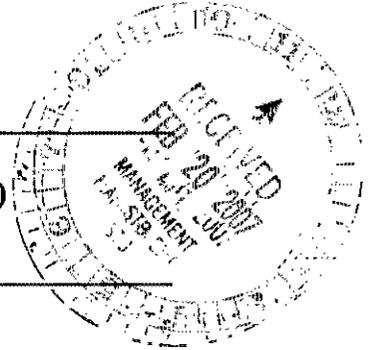


**BEFORE THE
SURFACE TRANSPORTATION BOARD**

218651
STB DOCKET NO. AB-290 (Sub- No. 283X)



**NORFOLK SOUTHERN RAILWAY COMPANY
ABANDONMENT EXEMPTION
IN HARRIMAN, ORANGE COUNTY, NEW YORK**

ENTERED
Office of Proceedings

FEB 20 2007

Part of
Public Record

**PROTEST / OPPOSITION OF JAMES RIFFIN
TO PETITION FOR EXEMPTION
FROM THE PROVISIONS OF 49 U.S.C. § 10904 (OFA'S)**

1. Notice is herewith given that James Riffin ("Riffin" or "Protestant") intends to participate as a party of record in the above entitled proceeding. All documents, filings or decisions in the above entitled case should be served on Riffin at:

James Riffin
1941 Greenspring Drive
Timonium, MD 21093
(443) 414-6210

2. Riffin, pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith files his Protest / Opposition to Norfolk Southern Railway Company's ("NS") Petition for Exemption From the Provisions of 49 U.S.C. §10904 (Offers of Financial Assistance) ("Petition for Exemption" or "PE") in the above entitled case, and for reasons states:

3. On January 12, 2007, NS filed an Abandonment Exemption ("AE") to abandon 1.64 miles of railroad line between Mileposts ("MP") ZU 45.00 and ZU 46.64, at Harriman, NY in Orange County, NY ("Line"). In its AE, NS stated it proposed to reclassify the line as unregulated §10906 Excepted Track. NS further requested exemption from the Board's §10904 Offer of

Financial Assistance (“OFA”) procedures, and exemption from the Board’s §10905 public use conditions.

4. A. Protestant’s Business: Riffin is a Class III railroad. He has an interest in acquiring additional lines of railroads.

B. Riffin’s interest in the proceeding: Riffin’s primary objection is that granting NS’ request to be exempted from the Board’s OFA procedures would set a precedent which could have far reaching adverse consequences for future rail abandonments. In effect, granting the AE in conjunction with the OFA exemption would create a new way to circumvent the Board’s abandonment and OFA procedures, and could effectively nullify the Board’s OFA procedures. [Shortly after a tenant left a site with rail access, the rail carrier could file to abandon the line of railroad. Simultaneously the rail carrier could request an OFA exemption, using the ruse that the track will be used as excepted track. After the exemption and abandonment authority have been granted, then abandon the excepted track. (Excepted track can be abandoned without Board authority.) The railroad then would be free to salvage the rails and sell the real estate. If a new tenant moved into the site and requested rail service, none would be available.] Granting NS’ requested OFA exemption would create a new precedent, which the Board would have to follow in all future filings. [In *New York Cross Harbor R.R. v. Surface Transp. BD.*, 374 F.3d 1177, 1181 (D.C. Cir. 2004), the court held: “An agency acts arbitrarily and capriciously if it “reverse[s] its position in the face of a precedent it has not persuasively distinguished,” citing *Louisiana Pub. Serv. Comm’n v. FERC*, 184 F.3d 892, 897 (D.C. Cir. 1999). Granting the OFA exemption would set a new precedent, which the Board would have to persuasively distinguish each time a new OFA exemption was requested.]

C. Riffin does not represent any group or other public interest.

I. Exemption from Offers of Financial Assistance.

5. On page 8 of NS’ Petition, NS requested that the Board exempt its abandonment transaction from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). NS stated the Line would be reclassified as an industrial track and retained for future industrial development opportunities. It then stated after abandonment, the line would not be suitable for public use, and should not be subject to Offers of Financial Assistance or Public Use conditions. NS did not cite any authority to justify its request for exemption from offers of financial assistance and public use conditions.

