

minimum random drug testing rate at 25 percent. In 2011, the random drug test positive rate was less than one percent. Therefore, the PHMSA minimum annual random drug testing selection rate will remain at 25 percent for calendar year 2013.

#### Reminder for Operators To Report Contractor MIS Data

On January 19, 2010, PHMSA published an Advisory Bulletin (75 FR 2926) implementing the annual collection of contractor MIS drug and alcohol testing data. All applicable § 199.119 (drug testing) and § 199.229 (alcohol testing) MIS reporting operators are responsible for the submission of all contractor MIS reports to PHMSA, as well as their own, by March 15, 2013.

Contractors with employees in safety-sensitive positions who performed covered functions as defined in § 199.3, must submit these reports only through the auspices of each operator for whom these covered employees performed those covered functions (i.e., maintenance, operations or emergency response).

#### New Method for Operators To Obtain User Name and Password for Electronic Reporting

In previous years, PHMSA attempted to mail the DAMIS user name and password to operator staff with responsibility for submitting DAMIS reports. Based on the number of phone calls to PHMSA each year requesting this information, the mailing process has not been effective. Pipeline operators have been submitting reports required by Parts 191 and 195 through the PHMSA Portal (<https://portal.phmsa.dot.gov/pipeline>) for the past few years. Each Office of Pipeline Safety issued Operator Identification Number (OpID) should employ staff with access to the PHMSA Portal.

The user name and password required for an OpID to access DAMIS and enter calendar year 2012 data will be available to all staff with access to the PHMSA Portal in late December 2012. When the DAMIS user name and password is available in the Portal, all registered users will receive an email to that effect. Operator staff with responsibility for submitting DAMIS reports should coordinate with registered Portal users to obtain the DAMIS user name and password. Registered portal users for an OpID typically include your Compliance Officer and staff, or consultants with responsibility for submitting annual and incident reports on PHMSA F 7000- and 7100-series forms.

For OpIDs that have failed to register in the PHMSA Portal for Part 191 and 195 reporting purposes, operator staff responsible for submitting DAMIS reports can register in the Portal by following the instructions at [http://opsweb.phmsa.dot.gov/portal\\_message/PHMSA\\_Portal\\_Registration.pdf](http://opsweb.phmsa.dot.gov/portal_message/PHMSA_Portal_Registration.pdf).

Pursuant to 49 CFR Parts 199.119(a) and 199.229(a), operators with 50 or more covered employees, including both operator and contractor staff, are required to submit DAMIS reports annually. Operators with less than 50 total covered employees are required to report only upon written request from PHMSA. If an OpID submitted a calendar year 2011 DAMIS report with less than 50 total covered employees, the PHMSA Portal message may state that no calendar year 2012 DAMIS report is required. Some of these OpIDs may have grown to more than 50 covered employees during CY 2012. The Portal message will include instructions for how these OpIDs can obtain a calendar year 2012 DAMIS user name and password.

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

Issued in Washington, DC, on November 30, 2012.

**Linda Daugherty,**

*Deputy Associate Administrator for Policy and Programs.*

[FR Doc. 2012-29441 Filed 12-5-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35700]

#### Chessie Logistics Co., LLC— Acquisition and Operation Exemption—J. Emil Anderson & Son, Inc.

Chessie Logistics Co., LLC (Chessie), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from J. Emil Anderson & Son, Inc. (Anderson) and to operate 1.006 miles of private terminal trackage, including 431 feet of siding, in the city of Melrose Park, Cook County, Ill. (the Track). According to Chessie, the Track does not have assigned mileposts. Chessie states that the Track, which is owned by Anderson and currently used by Indiana Harbor Belt Railroad (IHB), is located west of the Mannheim Road crossing at the end of the Harvester Spur, an IHB spur track located between milepost 37.0 and milepost 38.0 off of the IHB main line, just south of the IHB Norpaul Yard. Chessie states that

Chessie and Anderson have entered into an agreement under which Chessie is acquiring all of Anderson's rights to the Track as well as assuming its obligation to ship to owners of the adjacent commercial properties.<sup>1</sup>

Unless stayed, the effective date of the exemption will be December 21, 2012 (30 days after the verified exemption was filed).<sup>2</sup> Chessie states that it expects to consummate the proposed transaction shortly after the effective date of the exemption.

Chessie certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

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 to stay must be filed no later than December 14, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35700, 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 Ariel A. Erbacher, Legal Counsel, Chessie Logistics Co., LLC, 1001 Green Bay Rd., Unit 204, Winnetka, IL 60093.

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

Decided: December 3, 2012.

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

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

[FR Doc. 2012-29505 Filed 12-5-12; 8:45 am]

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<sup>1</sup> In a prior proceeding, Mannheim Armitage Railway, LLC (Mannheim), a wholly owned subsidiary of Anderson, obtained an exemption to acquire the Track from Anderson and operate it. *See Mannheim Armitage Ry.—Acquis. & Operation Exemption—Certain Trackage Rights of J. Emil Anderson & Son, Inc. in Melrose Park, Cook Cnty., Ill.*, FD 35540 (STB served Sept. 9, 2011). According to Chessie, however, that transaction was never consummated, and Anderson now is seeking to transfer all rights to the Track to Chessie instead.

<sup>2</sup> Chessie filed its verified notice of exemption on November 20, 2012, and supplemented it the next day. Therefore, November 21, 2012, the date of Chessie's supplement, will be considered the filing date for purposes of calculating the effective date of the exemption.