

EXPEDITED ACTION REQUESTED
BEFORE THE
SURFACE TRANSPORTATION BOARD



NAVAL NUCLEAR PROPULSION)
PROGRAM, UNITED STATES ARMY)
MILITARY SURFACE DEPLOYMENT)
AND DISTRIBUTION COMMAND,)
AND FLUOR MARINE PROPULSION,)
LLC – PETITION FOR)
DECLARATORY ORDER)

Docket No. FD 36298

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JOINT MOTION FOR PROCEDURAL SCHEDULE

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Dated: April 30, 2019

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SURFACE TRANSPORTATION BOARD**

NAVAL NUCLEAR PROPULSION)
PROGRAM, UNITED STATES ARMY)
MILITARY SURFACE DEPLOYMENT)
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JOINT MOTION FOR PROCEDURAL SCHEDULE

The Naval Nuclear Propulsion Program, the United States Army Military Surface Deployment and Distribution Command and Fluor Marine Propulsion, LLC (“FMP”) (collectively the “Government”) submit this Joint Motion for Procedural Schedule, and in support hereof, state as follows:

1. On April 30, 2019, the Government filed a Joint Petition asking the Surface Transportation Board (“Board”) to issue a declaratory order addressing three issues related to the regulatory status of the end segment (“End Segment”) of a rail line called the Ballston Spa Industrial Track (“BSIT”) and D&H Railway Company d/b/a Canadian Pacific’s (“CP”) common carrier obligations to transport the Government’s radioactive material shipments over the End Segment.

2. In its Joint Petition, the Government emphasized that receiving its radioactive material shipments in a timely manner was critical to national security and requested that the issues raised in its Joint Petition be resolved as soon as possible. *See* Joint Pet. at 60.

3. To expedite matters, the Government presented its entire case-in-chief in its Joint Petition. The Government respectfully requests that the Board institute a declaratory order proceeding; direct CP to reply to the Government's Joint Petition by May 20, 2019; and set the due date for the Government's rebuttal as June 3, 2019.

4. The proposed reply date complies with the Board's current procedural rules. *See* 49 C.F.R. § 1104.13(a) (replies to petitions are due within 20 days). The rebuttal due date is expedited. *See, e.g., Union Pac. R.R. – Pet. For Declaratory Order*, FD 35219, slip op. at 1 (STB served Mar. 10, 2009) (rebuttal due 20 days after reply filings).

Respectfully submitted,

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Propulsion, LLC



Dated: April 30, 2019

CERTIFICATE OF SERVICE

I hereby certify, that I have on this 30th day of April, 2019 caused a copy of the foregoing Joint Motion to be served by Federal Express overnight delivery service on CP's Chief Legal Officer and General Counsel – US, as follows:

Jeffrey J. Ellis
Chief Legal Officer
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I have also served an electronic copy of the foregoing Joint Motion on the email addresses shown above.

A handwritten signature in black ink, appearing to read 'JH LeSeur', written over a horizontal line.

John H. LeSeur
An Attorney for FMP