

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[Docket No. FD 35635]****Nevada 5, Inc. and Oakland Transportation Holdings LLC—Control Exemption—GTR Leasing LLC and US Rail Holdings LLC<sup>1</sup>**

Nevada 5, Inc. (Nevada 5) and Oakland Transportation Holdings LLC (Oakland) (collectively, applicants) have filed a verified notice of exemption to acquire control of US Rail Holdings, LLC (Rail Holdings), a Class III rail carrier, through Oakland's acquisition of GTR Leasing LLC (GTR), the parent company of Rail Holdings.<sup>2</sup> As a result of the proposed transaction, applicants will indirectly control Rail Holdings.

Oakland currently owns all of the equity interests of Brookhaven Rail, LLC (formerly known as US Rail New York, LLC) (Brookhaven Rail), a Class III rail carrier.<sup>3</sup> Nevada 5, in turn, owns 98% of the equity in Oakland and indirectly controls Brookhaven Rail.

Applicants state that they propose to consummate the transaction on or after June 23, 2012. The earliest this transaction can be consummated is June 29, 2012, the effective date of the exemption (30 days after the verified notice was filed).

Applicants represent that: (1) The rail lines of Rail Holdings and Brookhaven Rail do not connect with each other; (2) the transaction is not part of a series of anticipated transactions that would connect the rail lines of the two carriers; and (3) the transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2). Applicants state that the purpose of the transaction is to allow Oakland to take advantage of the consolidation of the administrative and operational support it can provide, which, in turn, will permit more efficient operation and management of Rail Holdings and Brookhaven Rail.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however,

does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 22, 2012 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35635, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: June 12, 2012.

By the Board.

**Rachel D. Campbell,***Director, Office of Proceedings.***Raina S. White,***Clearance Clerk.*

[FR Doc. 2012-14670 Filed 6-14-12; 8:45 am]

**BILLING CODE 4915-01-P****DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[Docket No. FD 35603]****San Antonio Central Railroad, L.L.C.—Lease Exemption—Port Authority of San Antonio**

San Antonio Central Railroad, L.L.C. (SAC), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to lease and operate approximately four miles of rail line owned by the Port Authority of San Antonio (the Port), in San Antonio, Tex.

This transaction is related to a concurrently filed verified notice of exemption in *Wacto Holdings, Inc.—Continuance in Control Exemption—San Antonio Central Railroad, L.L.C.*, Docket No. FD 35604, wherein Watco Holdings, Inc. has filed a verified notice of exemption to continue in control of SAC upon SAC becoming a Class III rail carrier.

As a result of this transaction, SAC will provide common carrier rail service over the rail lines owned by the Port in the East Kelly Railport (the Railport)<sup>1</sup> and will be able to interchange traffic with both the Union Pacific Railroad Company and BNSF Railway Company. SAC states that the lease agreement between SAC and the Port will not contain any interchange commitments.

SAC certifies that its projected annual revenues as a result of this transaction will not result in SAC's becoming a Class II or Class I rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

The transaction is expected to be consummated on or after July 1, 2012, the effective date of the exemption (30 days after the notice of exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by June 22, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35603, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Ball Janik LLP, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: June 12, 2012.

By the Board.

**Rachel D. Campbell,***Director, Office of Proceedings.***Derrick A. Gardner,***Clearance Clerk.*

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**BILLING CODE 4915-01-P****DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****Additional Designations, Foreign Narcotics Kingpin Designation Act****AGENCY:** Office of Foreign Assets Control, Treasury.**ACTION:** Notice.

<sup>1</sup> According to SAC, there are no mileposts associated with the tracks in the Railport.

<sup>1</sup> Applicants styled the transaction as a continuance in control exemption. The transaction, however, involves an acquisition of control of a carrier by noncarriers that already control a carrier. See 49 U.S.C. 11323(a)(5). Accordingly, this docket has been recaptioned as a control exemption.

<sup>2</sup> Applicants state that Oakland is in the process of acquiring GTR.

<sup>3</sup> See *Gabriel D. Hall—Corporate Family Transaction Exemption—U.S. Rail N.Y., LLC*, FD 35458 (STB served Jan. 7, 2011).