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July 12, 2005

VIA HAND DELIVERY

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 711
Washington, DC 20423

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Office of Proceedings

JUL 12 2005

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Public Record

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Re: Docket No. AB-290 (Sub-No. 260X), Tennessee Railway Company
– Abandonment Exemption – In Anderson and Campbell Counties,
TN; – Docket No. AB-290 (Sub-No. 259X), Tennessee Railway
Company – Abandonment Exemption – Between Oneida, Tennessee
and Nicks Creek, Tennessee

Dear Secretary Williams:

Enclosed for filing in the referenced proceeding, please find an original and ten copies of National Coal Corporation and Norfolk Southern Railway Company's Joint Petition For Extension Of Due Date. Expedited consideration of this Petition is requested.

An additional copy of the Petition also is enclosed. Kindly indicate receipt and filing by time-stamping this copy and returning it to the bearer of this letter.

Thank you for your attention to this matter.

Sincerely,



Kelvin J. Dowd
An Attorney for
National Coal Corporation

ENTERED
Office of Proceedings
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Public Record

Expedited Consideration Requested

BEFORE THE
SURFACE TRANSPORTATION BOARD



TENNESSEE RAILWAY COMPANY –	)	
ABANDONMENT EXEMPTION –	)	
IN ANDERSON AND CAMPBELL	)	Docket No. AB-290 (Sub-No. 260X)
COUNTIES, TENNESSEE	)	214312

TENNESSEE RAILWAY COMPANY –	)	
ABANDONMENT EXEMPTION –	)	
BETWEEN ONEIDA, TENNESSEE	)	Docket No. AB-290 (Sub-No. 259X)
AND NICKS CREEK, TENNESSEE	)	214313

JOINT PETITION FOR EXTENSION OF DUE DATE

Pursuant to 49 C.F.R. Part 1104.7(b), National Coal Corporation (“NCC”) and Norfolk Southern Railway Company and its wholly-owned subsidiary, Tennessee Railway Company (collectively “NS”) petition for an extension of the current deadline for the submission of a request that the Board set terms and conditions for NCC’s purchase of the rail lines at issue in these proceedings, under the provisions of 49 U.S.C. §10904(e). Under 49 C.F.R. Part 1152.27 (g)(1), a party has 30 days from the date that an Offer Of Financial Assistance is made either to reach an agreement on the terms of the OFA, or request that the Board establish those terms. Pursuant to the Board’s Decision served June 30, 2005 in these dockets, the current deadline is July 27, 2005. For the reasons stated herein, NCC and NS respectfully request that the Board extend the date to August 15, 2005. In light of the impending current deadline, expedited consideration of this Petition is requested.

Background

On December 30, 2004, NS filed a Notice of Exemption to abandon the line between Milepost TE-27.96 at Nicks Creek and Milepost TE-42.00 at Devonia, Tennessee (the southern segment), pursuant to C.F.R. Part 1152.50. On February 28, 2005, NS sought a separate exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon the line between Milepost TE-.95 near Oneida and milepost TE-27.96 near Nicks Creek (the northern segment).

On May 20, 2005, NCC filed a timely offer of financial assistance (OFA) to purchase the southern segment, pursuant to 49 C.F.R. Part 1152.27. By decision served May 25, 2005, the Board certified NCC as a financially responsible party, under 49 C.F.R. Part 1152.27(g)(1). By decision served June 17, 2005, the Board then held the OFA process for the southern segment in abeyance, to afford NCC an opportunity to file an OFA to acquire the northern segment. On June 27, 2005, NCC submitted an OFA to purchase this segment, pursuant to 49 C.F.R. Part 1152.27.

By decision served June 30, 2005, the Board certified NCC as a financially responsible party with respect to its OFA for the northern segment. In light of the Board's June 17 ruling, this decision effectively gave the parties until July 27, 2005 to agree upon acquisition conditions and a purchase price for both northern and southern segments. *See* 49 C.F.R. Part 1152.27(g)(1). Consistent with the Board's expectation, NCC and NS are

proceeding with negotiations for the purchase of both the northern and southern lines together.

Discussion

Pursuant to 49 C.F.R. 1104.7(b), the Board may extend a due date upon request and for good cause. Good cause exists in this proceeding for extending the deadline for agreeing upon terms for the OFA or making a request that the Board establish the conditions and compensation for financial assistance under 49 C.F.R. Part 1152.27 (g)(1).

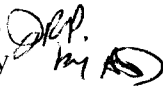
The parties have commenced negotiations for the entire rail line from Oneida to Devonia, and have committed to negotiating in good faith. However, key personnel from each party will be unavailable in the coming weeks due to scheduled vacations and other conflicting commitments. The unavailability of key staff and consequential scheduling conflicts likely will preclude the successful completion of negotiations by July 27. Both parties are in agreement that an extension to August 15 should give them adequate time to work toward an agreement, and that neither party will be harmed by this modest delay. The public interest in the preservation of rail service, and the interests of both NCC and NS in conducting negotiations efficiently and productively would be served best by the requested extension.

Conclusion

For the foregoing reasons, NCC and NS respectfully request that the Board issue an order extending the deadline to set conditions and a purchase price for the Oneida-Nicks Creek and Nicks Creek-Devonia line segments under 49 C.F.R. Part 1152.27 (g)(1), until August 15, 2005.

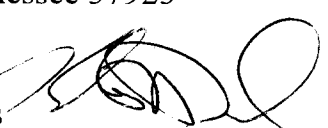
Respectfully submitted,

NORFOLK SOUTHERN RAILWAY
COMPANY

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NATIONAL COAL CORPORATION

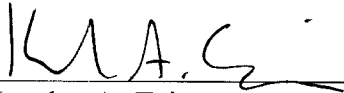
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Dated: July 12, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2005, I caused copies of the foregoing Joint Petition For Extension of Due Date to be served upon all parties of record in this proceeding by first class United States mail, postage prepaid.


Kendra A. Ericson