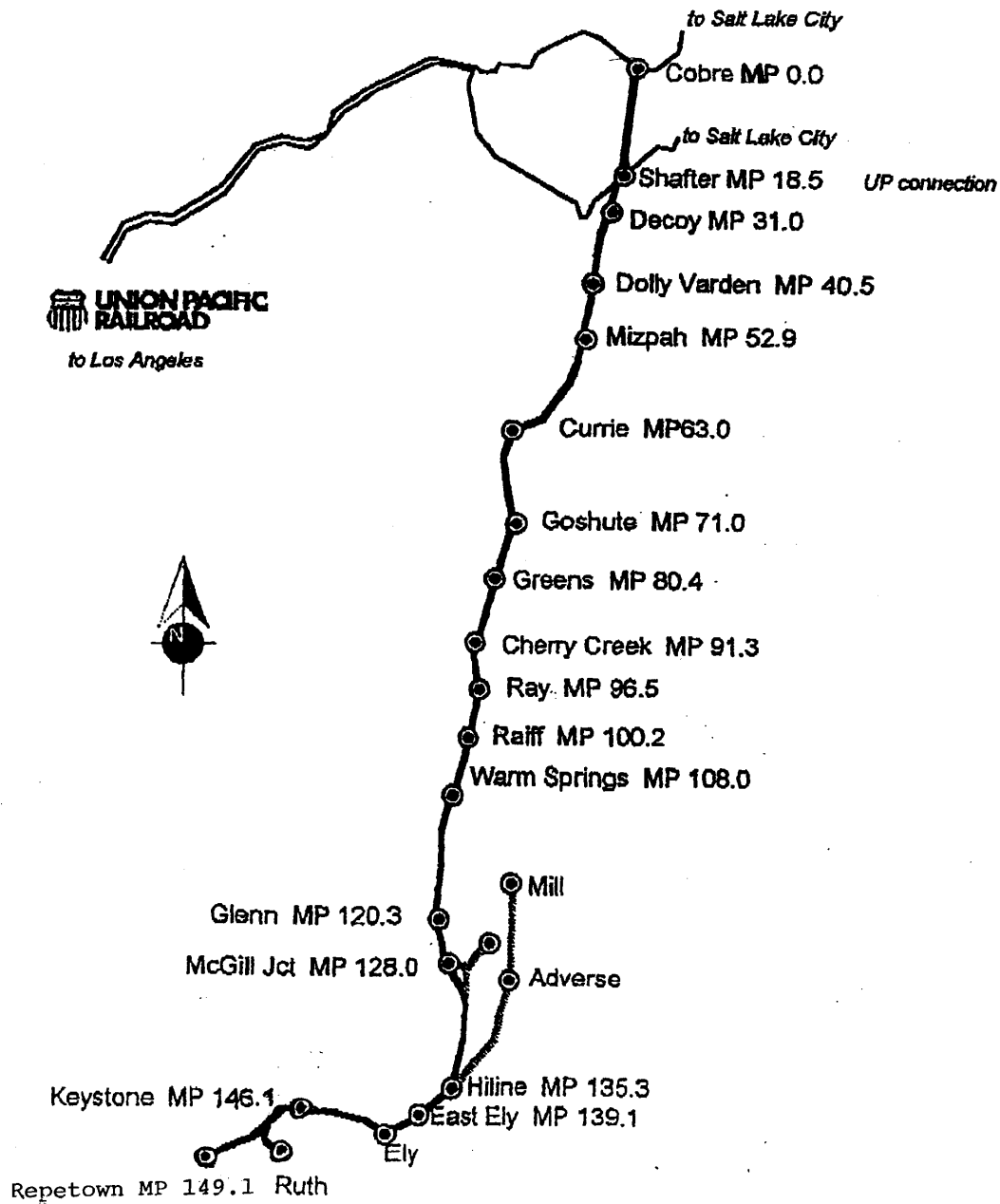
Subscribed and sworn to before me _____ in the State and County named above, this 13th day of February, 2002.


Notary Public

My Commission Expires: 6-10-04



BHP NEVADA RIGHT-OF-WAY



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. AB-598

**BHP NEVADA RAILROAD COMPANY - - DISCONTINUANCE EXEMPTION - -
RAIL LINE BETWEEN COBRE, NEVADA AND KEYSTONE, NEVADA**

**NOTICE OF INTENTION TO FILE VERIFIED
NOTICE OF EXEMPTION**

BHP Nevada Railroad Company intends to file a Verified Notice of Exemption with the Surface Transportation Board ("STB") of its intention to discontinue service on a line of railroad extending between Cobre, Nevada (mile-post 0.0) and Keystone, Nevada (milepost 146.1) (the "Line"), a distance of 146 miles in Elko and White Pine Counties, Nevada on or about April 23, 2002.

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.



Edward D. Greenberg
GALLAND, KHARASCH, GREENBERG,
FELLMAN & SWIRSKY, P.C.
1054 Thirty-First Street, NW
Washington, DC 20007-4492
Telephone: (202) 342-5200
Counsel for BHP Nevada Railroad Company

DATED: April 9, 2002

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. AB-598

**BHP NEVADA RAILROAD COMPANY - - DISCONTINUANCE EXEMPTION - -
RAIL LINE BETWEEN COBRE, NEVADA AND KEYSTONE, NEVADA**

CERTIFICATE OF SERVICE
(49 C.F.R. § 1152.50(d)(1))

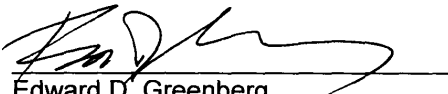
This is to certify that the undersigned served via first class mail on this date, a Notice of its intention to file the Verified Notice of Exemption concerning the proposed discontinuance upon the following:

Nevada Public Service Commission
1150 East William Street
Carson City, Nevada 89701

Military Management Traffic Command:
MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, Virginia 23606-2574

National Park Service
1849 C Street, N.W.
Mail Stop 3622
Washington, D.C. 20240

Chief, U.S. Forest Service
201 14th Street, S.W.
Yates Building
Washington, D.C. 20024


Edward D. Greenberg

DATED: April 9, 2002