



Department of Energy

Washington, DC 20585

September 30, 2016

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, D.C. 20420-0001

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ENTERED
Office of Proceedings
September 30, 2016
Part of
Public Record

RE: Docket Nos. 38302S and 38376S

Dear Ms. Brown:

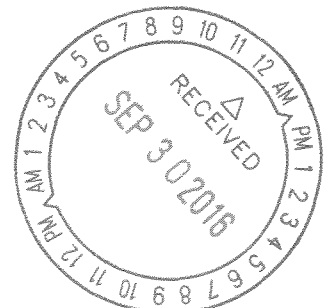
The August 19, 2013, decision in these dockets (served August 26, 2013, and effective on September 25, 2013), approved the Government's settlement agreement with BNSF Railway Company ("BNSF"), and held that these proceedings would continue to be held in abeyance, with the Government filing quarterly reports on the progress of settlement negotiations. That order followed a prior order in these proceedings entered July 27, 2005 (served August 2, 2005, and effective September 1, 2005), approving the Government's settlement agreement with Union Pacific Railroad Company.

This report updates our most recent report of June 30, 2016. We are pleased to report that Norfolk Southern Railway Company and the Government parties have executed a settlement agreement, and will shortly be filing a joint motion requesting the Board's review and approval of that agreement. A further report is due by the end of December 2016.

Sincerely,

Stephen C. Skubel
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cc: Attached Service List



CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2016, copies of the foregoing document were served by prepaid first-class mail on counsel for the major carrier parties of record and counsel for other parties participating in related proceedings by mailing copies to the following:

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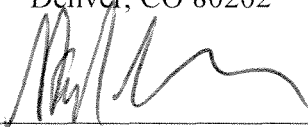
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