

| S.P. No.                                     | Applicant                                            | Regulation(s)                                                                                        | Nature of special permit thereof                                                                                                                         |
|----------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Modification Special Permit Granted</b>   |                                                      |                                                                                                      |                                                                                                                                                          |
| 12531-M .....                                | Worthington Cylinder Corporation, Columbus, OH.      | 49 CFR 173.302(a), 173.304(a), 173.304(d), 178.61(b), 178.61(f), 178.61(g), 178.61(i) and 178.61(k). | To modify the special permit to authorize a Class 8 packaging group I material.                                                                          |
| <b>New Special Permit Granted</b>            |                                                      |                                                                                                      |                                                                                                                                                          |
| 15650-N .....                                | JL Shepherd & Associates, San Fernando, CA.          | 49 CFR 173.416 .....                                                                                 | To authorize the continued transportation in commerce of certain DOT Specification 20WC radioactive material packagings after October 1, 2008. (mode 1). |
| 15723-N .....                                | Entegris Chaska, MN .....                            | 49 CFR 173.212; 173.213; 173.240; 173.241; 176.83.                                                   | To authorize the transportation in commerce of Division 4.1 and 4.2 material in non-specification packaging. (modes 1, 2, 3, 4).                         |
| 15725-N .....                                | Toray Composites (America), Tacoma, WA.              | 49 CFR 173.225 .....                                                                                 | To authorize the one-time one-way transportation of organic peroxides in packaging not authorized by the competent authority approval. (mode 1).         |
| 15820-N .....                                | Korean Air, Arlington, VA .....                      | 49 CFR 172.101 Column (9B), 172.204(c)(3), 173.27, and 175.30(a)(1).                                 | To authorize the one-time transportation in commerce of certain explosives that are forbidden for transportation by cargo only aircraft. (mode 4).       |
| <b>Emergency Special Permit Granted</b>      |                                                      |                                                                                                      |                                                                                                                                                          |
| 15797-N .....                                | Veolia ES Technical Solutions, L.L.C., Flanders, NJ. | 49 CFR 172.320 and 173.56(b).                                                                        | To authorize the transportation of certain unapproved airbag modules by motor vehicle for disposal. (mode 1).                                            |
| <b>Modification Special Permit Withdrawn</b> |                                                      |                                                                                                      |                                                                                                                                                          |
| 14562-M .....                                | The Lite Cylinder Company, Franklin, TN.             | 49 CFR 173.304 a(a)(1) .....                                                                         | To modify the special permit to authorize larger cylinders.                                                                                              |
| <b>New Special Permit Withdrawn</b>          |                                                      |                                                                                                      |                                                                                                                                                          |
| 15842-N .....                                | Department of Defense, Scotts AFB, IL.               | 49 CFR 173.62 .....                                                                                  | To authorize the transportation in commerce of Rockets, UN0181 in alternative packaging (modes 1, 2, 3, 4).                                              |

## Denied

10964-M Request by Kidde Aerospace & Defense Wilson, NC April 04, 2013. To modify the permit to authorize a rework procedure to allow fire extinguishers which were "steel stamped" to be returned to within original specifications.

15746-N Request by Siex Burgos, Spain, April 25, 2013. To authorize the transportation in commerce of Division 2.2 gases in cylinders manufactured according to the European Directive for Transportable Pressure Vessels.

15834-N Request by Multistar Ind., Inc. Othello, WA April 01, 2013. To authorize the transportation in commerce of certain portable tanks and cargo tanks containing anhydrous ammonia that do not have manufacturer's data reports required by 49 CFR 180.605(1).

15821-N Request by Circor Instrumentation Technologies dba, Hoke Incorporated Spartanburg, SC April 26, 2013. To authorize the manufacture, marking, sale and use of non-DOT specification cylinders manufactured

from Hastelloy C-276 (ASTM B622) material.

[FR Doc. 2013-12005 Filed 5-21-13; 8:45 am]

**BILLING CODE 4909-60-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35719 (Sub-No. 1)]

#### Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company and Stillwater Central Railroad Company

By petition filed on February 28, 2013, Grainbelt Corporation (GNBC) requests that the Board partially revoke a class exemption to permit the amended trackage rights arrangements between grantee GNBC and grantors BNSF Railway Company (BNSF) and Stillwater Central Railroad Company (SLWC) exempted in *Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company and Stillwater Center Railroad Company*, Docket No. FD 35719, served and published in the **Federal Register**

on March 15, 2013 (78 FR 16,570), to expire on February 1, 2023.

In the notice of exemption, BNSF and SLWC each agreed to grant amended trackage rights to GNBC, which together allow GNBC to provide local service to a grain shuttle facility in Headrick, Okla. Specifically, BNSF has amended its trackage rights to permit local service over the connecting line between the connection with SLWC east of Long, Okla. (milepost 668.73), and Altus, Okla. (milepost 688.00), and SLWC has amended its trackage rights to permit local service between Snyder Yard (milepost 664.00) and its connection with BNSF east of Long (milepost 668.73).

