

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>Modification to Special Permits</b>			
14167-M .....	Trinityrail, Dallas, TX .....	4	12-31-2008
8723-M .....	Alaska Pacific Powder Company, Anchorage, AK .....	1	12-31-2008
<b>New Special Permit Applications</b>			
14643-N .....	World Airways, Inc., Peachtree City, GA .....	3	11-30-2008
14668-N .....	Lincoln Composites, Lincoln, NE .....	1	02-28-2009
14689-N .....	Trinity Industries, Inc., Dallas, TX .....	2,3	11-30-2008

[FR Doc. E8-28399 Filed 12-1-08; 8:45 am]

BILLING CODE 4910-60-M

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35181]

#### Indiana Rail Road Company—Petition for Declaratory Order

**AGENCY:** Surface Transportation Board.

**ACTION:** Institution of declaratory order proceeding; request for comments.

**SUMMARY:** In response to a petition filed by Indiana Rail Road Company (INRD) on October 7, 2008, the Board is instituting a declaratory order proceeding under 49 U.S.C. 721 and 5 U.S.C. 554(e). The Board seeks to determine whether a track INRD proposes to construct from its east-west main line at Dugger, IN, to a new coal operation south of that main line will be a spur track exempt from Board approval under 49 U.S.C. 10906 or a line of railroad subject to the Board's jurisdiction and requiring Board approval under 49 U.S.C. 10901. The Board seeks public comment on this matter.

**DATES:** Comments are due by January 16, 2009. Replies are due by February 5, 2009.

**ADDRESSES:** Send an original and 10 copies of any comments, referring to STB Finance Docket No. 35181, to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, send one copy of comments to INRD's representative, John Broadley, 1054 31st Street NW., Suite 200, Washington, DC 20007.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 245-0395. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: 1-800-877-8339].

**SUPPLEMENTARY INFORMATION:** INRD's petition for declaratory order concerns

the proposed construction of a track approximately 5 miles long from INRD's east-west main line at Dugger to a new coal operation in the coal bearing area south of the INRD east-west main line. INRD requests that the Board issue a decision stating that the proposed track will be a "spur," and thus would be exempt from Board regulation pursuant to 49 U.S.C. 10906.

The proposed track, which INRD will construct, will serve a coal mining operation run by a subsidiary of Peabody Energy—the Black Beauty Coal Company (collectively, Peabody). The track will run west from INRD's east-west main line for approximately one mile, then turn south and run almost directly to a coal loadout and loop track that Peabody will construct to serve the new mine, the Farmsburg Mine, Bear Run Pit.

The Board does not exercise licensing authority "over construction, acquisition, operation, abandonment, or discontinuance of spur \* \* \* tracks." 49 U.S.C. 10906. The determination of whether a particular track segment is a "railroad line" requiring Board authorization under 49 U.S.C. 10901(a), or an exempt spur turns on the intended use of the track segment. *Nicholson v. I.C.C.*, 711 F.2d 364, 368 (DC Cir. 1983), cert. denied, 464 U.S. 1056 (1984). Exempt spurs are "commonly constructed either to improve the facilities required by shippers already served by the carrier or to supply the facilities to others, who being within the same territory and similarly situated are entitled to like service from the carrier." *Texas & Pacific Ry. Co. v. Gulf, Colorado & Santa Fe Ry. Co.*, 270 U.S. 266, 278 (1926) (*Texas & Pacific*). In contrast, if a railroad constructs tracks that extend substantially its line into new territory, then the new track is an extension subject to Board licensing requirements and not an exempt "spur." *Id.*

Petitioner asserts that the track proposed to be constructed here meets the test for spur track set forth in *Texas & Pacific* because the track: (1) Will not

invade the territory of any other railroad, as the closest railroad is a CSXT main line track located approximately 6.2 miles west of the new Peabody coal mine, and (2) will not constitute a significant extension of INRD's line into new territory as INRD and its predecessors have historically served this area through other spurs off the existing INRD main lines.<sup>1</sup>

INRD further argues that finding this track to be an exempt spur would be consistent with the Supreme Court's holding in *United States v. Idaho*, 298 U.S. 105 (1936) because: (1) The track will be built pursuant to an agreement with the shipper—Peabody, (2) either Peabody or its customers will enter into contracts for transportation that will make financing possible, (3) the shipper to be served by the track, Peabody, will provide a large part of the right-of-way—4.2 of the approximate 5 miles, (4) the proposed track will be stub-ended, and (5) the track will serve only one shipper.

