



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

218086



James R. Paschall
Senior General Attorney

Direct Dial Number:
(757) 629-2759
fax (757) 533-4872

November 3, 2006

via DHL Express

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20006

ENTERED
Office of Proceedings

NOV 06 2006

Part of
Public Record

Re: STB Docket No. AB-290 (Sub-No. 280X), The Cincinnati, New Orleans
and Texas Pacific Railway Company - Abandonment - Petition for
Exemption - at Rockwood, Tennessee, in Roane County, Tennessee

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket is an original and ten copies of The Cincinnati, New Orleans and Texas Pacific Railway Company's (CNOTP) Petition for Exemption to abandon a railroad line in the subject proceeding. CNOTP is a wholly-owned subsidiary of Norfolk Southern Railway Company. Also, enclosed is a check for the filing fee and three diskettes in a format that is compatible with the Board's word processing programs.

Please acknowledge receipt of this filing on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

Yours very truly,

FEE RECEIVED

NOV 6 2006

James R. Paschall
James R. Paschall

FILED

NOV 06 2006

Enclosures

SURFACE
TRANSPORTATION BOARD₁

SURFACE
TRANSPORTATION BOARD

Mr. Vernon A. Williams
Re: AB-290, Sub-No. 280X
Page 2 of 3
November 3, 2006

cc w/ encl.:

Mr. Ben Severinghaus
Franklin Industries, Inc.
10583 Hwy. 70 East
Crab Orchard, TN 37723

Charles Holiway
Horsehead Resources Development Co., Inc.,
West Baldwin Street
P.O. Box 5
Rockwood, TN 37854

Mr. Donald G. Avery
Slover & Loftus
1224 17th Street NW
Washington, DC 20036

Mr. Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville TN, 37243-0505

Mr. John Fisher, Transportation Manager II
Tennessee Department of Transportation
Office of Rail & Water Transportation
Suite 1800 James K. Polk Bldg.
Nashville, TN 37243

United States Department of Defense
Military Traffic Management Command (MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals, Blvd., Suite 130
Newport News, VA 23606-2574

Mr. Vernon A. Williams
Re: AB-290, Sub-No. 280X
Page 3 of 3
November 3, 2006

Mr. Charlie Stockman, Acting Program Leader
U. S. Department of the Interior - National Park Service
Rivers, Trails and Conservation Assistance
1201 Eye Street, NW, 9th Floor (Org. Code 2235)
Washington, D.C., 20005

U. S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, D.C. 20250-0003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 280X)
THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN ROCKWOOD, TENNESSEE, IN ROANE COUNTY, TENNESSEE
PETITION FOR EXEMPTION

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759
fax (757) 533-4872

Attorney for
The Cincinnati, New Orleans and Texas Pacific
Railway Company

Dated: November 3, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-290 (Sub-No. 280X)

The Cincinnati, New Orleans and Texas Pacific Railway Company

- Abandonment Exemption -

At Rockwood, In Roane County, Tennessee -

Petition for Exemption

The Cincinnati, New Orleans and Texas Pacific Railway Company ("CNOTP"), a wholly-owned subsidiary of Norfolk Southern Railway Company ("NSR"), hereby petitions the Surface Transportation Board (the "Board" or "STB"), pursuant to the provisions of 49 U.S.C. 10502, as amended, for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon 1.10 miles of railroad line between Mileposts 156.9-H and 158.0-H at Rockwood, TN (the "Line").¹

Upon CNOTP's abandonment of the Line, rail service over the track will not

¹The Line was once part of the Tennessee Central Railway Company line. TCR was an independent company until 1968. A portion of the TCR line was acquired by the Southern Railway Company subsidiary, Harriman and Northeastern Railroad Company, in 1968-1969. H&NE was merged into CNOTP in 1970. The subject Line was not part of the Cincinnati Southern Railway. CSR is leased to the CNOTP and comprises a large portion of the CNOTP rail lines. The Historic Report contains more detailed information about the history of the Line.

cease. The Line will be sold to Franklin Industries, Inc., for continued railroad use in the operation of Franklin Industries' existing 15.4-mile private railroad line which serves its facility at Crab Orchard, TN. Franklin Industries acquired the Rockwood-Crab Orchard, TN line from CNOTP following the Board's decisions served November 15, 2000 and December 22, 2000, in STB Docket No. AB-290 (Sub-No. 208X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment - Exemption in Cumberland and Roane Counties, TN*.

Because of the planned sale of the Line to Franklin Industries, Inc. ("Franklin"), for continued railroad use, CNOTP also requests exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions), which will facilitate the sale, maintenance and operation of the Line as a private track. The Line also will continue to be used by CNOTP under an agreement with Franklin Industries as an interchange track to interchange freight traffic with both Franklin Industries and Horsehead Resource Development, Inc. ("Horsehead"), which is located off the Line at Rockwood, TN.²

CNOTP previously filed a petition for abandonment of this Line and referenced the same future arrangements for service as will exist following consummation of the abandonment upon the grant of this petition. However, because local Horsehead personnel had not cleared the arrangement with their corporate headquarters, and

²Franklin Industries, Inc. will not operate as a railroad to provide common carrier rail service to Horsehead Resource Development Co., Inc. In addition to CNOTP's delivery or pickup of Horsehead cars on the interchange track, Horsehead can provide switching for its facility at Rockwood, TN after rail cars are interchanged to it on the subject track

Horsehead intervened in order to be sure the agreements were finalized and executed prior to consummation of the abandonment, the Board dismissed the prior petition without prejudice to refiling.³

The attached letters from Franklin (Exhibit 1) and Horsehead (Exhibit 2) attest to the agreement of Franklin and Horsehead to agreements and arrangements made among CNOTP, Franklin Industries, Inc., and Horsehead Resource Development Co., Inc., for continued use of the Line, and for the protection of rail service to Horsehead in the event Franklin Industries, Inc., ceases to operate the Line.

Section 10502 of Title 49, as amended, directs the Board to exempt a transaction when the Board finds that the transaction satisfies certain statutory criteria. This petition demonstrates that the abandonment for which CNOTP seeks exemption satisfies the statutory criteria. The only shippers that use the Line consent to the abandonment. They will continue to operate over the track for their own accounts and in order to interchange traffic with CNOTP after the abandonment of the Line and its sale to Franklin Industries. Therefore, CNOTP's action in formally abandoning the Line as a line of railroad will not result in an abuse of market power.

This exemption will permit Franklin to improve its rail operation through the use of additional interchange track, including a run-around track at Rockwood, TN, and to more readily maintain the Line as part of its existing private line. The agreements among CNOTP, Franklin and Horsehead will protect Horsehead's rail service and its

³*The Cincinnati, New Orleans and Texas Pacific Railway Company – Abandonment Exemption – In Roane County, TN, STB Docket No. AB-290 (Sub-No. 236X) (STB served December 2, 2005).*

ability to receive service from CNOTP in the event Franklin ceases its operation of the track. As a result of the formal abandonment of the Line and its sale to Franklin Industries, CNOTP anticipates that the track will be operated more efficiently and economically.

Background

The Line is a 1.1-mile segment connecting to a 15.4-mile dead-end private rail line. That line previously was formally abandoned by CNOTP and sold to the single shipper on the Line, Franklin Industries, Inc. Franklin is located at the end of the 15.4-mile line at Crab Orchard, TN.

Formal abandonment of the subject Line will allow Franklin to operate over the Line for the use of a run-around track and to facilitate interchange of its rail traffic with CNOTP. Franklin can more readily and easily maintain the Line along with its maintenance of the adjacent segment. CNOTP will continue to use the track under an agreement with Franklin to interchange traffic with both Franklin and Horsehead, which is located off the Line at Rockwood, TN.⁴ CNOTP, Franklin Industries, Inc., and Horsehead Resource Development Co., Inc., have agreed to arrangements and rights of first refusal for purchase of the Line in order to protect the use of the Line for rail service to Horsehead in the event Franklin ceases its private rail operation.

There is no other overhead or local traffic on the Line and no potential for

⁴Horsehead can provide switching for its facility at Rockwood, TN after rail cars are interchanged to it on the subject track.

overhead traffic because it is a dead-end branch line. There is little or no potential for additional industrial development on this short line segment in addition to the existing operation of Horsehead. Since CNOTP will continue to provide rail service to Rockwood, if there are other potential railroad customers who desire to locate industries needing rail service at Rockwood, they will be able to find alternate sites along CNOTP's line. The area is sparsely populated, however, and further industrial development potential at Rockwood, much less along the subject short line segment, appears to be limited by the small population of Rockwood and of Roane County in general.

Further Information

Further information supporting an exemption for the proposed abandonment is as follows:

(1) Exact name of petitioner. The petitioner is The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR). CNOTP is a common carrier by railroad which operates a railroad in Ohio, Kentucky and Tennessee. NSR operates a railroad system in 20 States throughout the Eastern United States, including Tennessee, and Ontario, Canada. NSR is a wholly-owned subsidiary of Norfolk Southern Corporation, a non-carrier.

(2) Petitioner is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Pursuant to 49 U.S.C. 10502, the relief sought is an exemption from the prior approval requirements of 49 U.S.C. 10903 so that CNOTP may abandon the Line without being required to list the Line on its system diagram map or to submit a full long-form abandonment application. Because CNOTP intends to sell the Line to Franklin Industries, Inc., for continued use for railroad purposes, CNOTP also requests exemptions from the requirements and operation of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions)

(4) A map of the Rockwood, TN Line proposed to be abandoned and sold to Franklin Industries, Inc., for use as private railroad track is attached as Exhibit 3.

(5) System Diagram Map. This Line has not been included as a rail line to be abandoned or over which service is to be discontinued on the carrier's system diagram map under because it was not expected to be the subject of an abandonment application. Moreover, the track will be kept in use as part of the private railroad operation of Franklin Industries, Inc., and as an interchange traffic for exchange of rail traffic between CNOTP and both Franklin and Horsehead.

(6) This petition is being filed because the Line must be formally abandoned as a Line of railroad before it can be sold to Franklin for private railroad operation. Incorporation of the Line into Franklin's operation should lead to more efficient and economical operation of the track. Arrangements have been made to protect the current and future interchange of traffic between CNOTP and Horsehead Resource Development Co., Inc., including under circumstances where Franklin Industries might cease its operation of the track. The abandonment also is necessary so that neither

shipper will assume a common carrier obligation with respect to their private rail operations over the track.

(7) Counsel for Petitioner to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Counsel's Phone Number is: (757) 629-2759

(8) The Line proposed for abandonment and sale to Franklin Industries traverses United States Postal Service Zip Code 37854 and serves the station of Rockwood, TN. CNOTP will continue to provide rail service to the station of Rockwood, TN.

Reasons for Abandonment

Formal abandonment of the subject Line will allow Franklin Industries, Inc. to operate over the Line for the use of a run-around track and to facilitate interchange of its rail traffic with CNOTP. Franklin can more readily and easily maintain the Line along with its maintenance of the adjacent segment between Rockwood, TN and Crab Orchard, TN that it owns and operates. CNOTP will continue to use the track under an agreement with Franklin Industries to interchange traffic with both Franklin and Horsehead Resource Development, Inc., which is located off the Line at Rockwood, TN.

