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Public Record

ORIGINAL

November 12, 2004



Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
Washington DC 20423

Re: Docket No. AB-156 (Sub-No. 25X)  
Delaware & Hudson Railway Company, Inc.-Discontinuance of  
Trackage Rights-Between Lanesboro, PA, and Buffalo, NY.

Dear Mr. Williams:

This letter is in connection with the Reply to Petition, Etc.,  
filed November 10 in the entitled proceeding on behalf of Samuel J.  
Nasca, and is to correct the footnote 2, at page 3, to read as  
follows:

2/ UTU-NY on November 1, 2004, requested an oral hearing and  
extension of time within which to file this reply. The Board  
on November 10, denied the request for oral hearing as untimely,  
giving as a reason any request for oral hearing was due by October  
11, 2004, 10 days after the D&H petition was filed on October 1,  
2004, citing 49 CFR 1152.26. But the cited reference is applicable  
to discontinuance applications, not to petitions for discontinuance  
exemptions. Requests for oral hearing for discontinuance exemption  
petitions are governed by the rule of general applicability, which  
is 10 days from the federal register notice date (October 21) of  
staff action. 49 CFR 1121.4(c)(ii); 49 CFR 1011.2(a)(7).

It is requested that this correction letter be accepted in sub-  
stitution for the footnote 2, at page 3, of Reply to Petition, Etc.,  
filed November 10, 2004.

I regret this inconvenience.

Very truly yours,

*Gordon P. MacDougall*  
Atty. for Samuel J. Nasca

cc: All parties