

exemption was filed concurrently with a Ballard petition to partially vacate the NITU issued in Docket No. AB 6 (Sub-No. 465X) for the Woodinville Subdivision (extending from milepost 23.8 to milepost 11.25). That NITU permitted railbanking/interim trail use negotiations under 16 U.S.C. 1247(d).<sup>2</sup> The Board seeks comments from interested persons on Ballard's request to resume rail service and partially vacate the NITU.

**DATES:** Written comments must be filed with the Board by June 18, 2013. Replies must be filed by July 18, 2013.<sup>3</sup>

**ADDRESSES:** Comments 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 Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. FD 35731, 395 E Street SW., Washington, DC 20423-0001.

In addition, send one copy of any comments to: (1) Myles L. Tobin, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832; (2) Craig Watson, Port of Seattle, Pier 69, P.O. Box 1209, Seattle, WA 98111; (3) Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Avenue NW., Washington,

*Railway Company—Abandonment Exemption—in King County, Wash.*, AB 6 (Sub-No. 465X).

<sup>2</sup> In a related matter, Ballard simultaneously filed a verified notice of exemption under 49 CFR 1150.41 to lease from Eastside Community Rail, LLC and to operate a 14.45-mile line of railroad between mileposts 23.8 and 38.25 that is adjacent to the Line at issue here. *Ballard Terminal Railroad Company, L.L.C.—Lease Exemption—Line of Eastside Community Rail, LLC*, FD 35730 (STB served Apr. 18, 2013).

<sup>3</sup> On April 12, 2013, King County, the City, and Central Puget Sound Regional Transit Authority (collectively, Movants) jointly filed a motion to extend the time to respond to Ballard's petitions to partially vacate the NITU and for exemption, from April 22, 2013, to June 21, 2013. On April 17, 2013, Ballard filed a reply to the motion, objecting to the requested extension of time unless it is coupled with a condition that the City not remove the track and other rail assets on the 5.75-mile portion of the Line the City owns, until such time as the Board rules on Ballard's pending petitions. On April 18, 2013, Movants filed a motion for leave to file a reply to Ballard's reply. Regarding the motion to extend, pursuant to this notice and request for comments, the Board is initiating a proceeding and establishing a procedural schedule for comments. Movants' motion to extend the time to respond will therefore be denied as moot. The matter of the trackage removal is already pending in the U.S. District Court for the Western District of Washington on Ballard's motion for temporary restraining order, which is scheduled to be heard on May 3, 2013.

DC 20036; and (4) all other parties of record to this proceeding.

**FOR FURTHER INFORMATION CONTACT:** Marc Lerner at 202-245-0390. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On April 2, 2013, Ballard filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10902 to acquire the residual common carrier rights and obligations, including the right to reinstitute rail service, and the physical trackage assets of the Line, for a segment of the former BNSF Woodinville Subdivision. This segment is currently subject to an interim trail use/ railbanking agreement between BNSF and King County, a political subdivision of the State of Washington. The Port owns the real estate associated with the Line, which it acquired from BNSF;<sup>4</sup> the Port subsequently conveyed a portion of the Line to the City. In *King County, Wash.—Acquisition Exemption—BNSF Railway Company*, FD 35148 (STB served Sept. 18, 2009), the Board granted a request by King County for exemption from 49 U.S.C. 10901 to acquire BNSF's rights and obligations, including the right to reinstate rail service in the future.

Ballard's petition presents this issue: under what circumstances will the Board grant a carrier's request to vacate a NITU to permit reactivation of rail service when the petitioning carrier does not own or have any other interest in the right-of-way. An interim trail use arrangement is subject to being cut off at any time by the reinstatement of service. 16 U.S.C. 1247(d). Here, the abandoning railroad (BNSF) has transferred its rights and obligations, including the right to reinstate rail service, to King County (which is also the trail sponsor), and a different carrier, Ballard, seeks to reinstitute service.

Ballard submits letters from two shippers that support the reinstatement of rail service over the Line. CalPortland, a building materials and construction services provider, states that it desires to use the Line to receive hundreds of thousands of cubic yards per year of construction materials for upcoming road projects. Wolford Trucking & Demolition, Inc. (Wolford), a demolition and trucking services provider, states that it plans to use the Line to ship an estimated three million cubic yards of excavated materials, building demolition waste, and roadway

<sup>4</sup> *The Port of Seattle—Acquisition Exemption—Certain Assets of BNSF Ry.*, FD 35128 (STB served June 20, 2008).

grading spoils over the next several years. Ballard estimates that CalPortland and Wolford's use of the Line would translate to approximately 50,000 carloads of freight.<sup>5</sup>

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 17, 2014.

Decided: April 19, 2013.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2013-09760 Filed 4-24-13; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

April 22, 2013.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before May 28, 2013 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 927-5331, email at [PRA@treasury.gov](mailto:PRA@treasury.gov), or the entire

<sup>5</sup> Ballard submits three additional letters generally in support of an upgraded Eastside Rail Corridor: an open letter from the Snohomish County Executive Director supporting multiple purpose use of the Eastside Rail Corridor, including freight service; a letter to the Kirkland City Council from the Mayor of Woodinville requesting that the City delay the removal of the subject tracks until the Eastside Rail Corridor Regional Advisory Council presents its recommendations in Summer 2013; and a letter to Washington State Senator Rosemary McAuliffe from the Mayor of Snohomish reiterating a request for funding needed to upgrade the Eastside Rail Corridor.

information collection request maybe found at [www.reginfo.gov](http://www.reginfo.gov).

### Internal Revenue Service (IRS)

*OMB Number:* 1545-0142.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Underpayment of Estimated Tax by Corporations.

*Form:* 2220.

*Abstract:* Form 2220 is used by corporations to determine whether they are subject to the penalty for underpayment of estimated tax and if so, the amount of the penalty. The IRS uses Form 2220 to determine if the penalty was correctly computed.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 24,206,448.

*OMB Number:* 1545-0155.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Investment Credit.

*Form:* 3468.

*Abstract:* Taxpayers are allowed a credit against their income tax for certain expenses they incur for their trades or businesses. Form 3468 is used to compute this investment tax credit. The information collect is used by the IRS to verify that the credit has been correctly computed.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 530,937.

*OMB Number:* 1545-0790.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR).

*Form:* 8082.

*Abstract:* IRC sections 6222 and 6227 require partners to notify IRS by filing Form 8082 when they (1) treat partnership items inconsistent with the partnerships' treatment (6222), and (2) change previously reported partnership items (6227). Sections 6244 and 860F extend this requirement to shareholders of S corporations and residuals of REMICs. Also section 6241 and 6034A(c) extend this requirement to partners in electing large partnerships and beneficiaries of estates and trusts.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 51,024.

*OMB Number:* 1545-1034.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Passive Activity Credit Limitations.

*Form:* 8582-CR.

*Abstract:* Under section 469, credits from passive activities, to the extent they do not exceed the tax attributable to net passive income, are not allowed. Form 8582-CR is used to figure the passive activity credit allowed and the amount of credit to be reported on the tax return.

*Affected Public:* Individuals and Households.

*Estimated Annual Burden Hours:* 2,370,600.

*OMB Number:* 1545-1145.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Generation-Skipping Transfer Tax Return for Terminations.

*Form:* 706-GS(T).

*Abstract:* Form 706-GS(T) is used by trustees to compute and report the Federal GST tax imposed by IRC section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.

*Affected Public:* Individuals and Households.

*Estimated Annual Burden Hours:* 684.

*OMB Number:* 1545-1447.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* CO-46-94 (TD 8594—Final) Losses on Small Business Stock.

*Abstract:* Section 1.1244(e)-1(b) of the regulation requires that a taxpayer claiming an ordinary loss with respect to section 1244 stock must have records sufficient to establish that the taxpayer satisfies the requirements of section 1244 and is entitled to the loss. The records are necessary to enable the Service examiner to verify that the stock qualifies as section 1244 stock and to determine whether the taxpayer is entitled to the loss.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 2,000.

*OMB Number:* 1545-1550.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Notice 97-45, Highly Compensated Employee Definition.

*Abstract:* This notice provides guidance on the definition of a highly compensated employee within the meaning of section 414(q) of the Internal Revenue Code as simplified by section 1431 of the Small Business Job Protection Act of 1996, including an employer's option to make a top-paid group election under section 414(q)(1)(B)(ii).

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 65,605.

*OMB Number:* 1545-1558.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Rev. Proc. 97-43, Procedures for Electing Out of Exemptions under Section 1.475(c)-1; and Rev. Ruling 97-39, Mark-to-Market Accounting Method for Dealers in Securities.

*Abstract:* Rev. Proc. 97-43 provides taxpayers automatic consent to change to mark-to-market accounting for securities after the taxpayer elects under section 1.475(c)-1, subject to specified terms and conditions. Rev. Ruling 97-39 provides taxpayers additional mark-to-market guidance in a question and answer format.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 1,000.

*OMB Number:* 1545-1639.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* TD 8936—Definition of Contribution in Aid of Construction under Section 118(c).

*Abstract:* The regulations provide guidance with respect to section 118(c), which provides that a contribution in aid of construction received by a regulated public water or sewage utility is treated as a contribution to the capital of the utility and excluded from gross income.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 300.

*OMB Number:* 1545-1851.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* TD 9083—Golden Parachute Payments (REG-124312-02).

*Abstract:* These regulations deny a deduction for excess parachute payments. A parachute payment is a payment in the nature of compensation to a disqualified individual that is contingent on a change in ownership or control of a corporation. Certain payments, including payments from a small corporation, are exempt from the definition of parachute payment if certain requirements are met (such as shareholder approval and disclosure requirements).

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 12,000.

*OMB Number:* 1545-2170.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Cyber Assistance Program (Authorized Cyber Assistant Host Application).

*Abstract:* The form is used by a business to apply to become an Authorized Cyber Assistant Host. Information on this form will be used to assist in determining whether the applicant meets the qualifications to become a Cyber Assistant Host. Cyber Assistant is a software program that assists in the preparation of Form 1023, Application for Recognition of Exemption, under Section 501(c)(3).

*Affected Public:* Private Sector: Businesses or other for-profits, Not-for-profit institutions.

*Estimated Annual Burden Hours:* 200.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2013-09774 Filed 4-24-13; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Unblocking of 1 Individual Designated Pursuant to Executive Order 13572

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

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control ("OFAC") is removing the name of 1 individual whose property and interests in property are blocked pursuant to Executive Order 13572 of April 29, 2011, "Blocking Property of Certain Persons with Respect to Human Rights Abuses in Syria" from the list of Specially Designated Nationals and Blocked Persons ("SDN List").

**DATES:** The removal of this individual from the SDN List is effective as of Thursday, April 18, 2013.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW. (Treasury Annex), 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.treas.gov/ofac](http://www.treas.gov/ofac)) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622-0077.

## Background

On April 29, 2011, the President issued Executive Order 13572, "Blocking Property of Certain Persons with Respect to Human Rights Abuses in Syria," (the "Order") pursuant to, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-06). In the Order, the President expanded the scope of the national emergency declared in Executive Order 13338 of May 11, 2004. The Order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to designate additional persons or entities determined to meet certain criteria set forth in Executive Order 13572.

The Department of the Treasury's Office of Foreign Assets Control has determined that this individual should be removed from the SDN List.

The following designation is removed from the SDN List:

### Individual

AL-KUZBARI, Nabil Rafik (a.k.a. AL-KOUZBARI, Nabil; a.k.a. AL-KUZBARI, Nabil; a.k.a. AL-KUZBARI, Nabil Rafiq; a.k.a. KUSBARI, Nabil; a.k.a. KUZBARI, Ahmad; a.k.a. KUZBARI, Ahmad Nabil; a.k.a. KUZBARI, Nabil R.); DOB 20 Sep 1936; POB Damascus, Syria; citizen Syria; alt. citizen Austria; Passport P3002721 (Austria) (individual) [SYRIA].

The removal of this individual from the SDN List is effective as of Thursday, April 18, 2013. All property and interests in property of the individual that are in or hereafter come within the United States or the possession or control of United States persons are now blocked.

Dated: Thursday, April 18, 2013.

**Adam Szubin,**

*Director, Office of Foreign Assets Control.*

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**BILLING CODE 4810-AL-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0117]

### Proposed Information Collection (Inquiry Concerning Applicant for Employment) Activity; Comment Request

**AGENCY:** Office of Human Resources and Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Human Resources and Administration (HRA), Department of Veterans Affairs (VA), is

announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine an applicant's suitability and qualification for employment.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before June 24, 2013.

**ADDRESSES:** Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov); or to Jean Hayes, Office of Human Resources Management (05), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email: [jean.hayes@va.gov](mailto:jean.hayes@va.gov). Please refer to "OMB Control No. 2900-0117" in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Jean Hayes at (202) 461-7863 and by fax (202) 273-0733.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VA's functions, including whether the information will have practical utility; (2) the accuracy of HRA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Inquiry Concerning Applicant for Employment, VA Form Letter 5-127.  
*OMB Control Number:* 2900-0117.

*Type of Review:* Revision of a currently approved collection.