Because of the execution of formal agreements among CNOTP, Franklin and Horsehead, attested to in the attached Exhibits 1 and 2 CNOTP expects no protest or

opposition by any user of rail service over the Line to the proposed abandonment or to the subsequent transaction and use of the Line. Franklin and Horsehead are the only shippers served via the Line.

Efforts to Continue Service

The abandonment of the subject Line will not result in the loss of rail service to the only shippers who ship or receive rail traffic over the Line. The more economical and efficient operation of the Line as part of a private rail line and as an interchange track will help to continue rail service to the shippers on the Line. CNOTP will continue to serve the station of Rockwood, TN.

Communities on Line

The only community on the Line is Rockwood, TN (population 5,774 in the 2000 census). Rockwood will continue to receive rail service from CNOTP.

Public Use, Trail Use, Offers of Financial Assistance

Since the Line to be abandoned will be retained in rail service as a private track and as an interchange track, it is not suitable for public use and should not be subject to Offers of Financial Assistance, Trail Use Negotiation conditions or Public Use conditions. Therefore, CNOTP requests exemption of this abandonment transaction from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions) to facilitate the sale to and continued operation of

the line by Franklin Industries. In view of the plan to sell the Line to Franklin Industries, CNOTP will not negotiate with any potential trail user for possible transfer of the right-of-way for interim trail use. CNOTP is not aware of any reversionary interest which would affect the transfer of title, and furthermore, believes that any such interest would not come into effect due to the continued use of the Line for railroad purposes.

Statement Concerning Federally Granted Right of Way

Based on information in CNOTP's possession, the line does not contain federally granted right-of-way. Any documentation later found in CNOTP's possession concerning this matter will be made available promptly to those requesting it.

Title Search

CNOTP is not aware of any reversionary interest that would affect transfer of title, and furthermore, believes that any such interest would not come into effect due to the continued use of the Line for railroad purposes.

Employee Protection

Since under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees, CNOTP is willing, as a condition to the Board granting this exemption, for the Board to order that the employee protective conditions set forth in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979), apply to this abandonment transaction.

Environmental and Energy Impact; Historical Report

Attached (Exhibit 4) are Environmental Report and Historic Reports prepared and previously distributed to the appropriate Federal, State and Local agencies in accordance with the Board's regulations. There are no bridges or structures on the Line and no salvage operations will be undertaken as a result of the abandonment. Because the Line will continue to be used for similar railroad purposes after its abandonment, CNOTP believes the Board could waive the requirements for these reports. In any event, CNOTP presents the reports and requests that the Board find that the proposed abandonment and planned subsequent use of the Line will not result in any adverse effect on the environment or on historic places, properties or resources. Moreover, the Tennessee State Historic Preservation Officer has stated that the proposed undertaking will not result in an adverse effect on National Register of Historic Places Listed or Eligible properties. CNOTP further requests that the Board impose no environmental or historic preservation process conditions on the consummation of the abandonment of the Line.

Passenger Service

There is no passenger service on the Line.

Draft Federal Register Notice

A draft notice of its petition to be published by the Board in the Federal Register

within 20 days of the petition's filing and a copy of the draft notice contained on a computer diskette compatible with the Board's current word processing capabilities is attached.

Notice

CNOTP is giving notice to the two shippers on the Line and to the public agencies required to be served with petitions for exemption to abandon railroad lines by mailing copies of this petition for exemption to them. Several additional governmental agencies have received notice of the petition for exemption through the distribution of the Environmental Report. CNOTP has arranged for the publication of a newspaper notice concerning the filing of the petition for exemption in Roane County, TN, the only county through which the Line runs.

Discussion and Authorities

Under 49 U.S.C. 10903, a rail line may not be abandoned without the Board's prior approval. Under 49 U.S.C. 10502, however, the Board must exempt a transaction or service from regulation when they find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Detailed scrutiny of this transaction under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of the

application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. 10101(7)]. An exemption will also foster sound economic conditions and encourage efficient management by relieving CNOTP from the cost of owning and maintaining a line that a shipper is willing to buy, maintain and operate [49 U.S.C. 10101(5) and (9)] and to protect the interest of the only other shipper on the Line. By permitting more efficient maintenance, operation and use of the subject Line through its abandonment and transfer to Franklin Industries for continued private and interchange use, and enabling CNOTP to apply its maintenance forces and assets more productively elsewhere on its rail system, an exemption will promote safe and efficient rail transportation, foster sound economic conditions, and encourage efficient management [49 U.S.C. 10101(3), (5), and (9)]. Other aspects of the rail transportation policy will not be affected adversely by the grant of the exemption.

Regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power since they will continue to receive rail service through the connection of the private track with active rail line of CNOTP and since they consent to the abandonment and have reached agreements to protect rail service to their facilities or tracks. Given the appropriateness of this market power finding in this case, the Board need not determine whether the proposed transaction is limited in scope. However, based on numerous precedents, CNOTP believes that an abandonment of a 1.1-mile dead-end branch line serving one shipper also should be found to be limited in scope.

CNOTP has proceeded with the filing of the petition with the agreement and support of Franklin and Horsehead, the only customers on or served via the Line and

has served copies of this petition upon them. Nonetheless, should the Board so order, CNOTP will serve a copy of the Board's decision on these railroad customers and certify to the Board that copies of the decision have been sent to them.

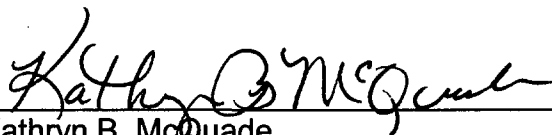
Further exemption of the proposed abandonment of the subject Line from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions) to facilitate the sale to and continued operation of the Line by Franklin Industries is proper and necessary. Imposition of OFA procedures or a public use condition could delay the transfer of the right-of-way to Franklin Industries for a valid use as a private, industrial lead track and ultimately jeopardize the timely performance of more efficient and economical maintenance, operation and use of the track along the Line and undermine the very purpose of the transaction. See STB Docket No. AB-3 (Sub-No. 139X), *Missouri Pacific Railroad Company -- Abandonment and Discontinuance of Operations Exemption -- in Houston, Harris County, TX*, STB Docket No. AB-423 (Sub-No. 2X), *Houston Belt & Terminal Railway Company -- Discontinuance of Operations Exemption -- In Houston, Harris County, TX*, served December 31, 1996, slip op., pages 4-5 as well as the Board's decision with respect to the abandonment of the connecting 15.4-mile line, served November 15, 2000 in STB Docket No. AB-290 (Sub-No. 208X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment - Exemption in Cumberland and Roane Counties, TN*.

Conclusion

Therefore, The Cincinnati, New Orleans and Texas Pacific Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company, respectfully petitions the Board under 49 U.S.C. 10502, to exempt the abandonment of approximately 1.1 miles of CNOTP railroad line between Milepost 156.9-H and Milepost 158.0-H at Rockwood, TN, from the prior approval requirements of 49 U.S.C. 10903 and from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions).

Respectfully submitted

THE CINCINNATI, NEW ORLEANS AND
TEXAS PACIFIC RAILWAY COMPANY

BY 
Kathryn B. McQuade
Vice President

Dated: November 3, 2006

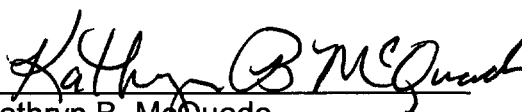
Of Counsel:
James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510
(757) 629-2759
fax (757) 533-4872

Attorney for
The Cincinnati, New Orleans and Texas Pacific
Railway Company

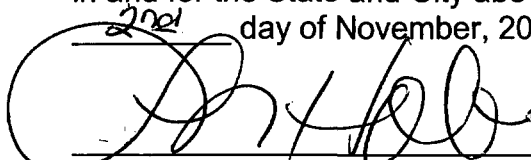
VERIFICATION

Commonwealth of Virginia)
) ss
City of Norfolk)

Kathryn B. McQuade makes oath and says that she is Vice President of The Cincinnati, New Orleans and Texas Pacific Railway Company, the petitioner herein; that she has been authorized by the petitioner to verify and file with the Surface Transportation Board the foregoing petition in STB Docket No. AB-290 (Sub-No. 280X); that she has carefully examined all of the statements in the petition as well as the exhibits attached thereto and made a part thereof; that she has knowledge of the facts and matters relied upon in the petition; that she has obtained knowledge of certain facts from, and has relied in part upon, the business records of the company or persons with a business duty to keep those records accurately; and that all representations set forth in the petition and exhibits are true and correct to the best of her knowledge, information, and belief.


Kathryn B. McQuade

Subscribed and sworn to before me, a notary public
in and for the State and City above named, this
2nd day of November, 2006.



Notary Public

My commission expires: November 30, 2009

CERTIFICATE OF SERVICE

I certify that the foregoing petition in STB Docket No. AB-290 (Sub-No. 280X) has been served on Mr. Ben Severinghaus, Franklin Industries, Inc., 10583 Hwy. 70 East, Crab Orchard, TN 37723; Charles Holiway, Horsehead Resources Development Co., Inc., West Baldwin Street, P.O. Box 5, Rockwood, TN 37854; Mr. Donald G. Avery Slover & Loftus, 1224 17th Street NW, Washington, DC 20036; Mr. Pat Miller, Chairman, Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville TN, 37243-0505; Mr. John Fisher, Transportation Manager II, Tennessee Department of Transportation, Office of Rail & Water Transportation, Suite 1800 James K. Polk Bldg., Nashville, TN 37243; the United States Department of Defense, Military Traffic Management Command (MTMCTEA), Transportation Engineering Agency, Railroads for National Defense Program, 720 Thimble Shoals, Blvd., Suite 130, Newport News, VA 23606-2574; Mr. Charlie Stockman, Acting Program Leader, U. S. Department of the Interior - National Park Service, Rivers, Trails and Conservation Assistance, 1201 Eye Street, NW, 9th Floor (Org. Code 2235), Washington, D.C., 20005; and U. S. Department of Agriculture, Chief of the Forest Service, 1400 Independence Avenue, S.W., Washington, D.C. 20250 on November 3, 2006, by first class mail, postage prepaid.



James R. Paschall

Dated: November 3, 2006

Federal Register: _____, 2006 (Volume 71, Number ____)]
[Notices]
[Page ____]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board
[STB Docket No. AB-290 (Sub-No. 280X)]

The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment -
Petition for Exemption - at Rockwood, Tennessee, in Roane County, Tennessee

On November 6, 2006, The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903, to abandon an approximately 1.1-mile line of railroad, extending between Milepost 156.9-H and Milepost 158.0-H at Rockwood, TN (the Line) in Roane County, Tennessee. The Line traverses United States Postal Service Zip code 37854 and serves the station of Rockwood, TN, where CNOTP will continue to provide rail service.

In addition to an exemption from 49 U.S.C. 10903, petitioner seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). In support, CNOTP contends that exemption from these provisions is necessary to permit conveyance of the line segment to Franklin Industries (Franklin), for continued operation as part of its private railroad operation and that service will be protected to the only other shipper on the Line, Horsehead Resource Development, Inc. These requests will be addressed in the Board's final decision.

The Line does not contain federally granted rights-of-way. Any documentation in CNOTP's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by _____, 2007. Any offer of financial assistance (OFA) under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,200.00 filing fee. See 49 C.F.R. 1002.2(f)(25).

Any request for a public use condition under 49 C.F.R. 1152.28 or for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than _____, 200____. Each trail use request must be accompanied by a \$200.00 filing fee. See 49 C.F.R. 1002.2(f)(27). However, interested persons should be aware that CNOTP indicates that it will sell the Line to Franklin Industries, Inc., for continued use for railroad purposes and will not negotiate with any party for an agreement for interim trail use of the right-of-way.

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 280X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510.

Replies to the CNOTP petition are due on or before _____, 200____.

Persons seeking further information concerning abandonment procedures may

contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at www.stb.dot.gov

Decided: _____, 200__.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

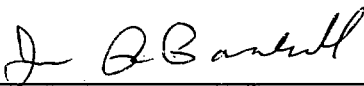
Secretary.

[FR Doc. _____ Filed _____]

BILLING CODE _____

CERTIFICATION

I hereby certify (1), pursuant to 49 C.F.R. §1105.11, that Environmental and Historic Reports related to the Petition for Exemption in Docket No. AB-290 (Sub-No. 280X), The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment - Petition for Exemption - at Rockwood, Tennessee, in Roane County, Tennessee, were submitted to the agencies identified in 49 C.F.R. §1105.7(b) and to the Tennessee State Historic Preservation Officer and Tribal Historic Preservation Officer (see Exhibit 4); and (2) that the newspaper notice required by 49 C.F.R. §1152.50(d)(1) was given through publication on October 13, 2006, in *The Roane County News*, which is a newspaper of general circulation in Roane County, TN, the county through which the Line runs (see Exhibit 5).



James R. Paschall

Dated: November 3, 2006

FRANKLIN INDUSTRIES INC.

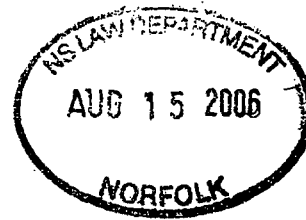


Exhibit 1

GENERAL OFFICE
612 TENTH AVENUE, NORTH - P.O. BOX 23082 ZIP 37202
NASHVILLE, TENNESSEE 37203
PHONE 615-259-4222 FAX 615-726-2693

August 11, 2007

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

Dear Mr. Paschall:

Franklin Industries has reached a satisfactory agreement with Horsehead Industries, Inc. concerning our mutual continued use of the exchange trackage to be abandoned by the Norfolk Southern Railroad and acquired by Franklin Industries Inc. We have also reached a satisfactory agreement with the Norfolk Southern Railway for a continuing exchange of railcars on this trackage. With these agreements in place we do not object to the Surface Transportation Board granting your petition for exemption.

We greatly appreciate your willingness to facilitate the action since it will be of considerable assistance with rail car movement problems on our line and provide improved efficiency for all parties concerned.

Sincerely,

Nelson Severinghaus
President

HORSEHEAD CORP.

300 FRANKFORT ROAD, MONACA, PA 15061

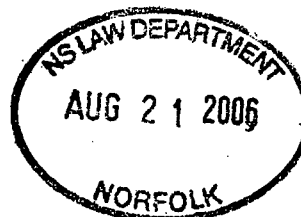
Ali Alavi
Vice President – Corporate Administration,
General Counsel & Secretary



724-773-2212
FAX: 724-774-4348
aalavi@horsehead.net

August 16, 2006

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510



Dear Mr. Paschall:

I write to confirm that Horsehead Corp. and Franklin Industries, Inc. ("FII") have reached a satisfactory agreement regarding our mutual continued use of the exchange track to be abandoned by the Norfolk Southern Railway ("NS") and acquired by FII. We also have reached a satisfactory agreement with NS for a continuing exchange of railcars on said track. With these agreements in place, Horsehead Corp. does not object to the Surface Transportation Board granting your petition for exemption.

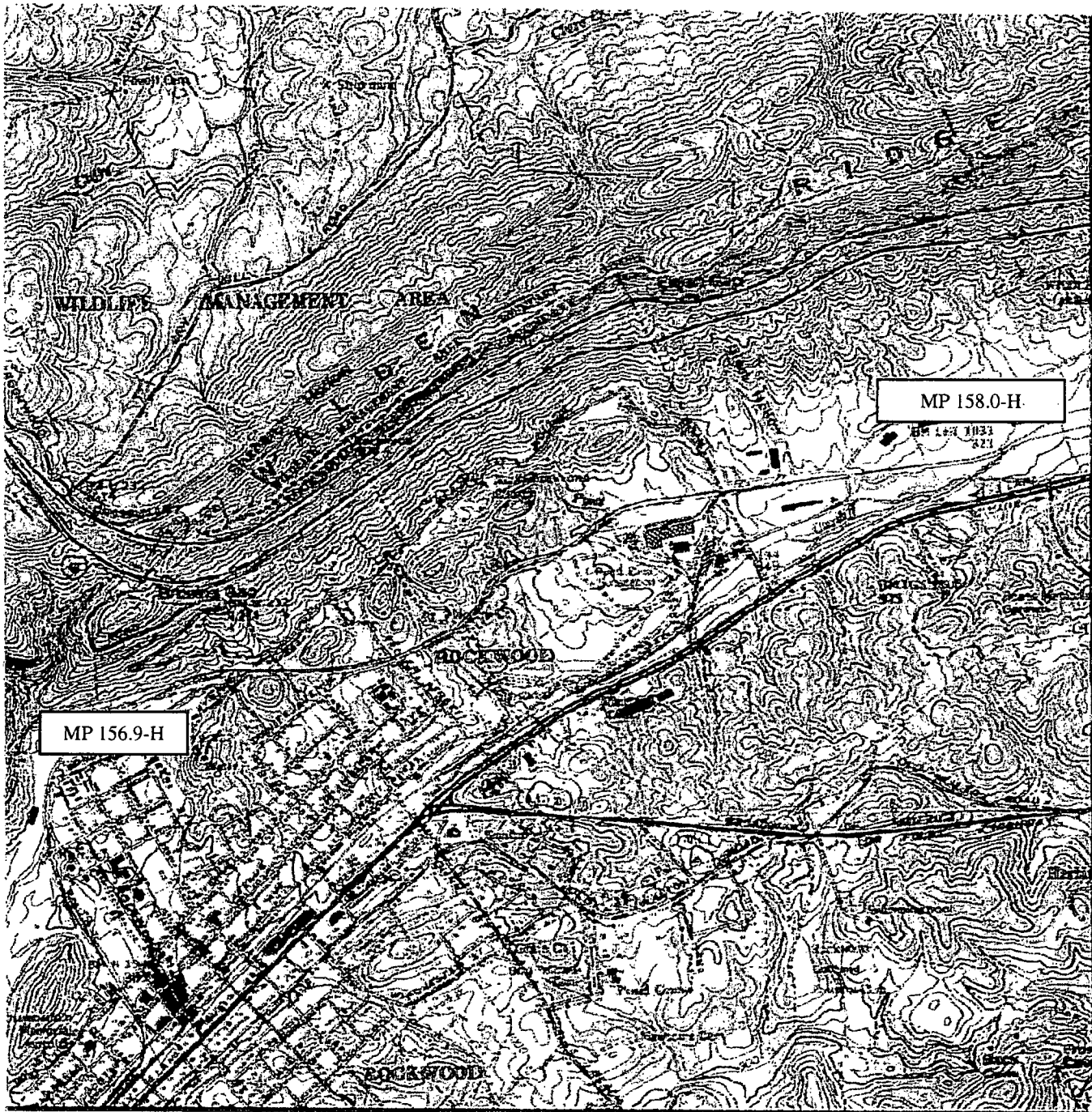
Thank you for your time and effort in seeing these agreements through to completion. Your efforts in that regard are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Ali Alavi".

Ali Alavi

cc: Donald G. Avery, Esq. – Slover & Loftus



**THE CINCINNATI, NEW ORLEANS AND
TEXAS PACIFIC RAILWAY COMPANY**
Proposed Abandonment
MP 156.9-H - MP 158.0-H
Roane County, Tennessee

EXHIBIT 4

ENVIRONMENTAL AND HISTORIC REPORTS

THE CINCINNATI, NEW ORLEANS, & TEXAS PACIFIC RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 280X)

**PROPOSED RAIL LINE ABANDONMENT
BETWEEN MP 156.9-H AND MP 158.0-H
AT ROCKWOOD, ROANE COUNTY, TENNESSEE**

ENVIRONMENTAL REPORT

**August 18, 2006
Revised October 24, 2006**

.....

**THE CINCINNATI, NEW ORLEANS, & TEXAS PACIFIC RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

THE CINCINNATI, NEW ORLEANS, & TEXAS PACIFIC RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 280X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: The Cincinnati, New Orleans, & Texas Pacific Railway Company ("CNOTP"), a wholly-owned subsidiary of Norfolk Southern Railway Company ("NSR") proposes to abandon 1.1 miles of railroad line between Milepost 156.9-H and Milepost 158.0-H at Rockwood in Roane County, Tennessee. The abandonment of this segment of railroad line will not result in the physical abandonment of the line or the discontinuance of railroad operations on the line. After consummation of the abandonment authority, CNOTP will sell the Line to Franklin Industries, Inc. for incorporation into its private line of railroad and for use as an interchange track for exchange of rail traffic between CNOTP and Franklin Industries, Inc., and between CNOTP and Horsehead Resources Development Co., Inc. The formal abandonment of the subject line of railroad will result in no material change in the operation of the property as a railroad line. There are no bridges or structures on the Line. In any event, the track and material on the Line will not be salvaged. The Line must be formally abandoned before it can be incorporated into the private rail operation of Franklin Industries. Franklin Industries already operates a private rail line between milepost 141.5-H at Crab Orchard, TN and milepost 156.9-H at Rockwood, TN, a distance of 15.4 miles in Cumberland and Roane Counties, TN. Franklin Industries acquired that line from CNOTP after its formal abandonment pursuant to an STB

decision served November 15, 2000, in STB Docket No. AB-290 (Sub-No. 208X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment Exemption - in Cumberland and Roane Counties, TN*. CNOTP, Franklin Industries, Inc. and Horsehead Resource Development, Inc. believe the track can be more efficiently and economically maintained and operated if transferred to Franklin Industries for inclusion with its current private railroad operations and for use as an interchange track.

