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via fax 202-565-9002 and mail - 2 pages

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Office of Proceedings

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

OCT 13 2005

Part of
Public Record

Re: Docket No. AB-290 (Sub-No. 251X), Norfolk Southern Railway Company -
Abandonment Exemption - At Edenton, North Carolina, In Chowan
County, North Carolina - Notice of Exemption - Request for Clarification or
Extension of Consummation Notice Deadline Date

Dear Mr. Williams:

In a decision served July 14, 2005, the Board removed several previously imposed conditions to the consummation of the abandonment of the 0.33-mile rail line at Edenton, NC that is the subject of this proceeding, and clarified or modified others. Those conditions then remained outstanding and NSR has not yet fully satisfied them. At NSR's request, the Board also extended the deadline date for filing the notice of consummation of the abandonment of the line in this proceeding to October 17, 2005. Because NSR requested that the Board extend the deadline date in order to allow time to take any action required to meet any outstanding conditions and to consummate the abandonment, we are concerned that our prior request and the Board's decision setting a new deadline date could result in uncertainty as to the applicable consummation deadline date in this proceeding and as to whether or not further extensions of the deadline date by the Board are required under the circumstances.

NSR has worked to satisfy the conditions imposed in the Board's decision served July 14, 2005 but needs to complete consultations or paperwork with a state agency to finish the process and to make the required report to the Board's Section of Environmental Analysis. Many of NSR's Engineering personnel, and Mr. Richard P. Dietz in particular, recently have been required to spend a large amount of time working on the repair of damage done to NSR's system, especially in Louisiana, by Hurricane Katrina. This has delayed their work on other projects such as the removal of the trestle over Queen Anne Creek at Edenton, NC. We expect to be able to catch up with

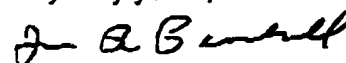
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and handle such delayed projects in the near future. Nonetheless, this delay now has brought us near the consummation notice deadline date set in the Board's decision served July 14, 2005, without NSR being able to fully satisfy the outstanding conditions, which we expected to be able to do by this date, and with the uncertainty we may have created as to the applicable consummation notice deadline date with our previous extension request.

NSR now thinks that its rationale for asking for an extension of the deadline date, which was made with the previous one-year deadline date imminent and the status of the conditions uncertain, was based on an analysis of the status of the case and possible further decision of the Board which was either inapplicable to the case or at least extremely unlikely to occur. Therefore, NSR requests that the Board clarify that the Board's decision served July 14, 2005 does not require that the conditions that remained outstanding after that decision must be met, and that the abandonment must be consummated, by October 17, 2005 or even that the Board must extend the consummation notice deadline date to a further date certain because those conditions have not yet been fully satisfied. Rather, NSR asks that the Board clarify that the consummation deadline date in this proceeding will be determined by the application of the Board's regulation at 49 CFR 1152.29(e)(2) that if "any legal or regulatory barrier to consummation exists at the end of the 1-year time period, the notice of consummation must be filed not later than 60 days after satisfaction, expiration or removal of the legal or regulatory barrier." If, however, the Board believes that an extension of the consummation notice deadline date is nonetheless appropriate under the current circumstances in this case, NSR asks that the Board extend the deadline date for filing the consummation notice of the abandonment of the subject line to January 20, 2006.

By copy of this letter and the attachments via both fax and e-mail, we are advising SEA of the status of this matter. Thank you for your consideration of this matter.

Very truly yours,



James R. Paschall

cc via fax 202-565-9000 and copy via e-mail
Ms. Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
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and copy via e-mail to Ms. Rini Ghosh and Ms. Ann Newman