6. Riffin **strongly** opposes NS' request for exemption from 49 U.S.C. 10904 [offer of financial assistance ("OFA")].

7. Granting an exemption from 49 U.S.C. 10904 is an "unusual relief," **rarely granted**. From 1980 through 1996, the ICC granted an exemption from offers of financial assistance only 5 times. The Board has granted this exemption only once (in 2000). "In the past, the Commission has granted this unusual relief when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service." *Southern Pacific Transportation Company – Discontinuance of Service Exemption – In Los Angeles County, CA*, Docket No. AB-12 (Sub-No. 172X), decided December 1, 1994, ("SP 172X") at page 3. In the very few cases where exemption from offers of financial assistance have been granted, the Board and the ICC have enumerated criteria which justify granting this exemption:

A. In *Iowa Northern Railway Co. – Abandonment - In Blackhawk County, IA*, Docket No. AB-284 (Sub-No. 1X), decided March 28, 1988, the line to be abandoned was to be used as the corridor for a new U.S. highway 218. The line had two active shippers. One shipper elected to sell its property to the State of Iowa, then relocate its business. The other shipper had adjacent parallel alternate rail service available. (Its facility was served by two rail lines.) Using the line proposed for abandonment for rail service, would have precluded construction of the highway. No one opposed the abandonment or OFA exemption requests, nor did anyone file a Notice of Intent to File An Offer of Financial Assistance.

B. In *Chicago and North Western Transportation Company – Abandonment Exemption – In Blackhawk County, IA*, Docket No. AB-1 (Sub-No. 1X), decided July 7, 1989, the railroad asked for abandonment approval so that the right-of-way could be used for another portion of the proposed U.S. highway 218, see *Iowa Northern, supra*. The railroad arranged to provide rail service to the only shipper on the line via other tracks adjacent to the shipper's facility. The shipper also planned to sell its facility to the State of Iowa, then relocate its business. Using the line proposed for abandonment for rail service, would have precluded construction of the highway. No one opposed the abandonment or OFA exemption requests, nor did anyone file a Notice of Intent to File An Offer of Financial Assistance.

C. In *Missouri Pacific Railroad Company – Abandonment – In Harris County, TX*, Docket No. AB-3 (Sub-No. 105X), decided December 16, 1992, the line to be abandoned was to be

used as the corridor for an expanded Interstate Highway 10, and as the corridor for future mass transit. The line had a number of shippers. The active shippers either elected to relocate or to use alternate existing rail service. Using the line proposed for abandonment for rail service, would have precluded expansion of I-10. No one opposed the abandonment or OFA exemption requests, nor did anyone file a Notice of Intent to File An Offer of Financial Assistance.

D. In the *SP 172X* case, the only shipper on the line had stopped using the line prior to SP filing its Discontinuance of Service exemption. (The shipper, a bakery, had converted its facility. Previously it had received shipments of grain, which it milled. Several years before the petition was filed, the bakery stopped milling grain into flour. It bought flour, rather than grain. The flour was delivered via truck.) The Los Angeles County Mass Transit Administration (“LACMTA”) previously had purchased, without ICC approval, the right-of-way (see *Southern Pacific, supra*). After finding, in the *Southern Pacific* case, *supra*, that LACMTA was the common carrier, not Southern Pacific, SP filed this Discontinuance of Service exemption. The right-of-way was to be used for mass transit purposes. Using the line proposed for abandonment for rail service, would have precluded using the corridor for mass transit purposes. No one opposed the discontinuance of service or OFA exemption requests, nor did anyone file a Notice of Intent to File An Offer of Financial Assistance.

E. In *Missouri Pacific Railroad Company – Abandonment – In Harris County, TX*, Docket No. AB-3 (Sub-No. 139X), decided December 23, 1996, the railroad wanted to abandon a 0.52 mile segment. There was one shipper on the line, who had two means of rail access. After abandonment, the line was to be sold to the shipper. The shipper would still have rail access via the other line adjacent to its property. The shipper desired to erect a structure on the right-of-way, thereby expanding its existing structure adjacent to the line. The shipper needed to start building its new structure as soon as possible, since its lease of another structure was due to expire. Using the line proposed for abandonment for rail service, would have precluded the shipper from building its warehouse on the corridor. No one opposed the discontinuance of service or OFA exemption requests, nor did anyone file a Notice of Intent to File An Offer of Financial Assistance.

