

within the meaning of 19 U.S.C. 2605(i)(1)).

Marie Therese Porter Royce,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

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DEPARTMENT OF STATE

[Public Notice:11058]

Notice of Receipt of Request From the Government of the Republic of Costa Rica Under Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice of receipt of request from Costa Rica for cultural property protection.

FOR FURTHER INFORMATION CONTACT: Allison Davis, Cultural Heritage Center, Bureau of Educational and Cultural Affairs; 202-632-6301; culprop@state.gov.

SUPPLEMENTARY INFORMATION: The Government of the Republic of Costa Rica made a request to the Government of the United States on December 2, 2019, under Article 9 of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. Costa Rica's request seeks U.S. import restrictions on archaeological material representing Costa Rica's cultural patrimony. Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), notification of the request is hereby published. A public summary of Costa Rica's request and information about U.S. implementation of the 1970 UNESCO Convention will be available at the Cultural Heritage Center website: <http://culturalheritage.state.gov>.

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Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36346]

Wisconsin Central Ltd.—Operation Exemption—Hallett Dock No. 5 In Duluth, Minn.

On November 8, 2019, Wisconsin Central Ltd. (WCL)¹ filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to operate a rail/water dock facility, known as Hallett Dock No. 5 (the Dock), in Duluth, Minn., after WCL acquires the Dock from its current noncarrier owner, Hallett Dock Company (Hallett). (See WCL Exemption Pet. 1.) Concurrently, WCL filed a petition for establishing a procedural schedule that included a request for expedited consideration of its exemption petition. (See WCL Scheduling Pet. 1–2.)

In a decision served on November 22, 2019, the Board instituted a proceeding under 49 U.S.C. 10502(b). No comments opposing WCL's petitions were filed.² For the reasons discussed below, the Board will grant WCL's exemption petition for authority to operate over the Dock trackage as described below.

Background

The Dock is a ground-level rail/water bulk commodity transfer and storage dock facility that occupies a total of approximately 100 acres of property and includes a 2,400-foot vessel berth, two ship loaders, a railcar unloader, a dry storage building, approximately 9,000 feet of rail trackage on the Dock itself, and approximately 6,300 feet of adjacent railcar holding tracks along the shore line. (WCL Exemption Pet. 3.) Hallett currently conducts its own switching operations at the Dock, utilizing its own locomotive and crews for, among other things, water-to-rail transfers of limestone, rail-to-water transfers of blast furnace trim and bentonite, and shipments of small volumes of taconite and salt. (*Id.* at 3–4.) The Dock is directly served by WCL and BNSF Railway Company (BNSF) and is open to Canadian Pacific Railway/Soo Line Railroad Company and Union Pacific Railroad Company via a BNSF reciprocal switch. (*Id.* at 4.) WCL estimates that it moves approximately

90% of the Dock's rail traffic volume. (*Id.*)

WCL states that, in response to Hallett's decision to sell the Dock, it entered into an Asset Purchase Agreement, dated as of November 8, 2019, with Hallett to acquire the Dock and ensure its continued operation. (*Id.* at 4–5.) WCL states that continued operation of the Dock is vital to its customers and to WCL's ability to fulfill its commitments to handle their traffic. (*Id.* at 5.) WCL further asserts that the proposed transaction “will preserve operation of Hallett Dock No. 5 under WCL ownership[.]” (*id.*), and “will bring the dock within the Board's jurisdiction as part of the national rail network,” (*id.* at 16). Two shippers have stated their support for WCL's objective. (See U.S. Steel Corp. Letter 1 (noting the Dock's importance to United States Steel Corporation's supply chain and urging Board to approve WCL's petition); WCL Request 4, Dec. 17, 2019 (letter from shipper Cleveland-Cliffs Inc. stating the Dock's importance to its supply chain).)

WCL further states that it “does not intend to implement significant changes in the railcar handling and commodity transfer and storage currently conducted at [the Dock].” (WCL Exemption Pet. 5.) Similarly, WCL “expects to retain most if not all” of Hallett's existing employees who operate the Dock. (*Id.*) WCL intends to operate the Dock “as an open dock, with transfer and handling services equally available to any interested parties as capacity and existing customer commitments permit during shipping season.” (*Id.*)

Discussion and Conclusions

Under 49 U.S.C. 10901, a rail carrier may not operate an extended or additional railroad line without the prior approval of the Board. However, under 49 U.S.C. 10502(a), the Board must exempt a transaction or service from regulation upon finding that: (1) Regulation is not necessary to carry out the transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not needed to protect shippers from the abuse of market power.

Detailed scrutiny of the proposed transaction through an application for review and approval under 49 U.S.C. 10901 is not necessary here to carry out the rail transportation policy. The proposed transaction would ensure continued rail/water operations at the Dock. As such, the proposed transaction would, among other things, ensure the continuation of a sound rail transportation system with effective

¹ WCL is a wholly owned, indirect subsidiary of Canadian National Railway Company. (See WCL Exemption Pet. 2 (citing *Can. Nat'l Ry.—Control—Wis. Cent. Transp. Corp.*, 5 S.T.B. 890 (2001)).)

² WCL initially requested a procedural schedule with an effective date for the exemption of March 27, 2020, to permit implementation of the transaction in time for the start of the Lake Superior shipping season in April. (See WCL Scheduling Pet. 2–3.) On December 17, 2019, WCL filed a request for the Board to further expedite its decision.