CNOTP previously circulated a draft Environmental Report and a draft Historic Report concerning the proposed abandonment of the subject line in October 2001 and renewed the notice given in that report in March 2003. However, CNOTP's plan to file a petition for exemption with the STB for abandonment of the Line and reclassification of the track as private track was delayed both times. CNOTP did file a petition in August 2005 in STB Docket No. AB-290 (Sub-No. 236X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment - Petition for Exemption – at Rockwood, Tennessee in Roane County, TN*. An issue arose concerning the contracts covering the operation of the line following the abandonment which could not be resolved prior to the Board's statutory deadline to render a decision in the abandonment, and the Board was obliged to deny the petition without prejudice. The contract matters have since been resolved, and the abandonment authority is being sought again in the present docket.

There are no reasonable alternatives to the proposed action. No alternatives are needed in any event because of the continuation of the current use of the property and the minimal, if any, change in the operation of the property after the formal abandonment of the Line. There will be no salvage activity following the consummation of the abandonment exemption authority. CNOTP's formal abandonment of this 1.1-mile railroad line segment and its sale of the Line for operation as part of a private rail line operated by a local industry will result in retention of the railroad use of the property, retention of the track and material in place, and avoidance of the temporary impacts from salvage for recycling of the rails and crossties or disturbance of the property.

A map delineating the line proposed for abandonment and subsequent sale to Franklin Industries is attached as **Appendix A**. CNOTP's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: The subject 1.1-mile line will be formally abandoned as a line of railroad but will continue in operation as part of the Franklin Industries private rail line and as an interchange track between CNOTP and Franklin Industries and between CNOTP and Horsehead Resources Development Co., Inc. 4,229 loaded cars were handled over this line during the twelve month period ending June 30, 2006, and 4,479 loaded cars were handled over this line during the twelve month period ending June 30, 2005. Franklin Industries ships processed limestone via rail. Horsehead Resource Development Company receives slag for cleaning or processing and sends it to a customer in Pennsylvania for further processing and use in the steel industry. These are the only two shippers whose traffic moves over the 1.1-mile railroad line at Rockwood, TN that is the subject of this proceeding.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: No change in current use of the property for railroad purposes is proposed, and thus the proposal should be consistent with existing land use plans. CNOTP received no response to queries previously sent to Roane County and the Town of Rockwood on this subject, but it is apparent from the proposed continuation of the use of the property for railroad operations that no negative response was or should be expected.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: No change in current use of the property for railroad purposes is proposed. No salvage of the track and materials on the property is proposed. The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) advised with respect to a previous report that the project will have no adverse impact on conservation of natural resources. Copies of the responses received from the USDA-NRCS are included in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Not Applicable, as the property is not located in a coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The right-of-way will continue to be used for railroad purposes so it will not be available for alternative public use. Despite the fact that it will be formally abandoned, the right-of-way will continue to be used for railroad purposes.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: No effect on transportation of energy resources is expected. No change in current use of the property for railroad purposes is proposed.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no change in current use of the property for railroad purposes is proposed.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: No effect on overall energy efficiency is expected. No change in current use of the property for railroad purposes is proposed.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: No change in current use of the property for railroad purposes is proposed so the proposed action will not result in an effect on air quality. In response to a prior report included in **Appendix C**, the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, advised that it was not aware of any adverse impact the project would have on air quality.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: No change in current use of the property for railroad purposes is proposed. Roane County, Tennessee is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except for particulate matter, according to public information provided by the U.S. Environmental Protection Agency.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: No change in current use of the property for railroad purposes is proposed and no salvage of material or other disturbance of the property will occur as a

result of the proposed action that would disturb any hazardous materials sites.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded. In any event, no change in current use of the property is proposed and no salvage of the track and materials on the property or other disturbance of the property is proposed.

49 CFR 1105.7(e)(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety as no change in current use of the property for railroad purposes is proposed.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: No change in current use of the property for railroad purposes is proposed.

(iii) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

RESPONSE: No change in current use of the property is proposed, and no salvage of the track and materials on the property is proposed. The line proposed for abandonment is adjacent to two State of Tennessee Superfund sites, the Rockwood Iron & Metal site and the Roane Alloy site. As no salvage activities or disturbance of the ground will occur as a part of this proposed abandonment, no adverse impact on these two Superfund sites would occur.

49 CFR 1105.7(e)(8) Biological Resources.

(i) *Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

RESPONSE: The U.S. Fish and Wildlife Service (USFWS) advised with respect to a prior report, in a response attached in **Appendix C**, that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal. The USFWS website indicates that there are no federally listed endangered or threatened species in Roane County.

(ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: No change in current use of the property for railroad purposes is proposed. No salvage of the track and materials on the property is proposed. There are no plans to remove or alter the contour of the roadbed underlying any part of the rail line to be abandoned. The rail line crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The rail Line proposed for abandonment does not cross waterways, nor were wetlands observed within the property boundary. The Line proposed for abandonment does not pass through 100-year flood plains or any wetlands. No change in current use of the property is proposed. No salvage of the track and materials on the property is proposed. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed action. There are no bridges or structures on the Line in any event. Consequently, CNOTP does not believe a Section 404 permit will be required in connection with the proposed abandonment.

Subsequent to the distribution of this report, CNOTP received a response from the Army Corps of Engineers, which states that the proposed project will not affect any

navigable water or any other water of the United States and a Department of the Army permit is not required for this project. A copy of this response is attached in **Exhibit C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: No change in current use of the property is proposed. No salvage of the track and materials on the property is proposed. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed action. There are no bridges or structures on the Line in any event. There should be no significant effects to water quality. Thus, CNOTP does not believe that a permit under Section 402 of the Clean Water Act will be required.

Subsequent to the distribution of this report, CNOTP received a response from the United State Environmental Protection Agency, which states that this activity is not subject to NPDES permitting requirements. A copy of this response is attached in **Exhibit C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

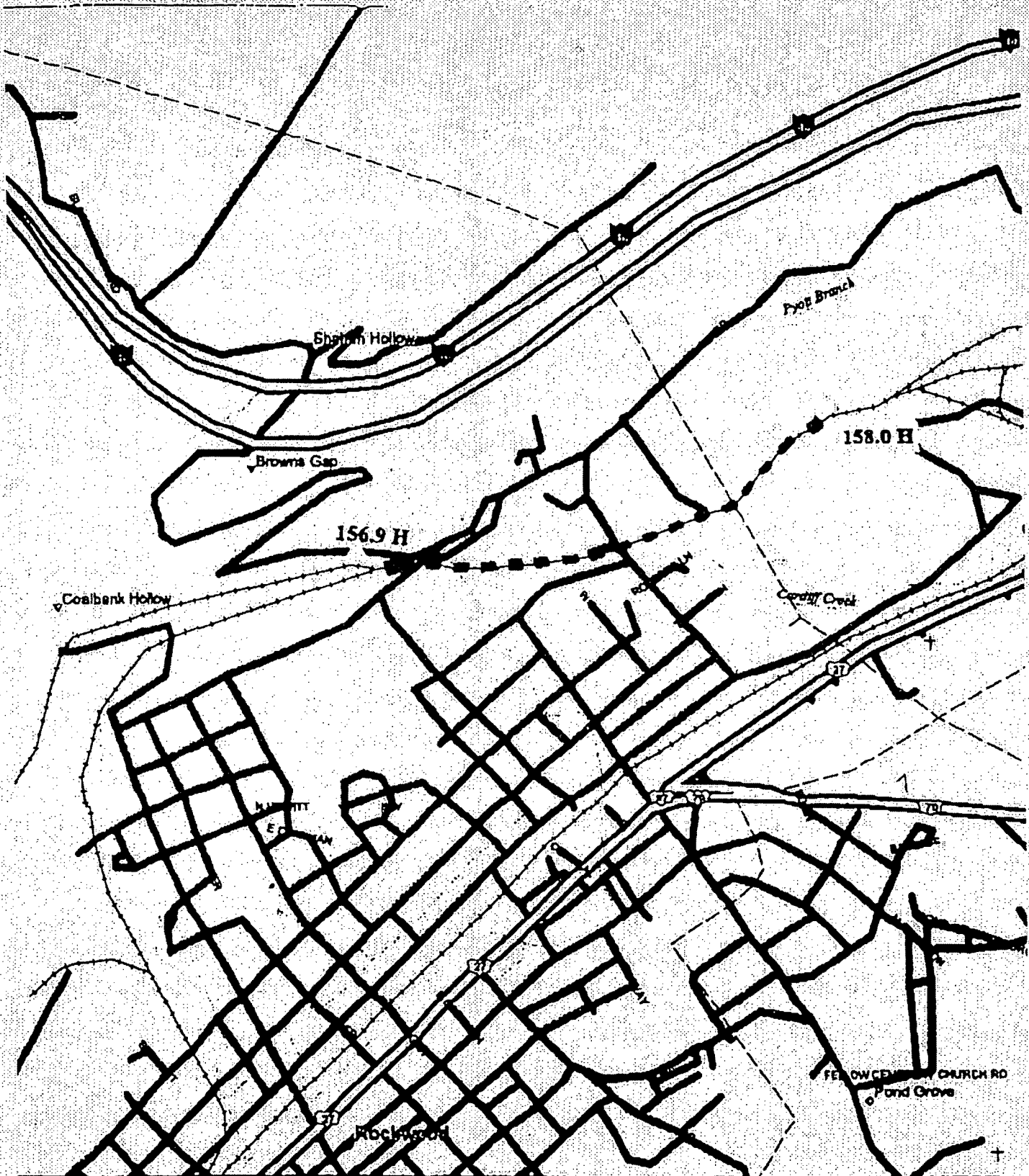
RESPONSE: No change in current use of the property is proposed. No salvage of the track and materials on the property is proposed. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed action. Therefore, no actions to mitigate adverse environmental impacts will be required as a result of the proposed action.

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey that states there are 5 National Geodetic Survey markers on or near the Line. Since no change in current use of the property for railroad purposes and no salvage of the track and materials on the property will take place, the proposed formal abandonment of the Line will have no effect on these markers, regardless of their exact location.

APPENDIX A

Site Map



NORFOLK SOUTHERN

GENERAL COMPANY

OFFICE OF THE ENGINEER - DESIGN & CONSTRUCTION, ATLANTA, GA.

LOCATION				Rockwood, Tennessee	
TITLE				Proposed abandonment	
				156.9 H 158.0 H	
DOI	VAL	SEC	MAP	MILE POST	
BN	FILE			DRAWING NUMBER	
ONE	DATE				

APPENDIX B

Agency Letters



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

August 18, 2006

RE: Docket No. AB-290 (Sub-No. 280X), The Cincinnati, New Orleans and Texas
Pacific Railway Company Abandonment – in Roane County, Tennessee

Dear Sir/Madam:

The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost 156.9-H and Milepost 158.0-H, a distance of 1.1 miles, located in Rockwood, Roane County, Tennessee.

Enclosed is a Preliminary Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

CNOTP does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the STB.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,
1925 K Street, N.W., Room 3219
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to me at the above address or by email at marc.kirchner@nscorp.com.

Sincerely,



Marcellus C. Kirchner
Director Strategic Planning
The Cincinnati, New Orleans and Texas Pacific Railway Company

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP 156.9-H and MP 158-H, a distance of 1.1 miles, located in Roane County, Tennessee.

Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219

Tennessee Department of Environment
and Conservation
401 Church Street, 21st Floor
Nashville, TN 37243-0435

Tennessee Department of Environment
and Conservation
Knoxville Field Office
2700 Middlebrook Pike,
State Plaza Building, Suite 220,
Knoxville, TN 37921

Mr. Ken Yager, Mayor
Roane County Tennessee
P.O. Box 643
County Courthouse
Kingston, TN 37763-0643
for the County and the County Planning
Commission

Mr. Michael Miller, Mayor
City Hall, 110 N. Chamberlain
Rockwood, TN 37854

Mr. Roosevelt Childress, Chief
U. S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-3104

Mr. Sam Hamilton, Regional Director
U.S. Fish and Wildlife Service
Century Center
1875 Century Blvd.
Atlanta GA 30345

Mr. Larry D. Watson
U.S. Army Corps of Engineers
B-202 Clifford Davis Federal Building
167 North Main Street
Memphis, TN 38103-1854

Mr. Rob Holland, CESAD-PA
U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303-8801

National Park Service
Southeast Region
100 Alabama St., SW
Atlanta, GA 30303

Mr. William D. Shaddox
Chief, Land Resources Division
U. S. National Park Service
1849 "C" Street, N.W. #MS3540
Washington, D.C. 20240

Mr. James W. Ford, State Conservationist
U. S. Department of Agriculture
Natural Resources Conservation Service
675 U.S. Courthouse
801 Broadway
Nashville, TN 37203

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East-West Highway, Room 8813
Silver Spring, MD 20910-3282

Tennessee Wildlife Resource Agency
Region 2 Office
Ellington Agricultural Center
P. O. Box 41489
Nashville, TN 37204

Mr. John Fisher, Transportation Manager
TDOT – Public Transportation, Water, and
Railways
Suite 1800, James K. Polk Building
505 Deadrick Street
Nashville, TN 37243

Mr. Paul E. Davis, P.E., Director
TDEC Division of Water Pollution Control
6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Mr. James W. Haynes, Director
TDEC Division of Superfund
4th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Mr. Barry R. Stephens, Director
TDEC Division of Air Pollution Control
9th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Tennessee State Parks
7th Floor, L & C Tower
401 Church Street
Nashville, TN 37243

Mr. Thomas Dailey
Tennessee Department of Agriculture
Forestry Division
P. O. Box 2666
Knoxville, TN 37901

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 280X) was mailed via first class mail on August 18, 2006 to the following parties:

Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219

Tennessee Department of Environment
and Conservation
401 Church Street, 21st Floor
Nashville, TN 37243-0435

Tennessee Department of Environment
and Conservation
Knoxville Field Office
2700 Middlebrook Pike,
State Plaza Building, Suite 220,
Knoxville, TN 37921

Mr. Ken Yager, Mayor
Roane County Tennessee
P.O. Box 643
County Courthouse
Kingston, TN 37763-0643
for the County and the County Planning
Commission

Mr. Michael Miller, Mayor
City Hall, 110 N. Chamberlain
Rockwood, TN 37854

Mr. Roosevelt Childress, Chief
U. S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-3104

Mr. Sam Hamilton, Regional Director
U.S. Fish and Wildlife Service
Century Center
1875 Century Blvd.
Atlanta GA 30345

Mr. Larry D. Watson
U.S. Army Corps of Engineers
B-202 Clifford Davis Federal Building
167 North Main Street
Memphis, TN 38103-1854

Mr. Rob Holland, CESAD-PA
U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303-8801

National Park Service
Southeast Region
100 Alabama St., SW
Atlanta, GA 30303

Mr. William D. Shaddox
Chief, Land Resources Division
U. S. National Park Service
1849 "C" Street, N.W. #MS3540
Washington, D.C. 20240

Mr. James W. Ford, State
Conservationist
U. S. Department of Agriculture
Natural Resources Conservation
Service
675 U.S. Courthouse
801 Broadway
Nashville, TN 37203

Mr. Richard A. Snay
Chief, Spatial Reference System
Division
National Geodetic Survey
1315 East-West Highway, Room 8813
Silver Spring, MD 20910-3282

Tennessee Wildlife Resource Agency
Region 2 Office
Ellington Agricultural Center
P. O. Box 41489
Nashville, TN 37204

Mr. John Fisher, Transportation
Manager
TDOT – Public Transportation, Water,
and Railways
Suite 1800, James K. Polk Building
505 Deadrick Street
Nashville, TN 37243

Mr. Paul E. Davis, P.E., Director
TDEC Division of Water Pollution
Control
6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Mr. James W. Haynes, Director
TDEC Division of Superfund
4th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Mr. Barry R. Stephens, Director
TDEC Division of Air Pollution Control
9th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Tennessee State Parks
7th Floor, L & C Tower
401 Church Street
Nashville, TN 37243

Mr. Thomas Dailey
Tennessee Department of Agriculture
Forestry Division
P. O. Box 2666
Knoxville, TN 37901



Marcellus C. Kirchner
August 18, 2006

APPENDIX C

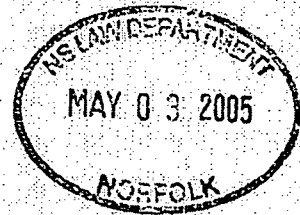
Agency Responses

United States Department of Agriculture



Natural Resources Conservation Service
675 U.S. Courthouse
801 Broadway
Nashville, Tennessee 37203

April 26, 2005



Mr. James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

Dear Mr. Paschall:

SUBJECT: Proposed Main Line Abandonment at Rockwood, TN, STB Docket No. AB-290
(Sub-No. 236X)

Your project proposal has been reviewed, and no adverse impact on conservation of natural resources was observed.

Sincerely,

A handwritten signature in cursive script, appearing to read "J.W. Ford".

JAMES W. FORD
State Conservationist

cc:

Steven Dobbs, RC, NRCS, Nashville, TN

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

United States Department of Agriculture



Natural Resources Conservation Service
424 North Kentucky Street
Suite 124
Kingston, TN 37763
(865) 376-2393 Ext. 3

April 27, 2005

Mr. James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

Re: Proposed Main-Line Abandonment @ Rockwood, TN STB Docket No. AB-290
(Sub-No. 236X).

Dear Mr. James R. Paschall:

I have received your project proposal and see no adverse impact on conservation of natural resources.

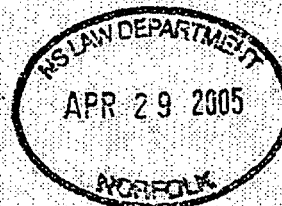
Sincerely,

A handwritten signature in cursive script, reading "Jeffery Young".

Jeffery Young, District Conservationist

JY/DM

cc: Steven Dobbs, Resource Conservationist



The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

United States Department of Agriculture



Natural Resources Conservation Service
424 North Kentucky Street
Suite 124
Kingston, TN 37763
(865) 376-2393 Ext. 3

April 22, 2005

Mr. James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

Re: Proposed Main Line Abandonment @ Rockwood, TN, STB Docket No. AB-290
(Sub-No. 236X)

Dear Ms. Gorby:

I have received your project proposal and see no adverse impact on conservation of natural resources.

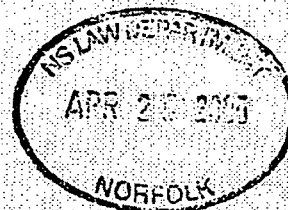
Sincerely,

A handwritten signature in cursive script that reads "Jeffery Young".

Jeffery Young, District Conservationist

JY/dm

Cc: Steven Dobbs, Resource Conservationist



The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

424 North Kentucky Street
Suite 124
PO Box 206
Kingston, TN 37763
(865)376-2393, extension 3

May 22, 2003



Ms Sandra J Gorby
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Re: Proposed Main Line Abandonment @ Rockwood TN.

Dear Ms. Gorby:

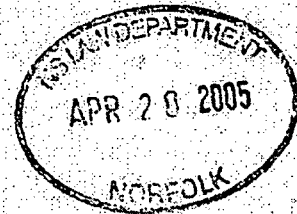
I have received your project proposal and see no adverse impact on conservation of natural resources.

Sincerely


Terry A. Gupton District Conservationist
ra



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL
9TH FLOOR, L & C ANNEX, 401 CHURCH STREET
NASHVILLE, TN 37243-1531
TELEPHONE: (615) 532-0554



April 15, 2005

Mr. James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

Re : STB Docket No. AB-290 (Sub-No. 236X)

Dear Mr. Paschall:

I have received a copy of your letter dated April 6, 2005 in which you outline a plan for The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP) to abandon a 1.1 mile railroad line located in Rockwood, TN between mile posts 156.9-H and 158.0-H. In considering your proposal to abandon this stretch of railway, I am not aware of any adverse impact this action will have on air quality.

Thank you for allowing me the opportunity to comment on this matter.

Sincerely,

Barry R. Stephens, P. E.
Director

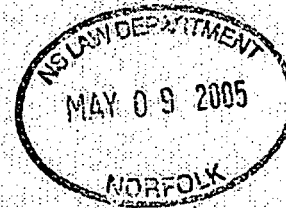
Cc: Jackie Waynick



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

MAY 5 2005

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of The Cincinnati, New Orleans, & Texas Pacific Railway Company for 1.1 mile of rail line between Milepost 156.9-H and Milepost 158.0-H at Rockwood, Roane County, Tennessee, STB Docket No. AB-290 (Sub-No. 236X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 1 geodetic station marker have been identified that may be affected by the proposed abandonment; a listing of this marker is enclosed. Additional information about this station marker can be obtained via the Internet www.ngs.noaa.gov. If there are any planned activities which will disturb or destroy this marker, NGS requires not less than 90 days notification in advance of such activities in order to plan for it's relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

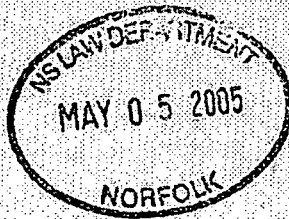
Enclosures

cc: N/NGS1 - G. Mitchell
James R. Paschall, Norfolk Southern Railway Co.



Printed on Recycled Paper





0909

APR 18 2005

Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall

Senior General Attorney

No significant adverse impacts to wetlands
or federally listed endangered or threatened
species are anticipated from this proposal.

Writer's Direct Dial Number

(757) 629-2759

fax (757) 533-4872

Field Supervisor

U.S. Fish and Wildlife Service
Cookeville, TN 38501

Date

April 6, 2005

RECEIVED
FWS-MILLER
05/12/2005 12:22
FEDERAL OFFICE

To: All Agencies and Parties Shown on Attached Service List:

Re: STB Docket No. AB-290 (Sub-No. 236X), The Cincinnati, New Orleans, &
Texas Pacific Railway Company - Abandonment - Petition for Exemption -
at Rockwood, Tennessee, in Roane County, Tennessee - Environmental
and Historic Reports

In the near future, The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR), expects to be filing with the Surface Transportation Board (STB or Board) a petition seeking authority to abandon a 1.1-mile railroad line located at Rockwood, Tennessee, in Roane County, Tennessee between Milepost 156.9-H and Milepost 158.0-H. The track will continue in operation as part of the private railroad line of Franklin Industries, Inc. and as an interchange track for exchange of rail freight traffic between CNOTP and both Franklin Industries Inc. and Horsehead Resources Development, Co., Inc. No track or material will be salvaged and no in-stream work, dredge or fill will occur as a result of the proposed STB exemption, the formal abandonment of the line and the contemplated subsequent transaction with respect to the ownership and operation of the track. Thus, CNOTP believes the proposed action will not have a significant effect on the environment but inasmuch as the transaction cannot be completed without formal abandonment of the line, CNOTP is required to file for an STB exemption.