Prior to the amended trackage rights arrangement exempted in Docket No. FD 35719, GNBC already held overhead trackage rights granted by the predecessor of BNSF between Snyder Yard (milepost 664.00) and Quanah, Tex. (milepost 723.30), under which GNBC has the right to interchange at Quanah with BNSF and Union Pacific Railroad Company. BNSF subsequently sold a portion of the subject trackage to SLWC. The original trackage rights were supplemented in 2009 to allow GNBC to

operate between Snyder and Altus, with the right to perform limited local service at Long. *See Grainbelt Corp.—Trackage Rights Exemption—BNSF Ry. and Stillwater Cent. R.R.*, FD 35332 (STB served Dec. 17, 2009). GNBC also requests that the Board extend the expiration date of these supplemental trackage rights, previously set for 2019 by the Board,<sup>1</sup> to February 1, 2023, so that the supplemental and amended trackage rights will expire simultaneously.

### Discussion and Conclusion

Although the parties have expressly agreed on the duration of the amended trackage rights arrangements, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. Occasionally, trackage rights exemptions have been granted for a limited time period rather than in perpetuity. *See, e.g., Norfolk S. Ry.—Temporary Trackage Rights Exemption—Grand Trunk W. R.R. and Wisconsin Cent. Ltd.*, FD 35715 (Sub-No. 1) (STB served Mar. 19, 2013); *Union Pac. R.R.—Trackage Rights Exemption—The Burlington N. & Santa Fe Ry.*, FD 34242 (Sub-No. 1) (STB served Oct. 7, 2002).

Under 49 U.S.C. 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when it finds that: (1) Continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

GNBC's amended trackage rights have already been authorized under the class exemption at 49 CFR 1180.2(d)(7).<sup>2</sup> *See R.R. Consolidation Procedures—Trackage Rights Exemption*, 1 I.C.C.2d 270 (1985). Granting partial revocation in these circumstances would promote the rail transportation policy by eliminating the need to file a second pleading seeking discontinuance when the agreements expire, thereby promoting the rail transportation policy goals at 49 U.S.C. 10101(2), (4), (5), (7), and (15). Moreover, limiting the term of the trackage rights is consistent with the

limited scope of the transaction previously exempted and would not result in an abuse of market power. This is because the amended trackage rights that are the subject of the exemption are being granted solely to allow GNBC to provide local service between the grain shippers located on GNBC and the grain shuttle facility located at Headrick in single line service. Therefore, we will grant the petition and permit the amended trackage rights exempted in Docket No. FD 35719 to expire on February 1, 2023. We will also grant GNBC's request that the Board extend the date to February 1, 2023, for expiration of the supplemental trackage rights previously granted in Docket No. FD 35332 and set to expire in 2019 in Docket No. FD 35332 (Sub-No. 1), so that the supplemental and amended trackage rights will expire simultaneously.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of the amended trackage rights, we will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho (Oregon Short Line)*, 360 I.C.C. 91 (1979).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### *It is ordered:*

1. The petition for partial revocation is granted.
2. Under 49 U.S.C. 10502, the trackage rights described in Docket No. FD 35719 are exempted, as discussed above, to permit the trackage rights to expire on February 1, 2023, subject to the employee protective conditions set forth in *Oregon Short Line*.
3. GNBC's supplemental trackage rights granted in Docket No. FD 35332, previously set to expire in 2019 in Docket No. FD 35332 (Sub-No. 1), are permitted to expire on February 1, 2023, subject to the employee protective conditions set forth in *Oregon Short Line*.
4. Notice will be published in the **Federal Register** on May 22, 2013.
5. This decision will be effective on June 21, 2013. Petitions to stay must be filed by June 3, 2013. Petitions for reconsideration must be filed by June 11, 2013.

Decided: May 16, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

**Raina S. White,**

*Clearance Clerk.*

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**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Actions Taken Pursuant to Executive Order 13382

**AGENCY:** Office of Foreign Assets Control, Treasury Department.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing on OFAC's list of Specially Designated Nationals and Blocked Persons ("SDN List") the names of two entities, whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters." The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on May 15, 2013.

**DATES:** The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on May 15, 2013.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel.: 202/622-2490.

#### **SUPPLEMENTARY INFORMATION:**

#### **Electronic and Facsimile Availability**

This document and additional information concerning OFAC are available from OFAC's Web site ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622-0077.

#### **Background**

On June 28, 2005, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) ("IEEPA"), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the "Order"), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

<sup>1</sup> *See Grainbelt Corp.—Trackage Rights Exemption—BNSF Ry. and Stillwater Cent. R.R.*, FD 35332 (Sub-No. 1) (STB served Mar. 12, 2010).

<sup>2</sup> GNBC points out that, although the trackage rights are only temporary, because the rights include more than just overhead trackage rights and will remain in effect for more than one year, they do not qualify for the Board's exemption for temporary trackage rights at 49 CFR 1180.2(d)(8).