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May 31, 2019

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
U.S. Surface Transportation Board
395 E Street, SW
Washington, DC 20023

Re: Docket No. FD 36298, *Naval Nuclear Propulsion Program, United States Army Military Surface Deployment and Distribution Command, and Fluor Marine Propulsion, LLC – Petition for Declaratory Order*

Dear Ms. Brown:

This letter is Delaware and Hudson Railway Company Inc. d/b/a Canadian Pacific (“CP”) response to the Board’s May 14, 2019 Decision in the above-referenced matter. The Board has asked the Parties to inform the Board by May 31, 2019 whether each would consent to mediation.

CP is currently discussing with the Government Parties as to whether a mediated agreement could provide a sufficient degree of assurance that they feel they need to proceed with a transaction. We expect those discussions will be informed by CP's reply filing made this afternoon. Accordingly, CP respectfully requests that the Board allow CP additional time in which to provide a definitive answer as to whether CP is willing to participate in Board-sponsored mediation. We anticipate responding by June 7, 2019.

Please let me know if you have any questions.

Respectfully Submitted,

/s/ David F. Rifkind

Counsel for Delaware and Hudson Railway
Company Inc.

cc: Parties of Record