F. In *The Cincinnati, New Orleans & Texas Pacific Railway Co. – Abandonment Exemption – in Cumberland and Roane Counties, TN*, STB Docket No. AB-290 (Sub-No. 208X), decided November 13, 2000, (“*Cincinnati, New Orleans*”) the railroad wanted to abandon a 15.4 mile

segment of a dead-end branch line that served only one shipper. After abandonment, the shipper intended to purchase the line, then operate the line as a private line. Delaying abandonment while the OFA time period ran its course, would have delayed transfer of ownership of the line to the shipper, which in turn would have delayed the beginning of necessary maintenance and rehabilitation of the line by the shipper. No one opposed the abandonment or OFA exemption requests, nor did anyone file a Notice of Intent to File An Offer of Financial Assistance.

8. The following common criteria existed in the six cases where exemption from the OFA regulations was granted:

- A. After abandonment, the shippers still had access to rail service via an adjacent line.
- B. No one opposed the abandonment or OFA exemption requests.
- C. No one filed a Notice of Intent to File An Offer of Financial Assistance.
- D. Delaying approval of the abandonment petition, while the statutory period for filing an OFA lapsed, would have delayed an important public or private undertaking.
- E. Continuing to use the line proposed for abandonment, for freight rail service, would have precluded using the line for an important public or private undertaking.

9. In the instant case, **none** of the criteria enumerated in the six cases that granted exemption from the OFA regulations, exists.

A. After abandonment, **future** shippers will be forever precluded from access to rail service at their site. (NS indicated the present shipper on the line, Nepera Chemical Company, ceased operations in October 2005. NS further stated this plant site “may become available for industrial development which could result in a new railroad customer locating at the site.” Petition at 4. If that new rail customer desired rail service, NS would not be obligated to provide the service, for NS’ common carrier obligations on the line would have been extinguished.)

B. Riffin has filed a Notice of Intent to File An Offer of Financial Assistance.

C. Delaying approval of the abandonment petition, while the statutory period for filing an OFA runs, will **not** delay any public or private undertaking, important or insignificant. Reclassifying the line as excepted track would not significantly reduce NS’ costs to maintain the line: Property taxes associated with the line would remain the same. If NS continued to use the track as excepted track, the track would still have to be maintained.

D. Permitting the Board's OFA procedures to run their course will **not** preclude using the line for any important public or private undertaking.

10. In the *Southern Pacific* case, discussed *supra* in paragraph 45, the ICC granted the requested abandonment exemptions. However, the ICC **did not** grant any exemption from the OFA regulations. The decision stated the exemption would become effective, "**provided no formal expression of intent to file an offer of financial assistance has been received.**" Page 518.

11. Since **none** of the criteria enumerated in the six cases that granted exemption from the OFA regulations, exists, it would be inappropriate, and contrary to the Board's and ICC's precedents, to grant NS' request for an exemption from the OFA regulations. Furthermore, to grant the OFA exemption, the Board would, pursuant to *Cross Harbor*, have to persuasively distinguish this abandonment procedure from all other similar abandonment procedures, and would have to persuasively indicate why Riffin's OFA rights should be truncated.

II. The Board's decision in this case should be consistent with its precedents.

12. In *New York Cross Harbor R.R. v. Surface Transp. BD.*, 374 F.3d 1177 (D.C. Cir. 2004), New York City attempted to adversely abandon Cross Harbor's railroad terminal, so that the City could evict Cross Harbor from the site, which the City owned. The Board granted the adverse abandonment in STB Docket No. AB-596, decided May 12, 2003. The court reversed the Board's decision. The Board, in a decision dated December 15, 2005, dismissed the City's application for adverse abandonment. In its decision, the court made a number of salient comments, which are equally applicable to the case at bar:

A. "An agency acts arbitrarily and capriciously if it "reverse[s] its position in the face of a precedent it has not persuasively distinguished," citing *Louisiana Pub. Serv. Comm'n v. FERC*, 184 F.3d 892, 897 (D.C. Cir. 1999). At 1181.

