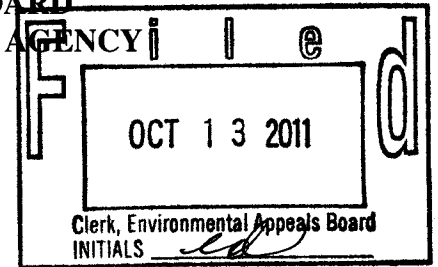


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Southern Pacific)
Transportation Company)

&)
)
)

The Atchison, Topeka &)
Santa Fe Railway)
_____)

CERCLA § 106(b) Petition No. 94-12

ORDER DISMISSING PETITION FOR REIMBURSEMENT

By submission filed with the Environmental Appeals Board on October 13, 2011, the petitioners in the above-captioned matter state that they are withdrawing with prejudice their petition filed pursuant to section 106(b)(2)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9606(b)(2)(A), seeking reimbursement of costs incurred in complying with an administrative order issued by U.S. EPA Region 9 under section 106(a) of CERCLA, 42 U.S.C. § 9606(a). Accordingly, the petition for reimbursement is hereby **DISMISSED WITH PREJUDICE**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 10/13/11

By: Charles J. Sheehan
Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition for Reimbursement in the matter of *Southern Pacific Transportation Company and The Atchison, Topeka & Santa Fe Railway*, CERCLA § 106(b) Petition No. 94-12, were sent to the following persons in the manner indicated:

By Pouch Mail:

Joshua Wirschafter
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

By Certified Mail:

Marc A. Zeppetello
Barg Coffin Lewis & Trapp
350 California Street, 22nd Floor
San Francisco, CA 94104-1435

Date: OCT 13 2011

A handwritten signature in black ink, appearing to read "Annette Duncan", written over a horizontal line.

Annette Duncan
Secretary