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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
EASTERN RESOURCE CENTER
Albany Office
Leo W. O'Brien Federal Building, Room 719
Albany, New York 12207-2398

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

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February 19, 1999

IN REPLY REFER TO:

The Honorable Burton S. Kolko
Administrative Law Judge
Office of Hearings (M-20)
U. S . Department of Transportation
400 7th Street, SW, Room 5411
Washington, D. C. 20590

Re: Kuehne Chemical Company, Inc., FHWA-1997-2386 - 18

Dear Judge Kolko:

Enclosed please find a brief Reply to Complainant's Recent Opposition Motion and Counter Motion for Summary Judgment, and also to Complainant's letter of February 17, 1999.

Also attached is a service list showing service on all parties of record.

Sincerely yours,

Sheila D. O'Sullivan
Counsel for the Regional Director

cc: Service List

UNITED STATES DEPARTMENT
OF TRANSPORTATION

IN THE MATTER OF

KUEHNE CHEMICAL COMPANY, INC.

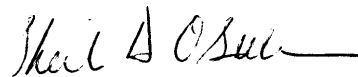
DOCKET NO. FHWA-1997-2386

REGIONAL DIRECTOR'S RESPONSE TO COMPLAINANT'S
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND
COMPLAINANT'S CROSS MOTION FOR SUMMARY JUDGMENT

The Regional Director, by his counsel, hereby submits a brief response to complainant's recent opposition motion and cross motion for summary judgment in the above action. The Regional Director also responds to complainant's letter to the Administrative Law Judge dated February 17, 1999, requesting that the Administrative Law Judge's Order Granting Summary Judgment be withdrawn.

The Regional Director does not oppose complainant's request that its untimely reply to the Motion for Summary Judgment be given consideration. The Regional Director continues however, to request relief on the merits of his Motion for Summary Judgment and believes that the Motions and exhibits already filed in this matter do not require further supplementation.

Respectfully submitted,



Sheila D. O'Sullivan
Counsel for the Regional Director

SERVICE LIST

This is to certify that on this d/9thf February, 1999, the undersigned sent, in the manner indicated, the designated number of copies of the attached documents to each of the parties listed below.

David R. Pierce, Esq. Donald F. Nicolai, Esq. Attorney for Kuehne Chemical Company, Inc. Lindabury, McCormick & Estabrook 53 Cardinal Drive P.O. Box 2369 Westfield, New Jersey 0709 1-2369	One Copy by Regular Mail
Sheila D. O'Sullivan Assistant Regional Counsel, HRC-01 Federal Highway Administration Leo W. O'Brien Federal Bldg., Rm. 719 Clinton Ave. & N. Pearl Street Albany, New York 12207-2398	One Copy - Hand Delivered
Milt Schmidt Regional Director Office of Motor Carriers Federal Highway Administration Leo O'Brien Federal Building, Room 719 Clinton Avenue and North Pearl Street Albany, New York 12207-2398	One Copy - Hand Delivered
Mr. George Reagle Associate Administrator for Motor Carriers Attention: Steven B. Farbman, Esq. Adjudications Counsel Federal Highway Administration HCC-4, Room 4213 400 7th Street, SW Washington, D.C. 20590	One Copy by Regular Mail

U.S. DOT Dockets
U.S. Department of Transportation
400 7th Street, SW, Room PL-401
Washington, D.C. 20590

Original Copy by Regular Mail

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