Under 5 U.S.C. 554(e), the Board has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty. A declaratory order proceeding is thus instituted in this proceeding to invite broad public comment. Any person seeking to participate in support of, or in opposition to, INRD's petition may submit written comments to the Board regarding whether the proposed track is a "spur."

Board decisions, notices, and filings in this and other Board proceedings are available on our Web site at <http://www.stb.dot.gov>.

Decided: November 25, 2008.

<sup>1</sup> Regarding this last factor, petitioner also cites the Board's holding in *New York City Economic Development Corporation—Petition for Declaratory Order*, STB Finance Docket No. 34429 (STB served July 15, 2004).

By the Board, David M. Kongschnik,  
Director, Office of Proceedings.  
**Jeff Herzig,**  
Clearance Clerk.  
[FR Doc. E8-28460 Filed 12-1-08; 8:45 am]  
BILLING CODE 4915-01-P

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Unblocking of Specially Designated Narcotics Traffickers Pursuant to Executive Order 12978

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

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of five individuals whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, *Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers*.

**DATES:** The unblocking and removal from OFAC's "Specially Designated Nationals and Blocked Persons" list ("SDN list") of five individuals identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on November 25, 2008.

**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 (<http://www.treas.gov/ofac>) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622-0077.

##### Background

On October 21, 1995, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the "Order"). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and

interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On November 25, 2008, the Director of OFAC removed from the SDN list five individuals listed below, whose property and interests in property were blocked pursuant to the Order:

1. ARMERO RIASCOS, Jose Eliecer, Carrera 5 No. 8-00, Buenaventura, Colombia; c/o INDUSTRIA DE PESCA SOBRE EL PACIFICO S.A., Buenaventura, Colombia; Cedula No. 16471549 (Colombia) (individual) [SDNT].

2. GARCES GARCIA, Carlos, c/o SISTEMAS INTEGRALES DEL VALLE LTDA., Cali, Colombia; Cedula No. 14949883 (Colombia); Passport 14949883 (Colombia) (individual) [SDNT].

3. PADILLA MEZA, Tulio Roberto, c/o SISTEMAS INTEGRALES DEL VALLE LTDA., Cali, Colombia; Cedula No. 16737603 (Colombia); Passport 16737603 (Colombia) (individual) [SDNT].

4. ROA GUTIERREZ, Andres Felipe, c/o COLIMEX LTDA., Cali, Colombia; c/o DISTRIBUIDORA SANAR DE COLOMBIA S.A., Cali, Colombia; c/o MEDIA MARKETING E.U., Cali, Colombia; c/o SERVICIOS MYRAL E.U., Cali, Colombia; c/o SISTEMAS INTEGRALES DEL VALLE, LTDA., Cali, Colombia; c/o ALERO S.A., Cali, Colombia; DOB 14 Mar 1968; Cedula No. 16752582 (Colombia); Passport 16752582 (Colombia) (individual) [SDNT].

5. ROA MEJIA, Alfredo, c/o SISTEMAS INTEGRALES DEL VALLE LTDA., Cali, Colombia; c/o ALERO S.A., Cali, Colombia; Cedula No. 2439912 (Colombia); Passport 2439912 (Colombia) (individual) [SDNT].

Dated: November 25, 2008.

**Adam J. Szubin,**  
Director, Office of Foreign Assets Control.  
[FR Doc. E8-28516 Filed 12-1-08; 8:45 am]  
BILLING CODE 4811-45-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 4419

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4419, Application for Filing Information Returns Magnetically/Electronically.

**DATES:** Written comments should be received on or before February 2, 2009 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland Internal Revenue Service, Room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3634, or through the Internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Application for Filing Information Returns Magnetically/Electronically.

*OMB Number:* 1545-0387.

*Form Number:* 4419.

*Abstract:* Under section 6011(e)(2)(a) of the Internal Revenue Code, any person, including corporations, partnerships, individuals, estates and trusts, who are required to file 250 or more information returns must file such returns magnetically or electronically. Payers required to file on magnetic media or electronically must complete Form 4419 to receive authorization to file.

*Current Actions:* There are no changes being made to the form at this time.