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Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

**RE: Docket No. NOR 42125, E.I. du Pont de Nemours and Company v.
Norfolk Southern Railway Company**

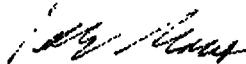
Dear Ms. Brown:

E.I. du Pont de Nemours and Company ("DuPont") requests leave to file this brief reply to "Defendant Norfolk southern Railway Company's Reply to Complainant's Motion to Modify Procedural Schedule," filed on July 11, 2011. Although NS does not oppose DuPont's Motion, it seeks to clarify that:

NS has requested not only a decision from FRA (which we understand will be based upon FRA's consultations with TSA) but also an order from the Board advising the parties that based upon consultations with FRA and TSA, NS may produce its traffic data as "Highly Confidential" information consistent with SSI regulations. {underline added}

DuPont takes issue with the underlined text. Once the FRA issues an order permitting conditional disclosure of SSI pursuant to 49 C.F.R. 15.15(e), NS's discovery objection to produce that SSI information is removed. No action by the Board is necessary to enable NS to produce that information and NS would have no further grounds for continuing to withhold such information. If the Board should conclude otherwise, then the close of discovery should be pegged to the date of Board action, not FRA action, as requested in DuPont's Motion.

Sincerely,



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