While we believe the STB could waive the requirement for an environmental report under the circumstances of this case, we think the most conservative course is to prepare the usual report. We have twice previously begun preparation of this filing and regret that because we were unable to complete it, we must again ask for your comments so that a timely presentation can be made to the STB. We previously contacted Federal, State and Local agencies and received written responses from some of them. If we received a response from your agency, it is attached to this letter. Also attached are two maps showing the location of the subject line.

Under the STB's environmental regulations, 49 C.F.R. 1105, we are advising you of this proposed abandonment and transaction so that you may assist us in identifying any potential effects it may have. We request that you reply in writing to confirm that



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 25 2006

Marcellus C. Kirchner
Director, Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

SUBJ: Docket No. AB-290 (Sub-No. 280X)

Dear Mr. Kirchner:

This letter is in response to your letter of August 18, 2006, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of a 1.1 mile segment of rail line of rail line between Milepost 156.9-H and Milepost 158.0-H located in Rockwood, Roane County, Tennessee.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one or more acres of land are disturbed by clearing, grading or excavation and if storm water discharges from this disturbance enter a surface water body, by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. Based on the information provided in your letter and the attached Preliminary Environmental Report, it appears that this activity is not subject to NPDES permitting requirements. The State of Tennessee Department of Environment and Conservation has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Roosevelt Childress", is positioned above the typed name.

Roosevelt Childress, Chief
NPDES and Biosolids Permits Section
Permits, Grants and Technical Assistance Branch
Water Management Division

cc: Ed Polk
Tennessee Department of Environment and Conservation



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

September 6, 2006

Regulatory Branch

SUBJECT: Docket No. AB-290 (Sub-No. 280X), The Cincinnati, New Orleans and Texas Pacific Railway Company Abandonment in Roane County, Tennessee.

Mr. Marcellus C. Kirchner, Director
Strategic Planning Department
Three Commercial Place
Norfolk, Virginia 23510-2207

Dear Mr. Kirchner:

This is in response to your August 18, 2006 letter regarding the proposed abandonment and subsequent resale of 1.1 miles of existing railroad track (Mileposts 156.9-H -- 158.0-H) to Franklin Industries, Inc., Rockwood, Tennessee, in Roane County.

According to the information provided in your letter, there will be no physical abandonment or discontinuance of railroad operation of this line but merely a transfer of ownership. The line does not cross any waterways, wetlands, or 100-year floodplains. Based on this information, we have determined that the proposed project will not affect any navigable water or any other water of the United States. In this regard, a Department of the Army permit is not required for this project. The proposed project is located within the Tennessee River watershed; therefore the Tennessee Valley Authority (865-632-1320) may require approval for the work.

We appreciate your awareness of our regulatory program. If you have any questions, you can contact me at the above address or telephone (615) 736-7519.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ruben Hernandez", is written over a horizontal line.

J. Ruben Hernandez
Project Manager
Construction-Operations Division

Headrick, Kathy, C

From: Kirchner, Marc C.
Sent: Thursday, October 19, 2006 4:24 PM
To: Headrick, Kathy, C
Subject: FW: [Fwd: [Fwd: [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 280X)]]]]]

For the Rockwood filing.

Marc Kirchner

-----Original Message-----

From: Simon Monroe [mailto:Simon.Monroe@noaa.gov]
Sent: Wednesday, October 18, 2006 6:11 PM
To: Gilbert Mitchell
Cc: marc.kirchner@nscorp.com; Surface Transportation Board; National Society of Professional Surveyors
Subject: [Fwd: [Fwd: [Fwd: [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 280X)]]]]]

Thank you for sharing your railroad abandonment environmental report for Rockwood, Roane County, Tennessee.

Approximately 05 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, NGS requests 90-day advance notice to attempt their formal relocation. These marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

|Dist|PID...|H V|Vert_Source|Approx.|Approx..|Stab|Designation
|----|-----| - -|-----|-----|-----|----|-----
|....|FC0645|. 1|88/ADJUSTED|N355324|W0843838|C...|LHT 1081
|....|FC0646|. 1|88/ADJUSTED|N355306|W0843920|C...|R 194
|....|FC1814|3 .|29/VERT ANG|N355327|W0844039|....|ROCKWOOD RESET
|....|FC0906|. 2|88/ADJUSTED|N355303|W0844105|A...|W 232
|....|FC0907|. 2|88/ADJUSTED|N355256|W0844057|C...|X 232

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (Sub-No. 280X)

THE CINCINNATI, NEW ORLEANS, & TEXAS PACIFIC RAILWAY COMPANY
- ABANDONMENT -
- PETITION FOR EXEMPTION -
AT ROCKWOOD, TENNESSEE
IN ROANE COUNTY, TENNESSEE

HISTORIC REPORT

The Cincinnati, New Orleans and Texas
Pacific Railway Company
Three Commercial Place
Norfolk, VA 23510

Dated: August 18, 2006

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

The Cincinnati, New Orleans and Texas Pacific Railway (CNOTP) proposes to file with the Surface Transportation Board (STB) a petition for exemption to abandon 1.1 miles of rail line at Rockwood, Tennessee in Roane County, Tennessee, in order to sell the line to Franklin Industries, Inc. for incorporation in its private rail line and for use as an interchange track for exchange of rail traffic between CNOTP and Franklin Industries, Inc. and Horsehead Resources Development, Inc. A Historic Report with respect to this undertaking was submitted to the Tennessee Historical Commission in May 2003, but CNOTP was unable to complete work on the filing at that time. CNOTP did file a petition in August 2005 in STB Docket No. AB-290 (Sub-No. 236X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment - Petition for Exemption – at Rockwood, Tennessee in Roane County, TN*. An issue arose concerning the contracts covering the operation of the line following the abandonment which could not be resolved prior to the Board's statutory deadline to render a decision in the abandonment, and the Board was obliged to deny the petition without prejudice. The contract matters have since been resolved, and the abandonment authority is being sought again in the present docket. Therefore, this Historic Report is submitted with respect to the proposed STB filing. A map delineating the line proposed for abandonment is attached.

The formal abandonment of the subject line of railroad in this case will result in no material change in the operation of the property as a railroad track and the track and material will not be salvaged. Instead, the line will be conveyed by CNOTP to Franklin Industries for incorporation in its private rail line. That private line already operates on a connecting line segment between Rockwood, TN and Crab Orchard, TN. The subject line segment must be formally abandoned as a line of railroad before the sale and change in classification of the track may take place.

After the subject line segment is conveyed to Franklin Industries, Franklin Industries will use the line to pick up and deliver cars for interchange to CNOTP. CNOTP plans to continue to use the track as an interchange track under an agreement with Franklin Industries. Another shipper located on the subject line, Horsehead Resources Development Co., Inc., also will use the line for interchange of its rail traffic with CNOTP.

Because the operation of the line will continue after the abandonment, and because CNOTP previously prepared historic reports with respect to the proposed undertaking, to which the Tennessee State Historic Preservation Officer responded in the attached letters dated May 21, 2003, and April 15, 2005. CNOTP believes that the previous historic reports and responses from the Tennessee SHPO remain as adequate compliance with the requirements of Section 106 of the National Historic Preservation Act. Because of the passage of time since the submission of the previous report, CNOTP is submitting this Historic Report with a request that the Tennessee State Historical Commission reaffirm the previous determination that there are no National

Register of Historic Places Listed or Eligible Properties affected by the proposed undertaking. CNOTP also states its view that the proposed action would not have resulted in an adverse impact on properties eligible for listing in the National Register of Historic Places or on historic resources even if National Register of Historic Places Listed or Eligible Properties were involved in or adjacent to the area of the undertaking.

Under the circumstances, CNOTP requests that the Tennessee SHPO and the STB find that there are no National Register of Historic Places Listed or Eligible Properties that will be affected by the proposed undertaking or that an STB decision approving the undertaking and CNOTP's proposed action itself will have no adverse impact on properties eligible for listing in the National Register of Historic Places or on historic resources.

ADDITIONAL INFORMATION

(1) U.S.G.S. Topographic Map -- Maps were previously furnished to the Tennessee Historical Commission in connection with CNOTP's earlier historic reports. A topographical map excerpt showing the line at Rockwood, TN is enclosed with this historic report.

(2) Written Description of Right of Way - The right of way width varies from 25 feet to 150 feet on each side of the main track centerline, but is generally 50 feet on each side. The line passes through mostly forest (70%) with some residential (20%) and industrial (10%) areas.

(3) Photographs -- There are no bridges or significant structures on the line. Moreover, the line will continue in operation after its formal abandonment and sale to Franklin Industries.

(4) Date of Construction of Structures -- There are no bridges or significant structures on the line that are 40 years old or older. Moreover, the line will continue in operation after its formal abandonment and sale to Franklin Industries.

(5) History of Operations and Changes Contemplated -

The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a subsidiary of Norfolk Southern Railway Company (NSR), formerly Southern Railway Company (SR), proposes to abandon a 1.1-mile line of railroad between Milepost 156.9-H and Milepost 158.0-H at Rockwood, TN and sell that property to Franklin Industries for continued railroad operation as an industrial lead or private track. Corporate predecessors of the Tennessee Central Railway Company completed construction of the line segment at Rockwood, TN in 1900. This segment was built as part of a 54.65-mile line segment between Emory Gap, TN and Monterey, TN that was constructed by the company between 1893 and 1900. The Tennessee Central Railway (a separate entity from the more recent TCR) was completed to Rockwood in 1900. This rail line was the second rail line through the area, but it made available the timber and mineral resources of the Cumberland Plateau more readily accessible to Rockwood, TN and other locations along the line.

Norfolk Southern Railway Company's predecessor, Southern Railway Company, acquired the line segment to be abandoned in 1969 when Harriman and Northeastern Railroad Company (H&NE), another Southern Railway Company subsidiary, acquired the 36.5 miles of the previously independent Tennessee Central Railway Company's line between Crossville, TN and Harriman, TN.

Harriman and Northeastern Railroad Company, Cincinnati, Burnside and Cumberland River Railway, Chattanooga Traction Company, New River Railway Company and NU Road, Inc. merged into CNOTP on March 31, 1970, pursuant to a decision of the Interstate Commerce Commission in ICC Finance Docket Nos. 25901, 25902, and 25903. Through this transaction, CNOTP acquired control of the Crab Orchard-Rockwood rail line segment which was subsequently abandoned in 2000 and sold to Franklin Industries.

Southern Railway Company had owned, directly or indirectly, a majority of the shares of CNOTP since 1897. It was only in 1954 that Southern acquired control of CNOTP, however, through acquisition of the CNOTP shares then owned by The Baltimore and Ohio Railroad Company. Some shares of CNOTP remained in the hands of the public even after Southern Railway Company acquired the B&O's shares. Southern acquired full control of CNOTP following the ICC Decision in April 1970 cited above.

The Tennessee Central Railway Company that was acquired by the CNOTP had several corporate predecessors. Most of these predecessors had similar names to

Tennessee Central Railway Company. Some existed at the same time in the 1890s and early 1900s and were related companies. In its early years, between August 1893 and May 1904, Tennessee Central Railway Company's, and the related companies', president and developer was Jere Baxter.

Tennessee Central Railroad Company was incorporated under the general laws of Tennessee on August 25, 1893, for the purpose of building a line from the eastern terminus (now Monterey) of The Nashville and Knoxville Railroad Company line, which was later merged with the Tennessee Central, to a point on the Cincinnati, New Orleans and Texas Pacific Railway near Glen Alice, Tennessee. On July 1, 1897, Tennessee Central Railroad Company, which had become insolvent in April 1895, after the Panic of 1893, was sold to Tennessee Central Railway, which was incorporated under the general laws of Tennessee on June 14, 1897. This company was a separate entity from the Tennessee Central Railway Company that was incorporated February 5, 1901.

Thus, the separate Tennessee Central Railway Company was incorporated under the general laws of Tennessee on February 5, 1901 and sold to Tennessee Central Railroad Company on May 1, 1902. Tennessee Central Railroad Company's predecessor was the Nashville and Clarksville Railroad Company, which was incorporated on April 16, 1901. The Nashville and Clarksville Railroad Company was bought by Tennessee Central Railroad Company on April 30, 1902. Tennessee Central Railroad Company was the surviving company from these related companies after these transactions.

With construction beginning in 1893 and ending in 1904, Tennessee Central Railroad Company and its predecessor and related companies built and purchased a

line of railroad between Harriman, TN and Hopkinsville, KY via Nashville, TN that consisted of approximately 287 miles of track, including branch lines.

Part of the Tennessee Central Railroad Company line consisted of 75.993 miles of main line and about 20 miles of branch lines between Lebanon, TN and Monterey, TN. Tennessee Central Railroad Company purchased the Lebanon, TN-Monterey, TN line, and its branches, on May 1, 1902, from the Nashville and Knoxville Railroad Company. The Nashville and Knoxville Railroad Company had built its main line and branches between 1888 and 1894. Alexander Crawford, a Pennsylvania iron industry owner, founded the Nashville and Knoxville Railroad Company in 1884.

On September 30, 1902, the Tennessee Central Railroad Company also purchased 8.88 miles of line between Campbell Junction, TN and Isoline, TN, which were built between 1900-1902 by Cumberland Plateau Railroad Company.

The Tennessee Central predecessor Nashville and Knoxville Railroad Company had built a branch from Monterey, TN to Hanging Limb, TN that was completed in 1894. Tennessee Central Railroad Company built a coal spur from Hanging Limb, TN to Crawford, TN, which was completed and extended to Wilder, TN in December 1903.

Tennessee Central Railroad Company entered into receivership on December 31, 1912 and thereafter operated in technical insolvency for ten years. Tennessee Central Railway Company was chartered on January 22, 1922 for the purpose of acquiring and operating the property of its insolvent predecessor. Company records make it apparent that the Tennessee Central Railroad Company undertook a substantial renovation project that included the Crab Orchard, TN-Rockwood, TN segment of the line in 1927-28.

The Tennessee Central Railway Company was operated as an independent company until 1968, except for a brief period between July 1, 1905 and June 30, 1908. During that short time period the line between Southern Junction, TN and Harriman, TN was operated by Southern Railway Company, the line between Central Junction and Southern Junction was operated by Nashville Terminal Company and the line between Central Junction, TN and Hopkinsville, KY was operated by Illinois Central Railroad Company. W. W. Glenn became the last president of the Tennessee Central Railway Company in 1966.

On December 14, 1967, the United States District Court for the Middle District of Tennessee entered an order approving the petition of the Tennessee Central Railway Company for reorganization under Section 77 of the Bankruptcy Act. A. Battle Rodes was appointed trustee. In a decision dated April 25, 1968, in *Tennessee Central Railway Company Abandonment of Operations*, 333 I.C.C. 443 (1968), the Interstate Commerce Commission permitted Tennessee Central Railway Company to discontinue (abandon) operations over its entire line of railroad.

A significant factor in the decline of the Tennessee Central Railway Company was the decrease in the volume of its coal traffic. Tennessee Valley Authority's Kingston Steam Plant took as many as 1.3 million tons of coal annually from mines on the Tennessee Central Railway Company line in the 1950s. By 1967, TVA received only 35,604 tons from the Tennessee Central Railway Company coal mine origins, with no apparent prospect the coal traffic from those origins would increase. While the Tennessee Central Railway origins could supply a large volume of coal, the sulfur content of the coal from the Tennessee Central Railway Company Crawford branch

origins was too high for use by TVA. Tennessee Central Railway Company operated its last train before its division among Southern Railway Company, Illinois Central Railroad Company and Louisville and Nashville Railroad Company, described below, on August 31, 1968.

In a further decision in *Tennessee Central Ry. Co. Abandonment*, 334 I.C.C. 235 (1969) and related cases, the ICC permitted the total abandonment of the Tennessee Central Railway Company's entire line. However, the ICC also approved the acquisition of substantially all of the line by larger and more financially healthy carriers. The ICC authorized Illinois Central Railroad Company to acquire about 79 miles of Tennessee Central Railway line between Hopkinsville, KY and Nashville, TN. The ICC authorized Louisville and Nashville Railroad Company to acquire approximately 135 miles of Tennessee Central Railway line between Nashville, TN and Crossville, TN and certain branch lines and property in the Nashville area. Finally, the ICC authorized Harriman and Northeastern Railroad Company, a subsidiary of Southern Railway Company, to acquire about 37 miles of Tennessee Central line between Milepost 129.0 west of Crossville, TN and Milepost 165.8 near Harriman, TN. Soon thereafter, as noted above, Harriman and Northeastern Railroad Company merged into CNOTP.

In a decision served June 8, 1989, in ICC Docket No. AB-290 (Sub-No. 63), *The Cincinnati, New Orleans and Texas Pac. Ry. Co. -- Aband. -- Between Crab Orchard and Crossland in Cumberland Cty., TN*, the ICC authorized CNOTP's abandonment of the 12.5 miles of Tennessee Railway Company line between Crossville, TN and Crab Orchard, TN. Thus, the line segment between Crab Orchard, TN and Rockwood, TN

that was abandoned and sold to Franklin Industries after the STB's decisions in 2000, which are described below, became the end of a dead-end branch line in 1989.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Gary W. Dolzall wrote a two part history of the Tennessee Central Railway for Trains magazine: *A Railroad Worthy of Acquaintance*, Trains, September 1987, page 34, The Tennessee Central story #1 and *Stability, Turmoil, Resale*, Trains, October

1987, page 48, The Tennessee Central story #2. Author Cliff Downey has written two books on the Tennessee Central: *Tennessee Central Railroad - The Nashville Route* and *Tennessee Central Railway: History, Locomotives and Cars*.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and were operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR.

By decision served November 15, 2000, in STB Docket No. AB-290 (Sub-No. 208X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment Exemption - in Cumberland and Roane Counties, TN*, the STB granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 for CNOTP to abandon a line of railroad between milepost 141.5-H at Crab Orchard, TN and milepost 156.9-H at Rockwood, TN, a distance of 15.4 miles in Cumberland and Roane Counties, TN. The Board removed Section 106 historic preservation process and endangered species consultation conditions in a further decision served December 22, 2000. Thereafter, CNOTP sold the line to Franklin Industries, Inc. for use in a private rail operation serving its facility at Crab Orchard.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of

CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC into CSXT and of PRR into NSR was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Judge William E. Miller donated a collection of Tennessee Central Railway Company records, consisting of 52.08 linear feet of documents in 126 boxes, to the Tennessee State Library and Archives. The collection, which was cataloged in 1985, includes an almost complete collection of Tennessee Central Railway Company reports to the Interstate Commerce Commission between 1905 and 1968. An earlier collection of Tennessee Central Railway Company papers can be found in the Special Collections Library of the University of Tennessee, MS 1702. That collection contains, among other documents, Tennessee Central Railway Company reports to the Interstate Commerce Commission from 1898 to 1904 and also including 1912. The 1898 and 1899 annual reports are those of the Nashville and Knoxville Railroad Company, which was later purchased by the Tennessee Central Railroad. The 1901 report is that of Tennessee Central Railway, also later purchased by Tennessee Central Railroad.

Roane County, Tennessee was created in 1801 from Knox County and Indian lands. Roane County was named in honor of Archibald Roane (1760-1819), 1796 Constitutional Convention delegate, Superior Court of Law and Equity Judge, Supreme

Court Judge and Governor of Tennessee. A history of Roane County can be found in *Roots of Roane County, TN – 1792-*, published in 1981, by Snyder E. Roberts.

Development at Rockwood, Tennessee began with the construction of the Roane Iron Company works in 1868, although the town was not incorporated until 1890. As noted above, the Tennessee Central Railway Company line arrived at Rockwood in 1900, twenty years after the Cincinnati Southern Railroad (Cincinnati, New Orleans and Texas Pacific Railway Company) line was built through the area. *Company Town: A History of Rockwood and The Roane Iron Company* is a publication available from the Roane County Heritage Commission.

The change contemplated in the operation of the subject 1.1-mile line of railroad at Rockwood, TN is for The Cincinnati, New Orleans & Texas Pacific Railway to abandon the line, but to sell it to Franklin Industries for continued operation as an industrial lead or private track. Franklin Industries is located at Crab Orchard at the end of the previously abandoned 15.4-mile line segment that connects with the subject line segment at Rockwood, TN. Horsehead Resource Development Co., Inc. also is located on the subject 1.1-mile line at Rockwood, TN, but also will continue to receive rail service over the track as an interchange track. Franklin Industries can better maintain and operate the subject track, and needs access to the track for interchange operations.

Franklin Industries does not seek to become a common carrier or to serve other customers. It will allow Horsehead, which has its own locomotive for use at its plant, to use the track to interchange cars with CNOTP. Thus, Franklin Industries and Horsehead Resource Development Co. Inc. will not oppose the abandonment of the line, because those industries will continue to receive rail service over the track through

Franklin Industries' private rail operation and through use of the line segment as an interchange track after its formal abandonment by CNOTP.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic --

Not applicable. There are no structures on the line.