B. The court cited the following from the Board's August Order : " "Board weighs the relative burdens that continuing or ceasing rail service would have on all of the potentially affected interests, including the railroad, the owners of the property (if different from the carrier), shippers, the national rail network, and the broader public." There are thus

articulated at least four interests to balance: (1) the railroad; (2) the owner and/or the public; (3) the shippers; and (4) interstate commerce and the rail system in general.” At 1183.

C. In a non-adverse abandonment, the petitioning railroad’s interest as well as the current and projected profitability of the line are routinely considered..” At 1184

D. “In addition, the Board improperly elevated to premier status the interest of New York City. ... First, this statement is contrary to Board precedent. The STB does not, and cannot, simply accede to a public entity’s wishes in an abandonment proceeding; instead it weighs that interest as “only one factor in [its] analysis.” Citation omitted. The impediments to State and local government projects, although entitled to some weight, are nevertheless required to give way to our statutory duty to preserve and promote continued rail service, where the carrier has expressed a desire to continue operations and has taken reasonable steps to acquire traffic.” ... “State transportation agency’s opinion “entitled to respect” but Board must nonetheless “weigh that argument” against national interests in “development and continuation of a sound rail transportation system.” At 1184-1185.

E. More importantly, the STB itself – not New York City – is to determine the “public convenience and necessity.” ... Yet that is not what happened here: here the Board in effect said, “the City says abandonment is in the public interest, and therefore it is.” At 1185.

F. “In addition, by requiring an “*overriding* need” for rail service to supersede the NYCEDC’s interest, the Board shifted the burden to the objecting carrier to come forward with sufficient evidence of hardship or harm. ... “Shippers “assert that use of trucks would be economically infeasible ... [but] *they offered no support* to substantiate these claims, and there is *no reason to believe* that these transportation alternatives, although they may be somewhat less convenient and / or more costly, would not meet these shippers’ needs.” In *Salt Lake City*, however, the Board cautioned against such a shift: there the Board described Salt Lake City’s claim that *it* embodied the public interest and that the objecting railroad and shippers had to adduce evidence about the market and alternative routes as an impermissible “attempt to shift the burden to the railroad” which was “contrary to the statute and case law interpreting it.” At 1186.

G. “Indeed, in *WisDOT*, the Board noted that to authorize the abandonment, thereby severing the rail service of the one affected shipper, would undercut its goal of promoting competition between rail and trucking services.” At 1187.

H. “Because of the strong statutory and Board policies favoring the preservation of rail-to-rail competition and *the provision of adequate service for shippers*, the Board will not deprive [shipper] of the availability of *rail service options that it already has* absent a very *strong showing* that such action is in the public interest.” At 1187.

I. “The Board rejected the trustee’s argument that the availability of alternative but less convenient and more expensive truck and railway service was sufficient to overcome the shipper’s interest in maintaining the rail line.” At 1187.

J. “Finally, the STB neglected to mention its “statutory duty to preserve and promote continued rail service, [citations omitted] and, specifically in the context of the “abandonments or discontinuance of rail service,” that one of its “function[s] ... is to provide the public with a degree of protection against the unnecessary discontinuance, cessation, interruption, or obstruction of available rail service.” At 1187.

K. “The Board failed to assess the abandonment’s impact on rail service or on interstate commerce generally. ... Could, or should, the Verrazano-Narrows and Tri-borough Bridges, to name just two non-rail routes, support additional truck traffic? And at what additional cost to current and future shippers? The STB dismissed questions like these by observing that “the shippers located along the tracks and facilities at issue have other transportation options, and the line’s overhead rail traffic can be rerouted.” ... But this is no answer because shippers can usually find other options and traffic can generally be rerouted and yet competition – both rail-to-rail and rail-to-other transportation modes – may suffer. .. **“The burden to show that the Board should extinguish competition where it already exists is a difficult one to meet because the Board is guided by its governing statutes and policies, which make competition important.”** The Board failed to explain what effect its action will have on shippers’ options and competition generally.” At 1187 - 1188. (Emphasis added.)

