

49 CFR 1182.7(b). Those provisions permit us to grant interim approval to a transaction if it appears that a failure to do so may result in destruction of, or injury to, the involved properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public. *See supra* note 1. Because we have received timely comments in opposition to the application, however, we will not grant tentative authority under 49 CFR 1182.4(b). *See* 49 CFR 1182.6(a). Instead, we will institute a proceeding to address this matter as well as to determine the merits of the application pursuant to 49 U.S.C. 14303. Comments and responses are to be submitted as ordered below. *See* 49 CFR 1182.5 & 1182.6.

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

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

*It is ordered:*

1. Comments must be filed by August 17, 2012. Applicants may file a reply to any comments by September 4, 2012.

2. This notice will be effective on its date of service.

3. A copy of this decision will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 950 Pennsylvania Ave. NW., Washington, DC 20530; (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Ave. SE., Washington, DC 20590; (4) the Federal Trade Commission, Bureau of Competition, Premerger Notification Office, 600 Pennsylvania Ave. NW., Washington, DC 20580; (5) Michael Yusim, 7499 Eagle Point Dr., Delray Beach, FL 33446; and (6) Mitchel B. Kahn, 300 Esplanade Dr., Suite 1170, Oxnard, CA 93036.

Decided: June 28, 2012.

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

**Derrick A. Gardner,**  
*Clearance Clerk.*

[FR Doc. 2012-16277 Filed 7-2-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. EP 699]

#### Assessment of Mediation and Arbitration Procedures

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of public hearing.

**SUMMARY:** In a decision served on March 28, 2012, the Surface Transportation Board (Board) proposed regulations intended to increase the use of mediation and arbitration in lieu of formal adjudication to resolve disputes before the Board. Interested parties were asked to file written comments on these proposed regulations by May 17, 2012, and replies by June 18, 2012. The Board will hold a public hearing on August 2, 2012, to explore the issues raised in these comments and replies.

**DATES:** The hearing will begin at 9:30 a.m., on Thursday, August 2, 2012, in the Board's hearing room at the Board's headquarters located at 395 E Street SW., Washington, DC. The hearing will be open for public observation. Anyone wishing to participate at the hearing shall file with the Board a notice of intent to participate (identifying the party, the proposed speaker, and the time requested), and a summary of the intended testimony (not to exceed three pages), no later than July 19, 2012.<sup>1</sup> All witnesses are encouraged to use their hearing time to call attention to the points they believe are particularly important. Witnesses should present a short oral statement of their comments and be prepared to answer questions from the Board.

**ADDRESSES:** All filings may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the "E-FILING" link on the Board's "[www.stb.dot.gov](http://www.stb.dot.gov)" Web site. Any person submitting a filing in the traditional paper format should send an original and 10 copies of the filing to: Surface Transportation Board, Attn: Docket No. EP 699, 395 E Street SW., Washington, DC 20423-0001.

Copies of written submissions will be posted to the Board's Web site and will be available for viewing and self-copying in the Board's public docket room, Suite 131. Copies of the submissions will also be available (for a

fee) by contacting the Board's Chief Records Officer at (202) 245-0238 or 395 E Street SW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION, CONTACT:** Amy Ziehm at (202) 245-0391.

Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** The Board favors the resolution of disputes through the use of mediation and arbitration procedures, in lieu of formal Board proceedings, wherever possible.<sup>2</sup> To that end, the Board has existing rules that encourage parties to agree voluntarily to mediate or arbitrate certain matters subject to its jurisdiction. The Board's mediation rules are set forth at 49 CFR 1109.1, 1109.3, 1109.4, 1111.2, 1111.9, and 1111.10. Its arbitration rules are set forth at 49 CFR 1108, 1109.1, 1109.2, 1109.3, and 1115.8. In a decision served on August 20, 2010,<sup>3</sup> and published in the **Federal Register** on August 24, 2010,<sup>4</sup> the Board sought input regarding measures it might implement to encourage or require greater use of mediation, and to encourage greater voluntary use of arbitration, including making changes to the Board's existing rules and establishing new rules. The Board also sought input regarding possible changes to its rules to permit the use of Board-facilitated mediation procedures without the filing of a formal complaint.

