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SEC

SERVICE DATE – MAY 22, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35036

SUFFOLK & SOUTHERN RAIL ROAD LLC—LEASE AND OPERATION EXEMPTION—
SILLS ROAD REALTY, LLC

Decided: May 21, 2008

On May 2, 2008, U S Rail Corporation (U S Rail) filed a petition asking the Board to clarify its decision served October 12, 2007, as to whether U S Rail can begin certain activities at the site of a proposed future rail terminal (the Brookhaven Rail Terminal). By letter filed May 21, 2008, the Town of Brookhaven, NY (Brookhaven) requests an additional 5 business days (until May 30, 2008) to submit a reply to the petition for clarification. Brookhaven states that counsel for U S Rail consents to the extension.

Brookhaven's request for additional time is reasonable and will be granted. Brookhaven's reply to the petition for clarification will be due by May 30, 2008.

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

It is ordered:

1. Brookhaven's request for an extension of time is granted.
2. Brookhaven's reply is due May 30, 2008.
3. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary