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February 25, 2010

BY HAND

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

ENTERED
Office of Proceedings
FEB 25 2010
Part of
Public Record

Re: Docket No. 42116, U.S. Magnesium, L.L.C. v. Union Pacific
Railroad Company

Dear Ms. Brown:

Under the procedural schedule in the above-referenced docket, Union Pacific was to provide its Second Disclosure material to US Magnesium on February 26, 2010. Unfortunately, Union Pacific has run into unexpected problems with the computerized process it has developed to comply with its disclosure obligations, and it is still attempting to diagnose the source of the problems. Union Pacific is also exploring the extent to which these problems may have affected its production of information regarding the predominant route of the issue traffic. Union Pacific cannot yet provide an estimate of how long it will take to identify and correct the problems. The undersigned has informed counsel for US Magnesium that these issues have arisen and that, once the extent of the delay is known, Union Pacific will work in good faith with US Magnesium to agree upon an appropriate adjustment to the remainder of procedural schedule.

Sincerely,

Michael L. Rosenthal
Counsel for Union Pacific Railroad Company

cc: Thomas W. Wilcox, Esq. (Counsel for US Magnesium, LLC)