The Board received input and issued a decision proposing new regulations on March 28, 2012.<sup>5</sup> These proposed regulations would require parties to participate in mediation in certain types of cases and would modify the agency's existing regulations that permit parties to engage voluntarily in mediation. The Board also proposed an arbitration program under which carriers and shippers would agree voluntarily to arbitrate certain types of disputes that come before the Board. Class I and Class

<sup>2</sup> Mediation is a process in which parties attempt to negotiate an agreement that resolves some or all of the issues in dispute, with the assistance of a trained, neutral, third-party mediator. Arbitration, by comparison, is an informal evidentiary process conducted by a trained, neutral, third-party arbitrator with expertise in the subject matter of the dispute. By agreeing to participate in arbitration, the parties agree to be bound (with limited appeal rights) by the arbitral decision.

<sup>3</sup> *Assessment of Mediation and Arbitration Procedures*, EP 699 (STB served Aug. 20, 2010).

<sup>4</sup> *Assessment of Mediation and Arbitration Procedures*, 75 FR 52,054.

<sup>5</sup> *Assessment of Mediation and Arbitration Procedures*, EP 699 (STB served Mar. 28, 2012). *Assessment of Mediation and Arbitration Procedures*, 77 FR 19,591.

<sup>1</sup> Notices of intent to participate and the summaries of testimony are not required to be served on the Parties of Record in this proceeding. The notices and summaries will be posted to the Board's Web site when they are filed.

II rail carriers would be deemed to agree voluntarily to participate in the proposed arbitration program unless they "opt out." Finally, the Board proposed modifications to clarify and to simplify its existing rules governing the use of arbitration in other disputes.

The Board sought comments on the proposed regulations by May 17, 2012, and replies by June 18, 2012. It received filings from the U.S. Department of Agriculture, railroad and shipper interests, and other interested parties. The Board has reviewed these submissions, and it will hold a public hearing to gather further information on these comments and replies and to question the parties about their positions.

**BOARD RELEASES AND LIVE VIDEO STREAMING AVAILABLE VIA THE INTERNET:** Decisions and notices of the Board, including this notice, are available on the Board's Web site at [www.stb.dot.gov](http://www.stb.dot.gov). This hearing will be available on the Board's Web site by live video streaming. To access the hearing, click on the "Live Video" link under "Information Center" at the left side of the home page beginning at 9:00 a.m. on August 2, 2012.

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

*It is ordered:*

1. A public hearing in this proceeding will be held on Thursday, August 2, 2012, at 9:30 a.m., in the Surface Transportation Board Hearing Room, at 395 E Street SW., Washington, DC, as described above.

2. By July 19, 2012, anyone wishing to participate at the hearing shall file with the Board a notice of intent to participate (identifying the party, the proposed speaker, and the time requested), and a summary of the intended testimony (not to exceed three pages).

3. This decision is effective on the date of service.

Decided: June 28, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Derrick A. Gardner,**  
*Clearance Clerk.*

[FR Doc. 2012-16242 Filed 7-2-12; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Additional Identifying Information Associated With Persons Whose Property and Interests in Property Are Blocked Pursuant to the Foreign Narcotics Kingpin Designation Act

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC") is publishing additional identifying information associated with the three individuals identified by the President of the United States on June 1, 2012, whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act ("Kingpin Act") (21 U.S.C. 1901-1908, 8 U.S.C. 1182).

**DATES:** The President of the United States identified the three individuals in this notice pursuant to section 21 U.S.C. 1903(b)(1) of the Kingpin Act on June 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. 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 on OFAC's Web site at <http://www.treasury.gov/ofac> or via facsimile through a 24-hour fax-on-demand service at (202) 622-0077.

##### Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury,

in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

OFAC is publishing additional identifying information associated with the following three individuals the President of the United States identified on June 1, 2012, whose property and interests in property are blocked pursuant to section 21 U.S.C. 1903(b)(1) of the Kingpin Act:

1. KELMENDI, Naser (a.k.a. KELJMENDI, Naser Meto), Edhema Eke Dzubura 20, Ilidza, Bosnia and Herzegovina; DOB 15 Feb 1957; POB Pec, Kosovo; National ID No. 1502957172694 (Bosnia and Herzegovina) (individual) [SDNTK]
2. SOTO GASTELUM, Jose Antonio, DOB 24 Mar 1967; POB Sinaloa, Mexico; citizen Mexico; nationality Mexico; Passport TJT000291379 (Mexico) (individual) [SDNTK]
3. WAZIR SHAH, Sayid; DOB 10 Nov 1964; POB Herat, Afghanistan; citizen Afghanistan; alt. citizen Germany (individual) [SDNTK]

Dated: June 27, 2012.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2012-16272 Filed 7-2-12; 8:45 am]

**BILLING CODE 4810-AL-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.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC") is publishing the names of four individuals and three