13. NS has indicated it desires to eliminate all freight rail service on the Line. While this desire may be one factor in the Board’s analysis of the case, elevating this interest to “premier

status” is impermissible. If continuing to provide freight rail service on this Line somehow created an impediment to some worthy project, this impediment, although entitled to some weight, is nevertheless required to give way to the Board’s statutory duty to preserve and promote continued rail service, especially where someone such as Riffin has expressed a desire to provide that freight rail service.

14. In its *WisDOT*, *op. cit.*, decision, the Board noted that severing rail service to even one affected shipper, would undercut its goal of promoting competition between rail and trucking services. In the instant case, approving abandonment of all freight rail service on the Line (by approving NS’ Petition, then denying Riffin’s OFA), would sever rail service to future or inactive shippers. This would seriously undercut the Board’s goal of promoting competition between rail and trucking services. As the *Cross Harbor* court pointed out in its concluding remarks on pages 1187-1188 of its opinion, “The burden to show that the Board should extinguish competition where it already exists is a difficult one to meet because the Board is guided by its governing statutes and policies, which make competition important.”

15. There are strong statutory and Board policies favoring the preservation of rail services, and the provision of adequate service for rail shippers. As the *Cross Harbor* court pointed out, at p. 1187, depriving a rail shipper of the availability of rail service options that it already has, would require **a very strong showing** that such action is in the public interest.

16. In past decisions, the Board has rejected the argument that the availability of alternative, but less convenient and more expensive truck service, was sufficient to overcome the shipper’s interest in maintaining the rail line. *Cross Harbor* at 1187.

17. The Board has a statutory duty to preserve and promote continued rail service. Specifically, one of the Board’s functions is to provide the public with a degree of protection against the unnecessary discontinuance, cessation, interruption, or obstruction of available rail service. *Cross Harbor* at 1187. In the instant case, there is no overriding need to approve NS’ request to be exempt from the Board’s OFA procedures. NS does not propose to immediately salvage the rails, then sell the real estate, thereby immediately reducing its costs to maintain the line.

III. Approving Riffin’s OFA will ensure continued freight rail service.

18. In *Kulmer v. Surface Transp. BD.*, 236 F.3d 1255 (10th Cir. 2001), the court held that the Board may consider whether a disputed OFA was intended for continued freight rail service. In addressing this issue, the Board may require the Offeror to demonstrate that there is a sufficient amount of projected rail traffic on the line to make service on the line self-sustaining. With this in mind, Riffin has requested NS provide Riffin with data concerning NS' costs of providing freight rail service on the Line, and revenue amounts realized from delivery of rail cars to shippers on the Line. Until Riffin receives this information, he cannot definitively demonstrate that the Line would, or would not, be self-sustaining.

IX. The Exemption Criteria in § 10502 have not been met.

19. 49 U.S.C. §10502 permits the Board to exempt transaction providing “the Board finds that the application in whole or in part of a provision of this part — :

(1) is not necessary to carry out the transportation policy of section 10101 of this title; and

(2) either —

(A) the transaction or service is of limited scope; or

(B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power.”

20. 49 U.S.C. §10101 lists 15 policies regarding regulation of the railroad industry. Each of those policy statements, as they relate to the Line, are discussed below:

“(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;” Elimination of freight rail services on the Line runs counter to this policy, since eliminating freight rail service eliminates the ability of a shipper to weigh the competitive advantage of rail transportation vs. motor carrier transportation.

“(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;” Granting the requested OFA exemption would minimize the need for Federal regulatory control. It would not make the process more expeditious, for Riffin would file a Petition for Review with the U.S. Court of Appeals for D.C. Furthermore, granting the exemptions **would not** ensure that

the Board's decision was fair, for Riffin's right to make an Offer of Financial Assistance, would have been summarily disregarded.

“(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Board;” Allowing NS to discontinue providing rail service on the Line may increase NS' profitability by a small amount, since NS has not made a profit on the Line since October, 2005. However, NS presented insufficient evidence to permit the Board to find that overall, savings resulting from discontinuing service on the Line would be significant enough to have a noticeable impact on NS' revenues, particularly in light of the fact that NS does not propose to immediately salvage the rails then sell the real estate.

“(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;” Permitting discontinuance of freight rail service on the Line would be diametrically opposed to this policy statement: Discontinuance would preclude future development of additional rail service on this corridor, and would abolish, rather than continue, this portion of the rail system. Discontinuance would eliminate all competition between rail carriers and other modes of transportation. Discontinuance would not meet the needs of the public, or future shippers on the Line. Discontinuance requires shipment of goods via truck, which is more expensive. Abandoning freight rail service on this Line would preclude reinstating rail service via this Line to whatever new tenant occupies the Nepera Chemical Plant property. NS has not argued, nor has it offered, any particularized benefits **the public** would realize by discontinuing freight rail service on the Line.

“(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;” Discontinuing freight rail service on the Line runs counter to this policy statement. Discontinuing freight rail service on the Line eliminates all competition between rail carriers and other modes, for movement of goods to and from shippers on this Line.

“(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;” It does not appear eliminating freight rail service on the Line would impact this policy.

“(7) to reduce regulatory barriers to entry into and exit from the industry;” Granting the exemptions would reduce regulatory barriers to exit from the industry. Granting an OFA exemption would erect a new barrier to entry into the rail industry.

“(8) to operate transportation facilities and equipment without detriment to the public health and safety;” Eliminating freight rail service runs counter to this policy. It is far safer to transport freight via rail, rather than via motor carrier. It is safer to offload a rail car at a shipper’s facility, than to offload it into a truck, then offload it a second time at the shipper’s facility. It is also safer to transport freight via rail rather than via truck, since there is a highly probability a truck will be involved in an accident, than a rail car would be involved in an accident.

“(9) to encourage honest and efficient management of railroads;” Discontinuing rail service on the Line is not likely to impact how honestly NS manages its railroad. Granting the OFA exemption is unlikely to increase the efficiency with which NS manages its railroad, since NS does not propose to immediately salvage the rails then sell the real estate.

“(10) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;” Discontinuing rail service on the Line is not likely to impact this policy statement.

“(11) to encourage fair wages and safe and suitable working conditions in the railroad industry;” Discontinuing rail service on the Line is not likely to impact this policy statement.

“(12) to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination;” Discontinuing rail service on the Line is not likely to impact this policy statement.

“(13) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information;” Discontinuing rail service on the Line is not likely to impact this policy statement.

“(14) to encourage and promote energy conservation;” Discontinuing rail service on the Line is diametrically opposed to this policy statement. It is far more energy efficient to move rail car loads on the Line, than it is to truck the same quantity of material in trucks. It is also more energy efficient to load a product only once, rather than handling the product twice. Using trucks to move products to / from the shippers on the Line requires that the products be handled twice: Once into a truck, then a second time out of / into a truck.

“(15) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part.” Granting NS’ exemption requests is unlikely to result in the expeditious handling and resolution of all proceedings. If the OFA exemption request is granted, Riffin will file a petition for review with the U.S. Appeals Court for D.C., asking that court to review the Board’s decision. That will be decidedly **unexpeditious**. On the other hand, if the Board were to simultaneously grant NS’ abandonment exemption **and** grant Riffin permission to acquire the rights being abandoned by NS, then that **would** expeditiously resolve these proceedings.

WHEREFORE, for the foregoing reasons, Riffin OPPOSES Norfolk Southern Railway’s Petition for Exemption from the Offer of Financial Assistance provisions of 49 U.S.C. §10904, and would pray that the Board DENY the Petition for Exemption from the Offer of Financial Assistance provisions of 49 U.S.C. §10904.

Respectfully submitted,



James Riffin

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2006, a copy of the foregoing Protest / Opposition of James Riffin to Petition for Exemption from the Offer of Financial Assistance provisions of 49 U.S.C. §10904 was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, VA 23510-9241.



James Riffin