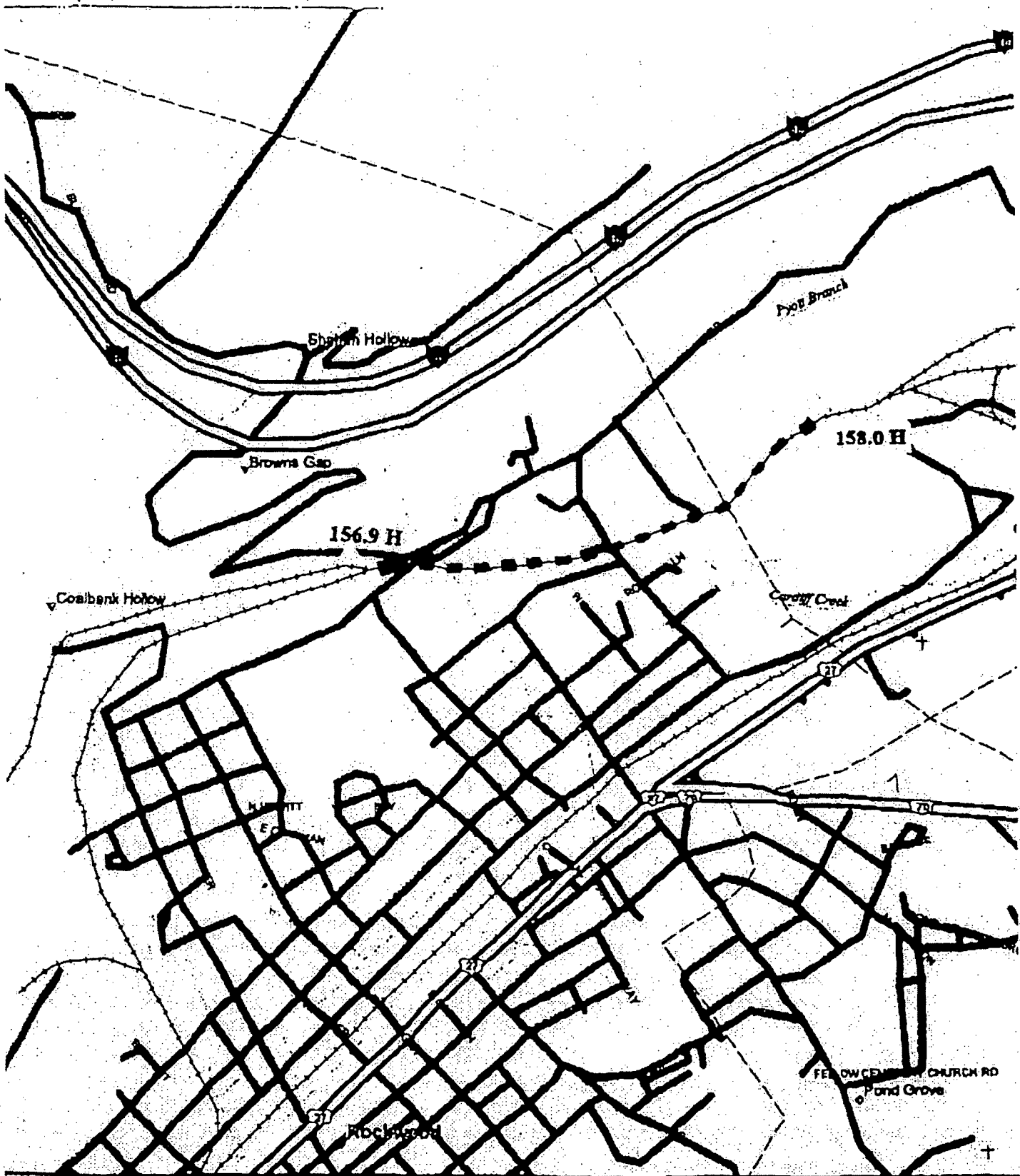
(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places --

It is CNOTP's opinion that the 1.1-mile line of railroad at Rockwood, TN to be formally abandoned as a result of the subject petition for exemption, but which will be retained for private railroad and interchange operations, does not meet the criteria for listing in the National Register of Historic Places. There are no structures or other characteristics that distinguish the line from other railroad lines running through forests and small residential and industrial areas in the vicinity. Because of the continuing operation of the line, as well as the line's limited history, CNOTP has no reason to believe that the line is historic or that the action proposed would have an adverse impact on any historic properties or resources. CNOTP believes the proposed undertaking will not result in an affect on National Register of Historic Places Listed or Eligible properties. The SHPO's letters of May 21, 2003 and April 15, 2005 confirm this conclusion. Copies of these letters are attached to this report.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

-- Not applicable. The material on the line will not be salvaged. Moreover, grading and filling of the right-of-way at the time of the railroad's construction would have disturbed the surface of the ground and some soil below it so that any archaeological evidence that might have been recovered from the site has already been severely disturbed if not destroyed.

(9) Follow-Up Information -- CNOTP will endeavor to provide any additional information that it has about the subject line as appropriate.



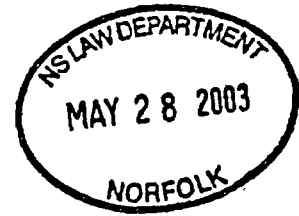
NORFOLK SOUTHERN

LOCATION				Rockwood, Tennessee
TITLE				Proposed abandonment 156.9 H 158.0 H
DOA	VAL SEC	MAP	MILE POST	
END	FILE			WALTON 10000
CNE	DATE			

ENGINE COMPANY

OFFICE OF DIST. ENGINEER - MEMPHIS & CONSTRUCTION, ATLANTA, GA.





May 21, 2003

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Ms. Sandra J. Gorby
Norfolk Southern Corp.
Three Commercial Place
Norfolk, Virginia, 23510-9241

RE: STB, ABANDONMENT/1.1 MILE OF LINE, ROCKWOOD, ROANE COUNTY

Dear Ms. Gordy:

In response to your request, received on Friday, May 16, 2003, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

After considering the documents you submitted, we determine that **THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING.** We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg



April 15, 2005

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. James R. Paschall
Norfolk Southern
Three Commercial Place
Norfolk, Virginia, 32510-2191

RE: STB, STB DOCKET NO AB-290 SUB NO 236X, ROCKWOOD, ROANE COUNTY

Dear Mr. Paschall:

In response to your request, received on Tuesday, April 12, 2005, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

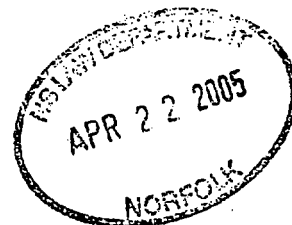
After considering the documents you submitted, we determine that **THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING.** We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg





August 24, 2006

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. Marcellus C. Kirchner
Norfolk Southern Corp.
Three Commercial Place
Norfolk, Virginia, 23510-2191

RE: STB, AB-290 SUB-NO. 280X, ROCKWOOD, ROANE COUNTY

Dear Mr. Kirchner:

In response to your request, received on Monday, August 21, 2006, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

After considering the documents you submitted, we determine that **THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING.** We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer



HLH/jyg



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

August 18, 2006

Mr. Herbert L. Harper, Executive Director and
Deputy State Historic Preservation Officer
Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37243-0442

RE: Docket No AB-290 (Sub-No. 280X), The Cincinnati, New Orleans, & Texas
Pacific Railway Company - Abandonment – Petition for Exemption –
at Rockwood, in Roane County, Tennessee – Historic Report

Dear Mr. Harper:

The Cincinnati, New Orleans & Texas Pacific Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Petition for Exemption seeking authority to abandon 1.1 miles of rail line between railroad milepost 156.9-H and milepost 158.0-H in Rockwood, Roane County, Tennessee. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area and a topographical map.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

Marcellus C. Kirchner

Enclosures

cc: James R. Paschall, Esq.



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

September 8, 2006

Ms. Michelle Hamilton
Tribal Historic Preservation Office
Eastern Band of Cherokee Indians
P. O. Box 455
Cherokee, NC 28719

RE: Docket No AB-290 (Sub-No. 280X), The Cincinnati, New Orleans, & Texas
Pacific Railway Company - Abandonment – Petition for Exemption –
at Rockwood, in Roane County, Tennessee – Historic Report

Dear Ms. Hamilton:

The Cincinnati, New Orleans & Texas Pacific Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Petition for Exemption seeking authority to abandon 1.1 miles of rail line between railroad milepost 156.9-H and milepost 158.0-H in Rockwood, Roane County, Tennessee. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area and a topographical map.

CNOTP previously sent a preliminary report concerning the proposed filing to the Tennessee State Historic Preservation Officer, who sent the enclosed letter, dated August 24, 2006.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MK', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner

Enclosures

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 280X) was mailed via first class mail to the following parties:

(August 18, 2006)

Mr. Herbert L. Harper, Executive Director and
Deputy State Historic Preservation Officer
Tennessee Historical Commission
2941 Leannon Road
Nashville, TN 37243-0442

(September 8, 2006)

Ms. Michelle Hamilton
Tribal Historic Preservation Office
Eastern Band of Cherokee Indians
P. O. Box 455
Cherokee, NC 28719



Marcellus C. Kirchner
September 8, 2006

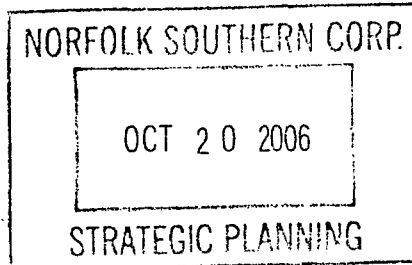
Roane County News Morgan County News
Harriman Record Rockwood Times
R.C. News-Record Web Printing Plant

P.O. Box 610, 204 Franklin Street
Kingston, TN 37763
(865) 376-3481 FAX (865) 376-1945

TO Norfolk Southern Corporation

ADVERTISING Legal Notice

PUBLISHER'S AFFIDAVIT



State of Tennessee, Roane County

I, Johnny Teglas, make oath that the attached advertisement or notice was published in:

 X The Roane County News, tri-weekly newspaper published at Kingston

 The Harriman Record, a weekly newspaper published at Harriman

 The Rockwood Times, a weekly newspaper published at Rockwood

 The Morgan County News, a weekly newspaper published at Wartburg

in said county and state, and that the advertisement or notice
of Notice of Intent to Abandon Rail Service

was published in said newspaper on the following dates: 10-13-06

and that the statement of account herewith is correct to the best of his
knowledge and belief

Signed

Johnny Teglas

Subscribed and sworn to before me this 17th day of October, 2006

Rebecca Frederick

Notary Public

My commission expires May 16, 2007

**NOTICE OF INTENT TO
ABANDON RAIL SER-
VICE**

The Cincinnati, New Orleans and Texas Pacific Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company, gives notice that on or about November 6, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a petition for exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*, permitting the abandonment of a 1.1-mile line of railroad between Milepost 156.9-H and Milepost 158.0-H at Rockwood, Tennessee, which traverses through United States Postal Service ZIP Code 37854 in Roane County, Tennessee. The line includes the station of Rockwood. The proceeding will be docketed as No. AB-290 (Sub-No: 280X).

The railroad line will be sold to Franklin Industries, Inc., for continued railroad use in the operation of Franklin Industries' existing 15.4-mile private railroad line and as an industrial track to serve Horsehead Resource Development, Inc.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.