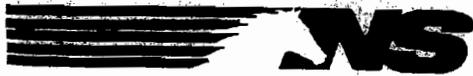


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September 1, 2006

Via fax (202) 565-9000 and e-mail; confirmation copy via mail
Ms. Diana Wood
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-290 (Sub. No. 266X), Norfolk Southern Railway Company – Abandonment Exemption - In McDowell County, NC

Dear Ms. Wood:

In a decision served July 7, 2006 in the subject proceeding, the Board made the exemption for the abandonment of Norfolk Southern Railway Company's (NSR) approximately 3.5-mile railroad line between milepost SB 205.0 and milepost SB 208.5, near Marion, in McDowell County, NC subject to the conditions that: "(1) prior to commencement of any salvage activities, NSR shall consult with NCDENR to ensure that any concerns regarding applicable stormwater management and sediment control requirements are addressed; NSR shall report the results of its consultations in writing to SEA prior to the onset of salvage operations; (2) to ensure appropriate consideration of NPDES requirements, NSR shall consult with NCDENR prior to commencement of any salvage activities and shall comply with the reasonable NPDES requirements; (3) NSR shall notify NGS at least 90 days prior to commencement of any salvage activities in order to plan for the possible relocation by NGS of geodetic station markers; and (4) in the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during NSR's salvage activities, NSR shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and NSR to determine whether any mitigation measures are necessary."

Mr. Richard P. Dietz, NSR's Engineer System Designs, has reported to me the following consultations or actions to comply with the foregoing conditions:

With respect to the first condition, Mr. Dietz reported that he had a phone conversation on Thursday, August 31, 2006 at 10:00 a.m. with Mr. Michael Parker, Environmental Specialist, NCDENR – Division of Water Quality. Mr. Parker's major concern was with the removal of the bridges over the three noted streams. Mr. Parker

Ms. Diana Wood
STB No. AB-290, Sub-No. 266X
September 1, 2006
Page 2 of 2

has requested that silt erosion fencing be placed on the stream banks within the work area of the bridge removal. Care is to be taken not to leave any bridge material within the stream and to minimize any movement or placement of operating equipment (such as backhoes or bulldozers) within the stream producing significant silt. Mr. Parker also asked that NSR seed the bridge embankments after bridge and abutment removal to prevent further erosion. NSR will comply with Mr. Parker's requested conditions.

As to the second condition, the NCDENR Water Quality Section has jurisdiction over the NPDES requirements. Mr. Parker advised Mr. Dietz that NSR's compliance with the requested conditions in connection with the first condition in the Board's decision also will satisfy the second condition.

As to the third condition, Mr. Dietz mailed a letter on August 31, 2006 to Mr. Gary Thompson, Chief, NC Geodetic Survey advising him of NSR's intentions as to removal of the track.

Finally, with respect to the fourth condition, NSR will insert language concerning the Board's requirement into contract specifications given at the salvage contractor's pre-bid meeting and will require the contractor to agree to those conditions.

We trust the Board will find that the referenced consultations and actions demonstrate NSR's full compliance with the conditions imposed by the Board in the decision served July 7, 2006 and will remove those conditions or in the alternative advise NSR that they deem them satisfied in order that NSR might proceed with the salvage of the material on the right-of-way. Thank you for your consideration

Very truly yours,



James R. Paschall

cc:

Honorable Vernon A. Williams, Secretary (via fax (202) 565-9004 and mail)
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Ms. Victoria Rutson, Chief (via e-mail)
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