

SERVICE DATE – APRIL 30, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42125

E.I. DUPONT DE NEMOURS AND COMPANY

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: April 30, 2014

On March 24, 2014, the Board served the final merits decision (Merits Decision) in this proceeding regarding the challenge by E.I. du Pont de Nemours and Company (DuPont) to the reasonableness of rates established by Norfolk Southern Railway Company (NS). Petitions for reconsideration typically are due within 20 days of a final decision. 49 C.F.R. § 1115.3(e). However, on March 31, 2014, DuPont filed a motion for extension of time to file petitions for reconsideration on the basis of certain technical errors in the Merits Decision. NS filed a reply in support of DuPont's motion on April 2, 2014.

In a decision served on April 11, 2014, the Board tolled the deadline for filing petitions for reconsideration and instructed the parties to file a joint petition to correct technical errors in accordance with the procedure set forth in Public Service Co. of Colorado d/b/a Xcel Energy v. Burlington Northern & Santa Fe Railway, 7 S.T.B. 1029, 1029-30 (2004). DuPont and NS submitted a joint petition to correct technical errors on April 14, 2014.

The Board will issue a decision correcting technical errors. Petitions for reconsideration of the Merits Decision and the decision correcting technical errors will be due 20 days from the effective date of the latter decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Petitions for reconsideration will be due 20 days from the effective date of the decision correcting technical errors.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings