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Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

EBSA/PUBLIC DISCLOSURE

2009 OCT 13 PM 2: 55

Megan Codling
Legal Secretary

Writer's Direct Dial Number

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(757) 533-4872 (FAX)
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October 9, 2009

BY UPS GROUND

Top Hat Plan Exemption
Employee Benefits Security Administration
Room N-1513
U. S. Department of Labor
200 Constitution Avenue
Washington, DC 20210

Re: Top Hat Plan Exemption Refiling

Dear Sir or Madam:

Enclosed are the two Top Hat Plan Exemption Statements that were mailed on October 5, 2009. I am resending this information because the prior copy appears to be lost in the mail.

If you have any questions, please contact myself or David Kritz.

Respectfully,

A handwritten signature in black ink that reads "Megan Codling". The signature is written in a cursive, flowing style.

Megan Codling

Enclosures

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Employee Benefits Security Admin.
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or PO Box U.S. Dept. of Labor
City, State, 200 Constitution Ave. - Room N-1513
Washington, DC 20210

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Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Writer's Direct Dial Number

(757) 823-5436
(757) 823-5802 (fax)
David.Kritz@nscorp.com

David J. Kritz
General Attorney

October 5, 2009

BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Top Hat Plan Exemption
Employee Benefits Security Administration
Room N-1513
U.S. Department of Labor
200 Constitution Avenue
Washington, DC 20210

Re: Top Hat Plan Exemption

Dear Sir or Madam:

Enclosed are two Top Hat Plan Exemption Statements filed pursuant to DOL Regulation § 2520.104-23. These statements supersede the Top Hat Plan Exemption Statements filed by Virginia K. Fogg on April 30, 1998 and October 11, 2000, with respect to the top hat plans maintained by Norfolk Southern Corporation.

Please let me know if you require any further information.

Sincerely,

A handwritten signature in black ink that reads "David J. Kritz". The signature is written in a cursive, flowing style.

David Kritz

Enclosures

TOP HAT PLAN EXEMPTION STATEMENT

Employer: Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

Date: October 5, 2009

EIN: 52-1188014

Statement of Exemption:

Norfolk Southern Corporation, which had an average of 30,709 employees in 2008, maintains the following four plans primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees:

Supplemental Benefit Plan of Norfolk Southern Corporation and Participating
Subsidiary Companies – 174 employees

Executives' Deferred Compensation Plan of Norfolk Southern Corporation and
Participating Subsidiary Companies – 146 employees

Officers' Deferred Compensation Plan of Norfolk Southern Corporation and
Participating Subsidiary Companies – 81 employees

Norfolk Southern Corporation Select Deferred Compensation Plan – 8 employees

The plans listed above also provide benefits to certain former employees and beneficiaries of deceased employees.

TOP HAT PLAN EXEMPTION STATEMENT

Employer: Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510

Date: October 5, 2009

EIN: 53-6002016

Statement of Exemption:

Norfolk Southern Railway Company maintains the Merged Employees Pension Plan of Norfolk Southern Railway Company, which is primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. The plan does not benefit any employees but provides benefits to 10 former employees and 4 beneficiaries of deceased employees.

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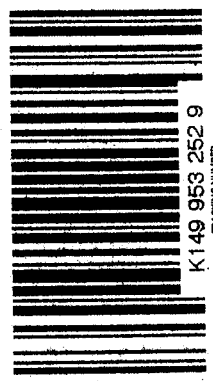
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US Dept of Labor Room N-151E
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