

Dated: September 30, 2016.

**Heather A. Higginbottom,**

*Deputy Secretary of State.*

[FR Doc. 2016-24894 Filed 10-13-16; 8:45 am]

**BILLING CODE 4710-29-P**

## DEPARTMENT OF STATE

[Public Notice: 9755]

### Department of State Performance Review Board Members

In accordance with section 4314(c)(4) of 5 United States Code, the Department of State has appointed the following individuals to the Department of State Performance Review Board for Senior Executive Service members:

Alan Evans, Chairperson, Deputy Comptroller, Bureau of the Comptroller and Global Financial Services, Department of State;  
Nerissa Cook, Deputy Assistant Secretary, Bureau of International Organizations, Department of State;  
Paul Dean, Assistant Legal Adviser, Office of the Legal Adviser, Department of State;  
Wanda Nesbitt, Dean, Foreign Service Institute, Department of State; and  
William Todd, Principal Deputy Assistant Secretary, Bureau of South and Central Asian Affairs, Department of State.

Dated: September 22, 2016.

**Arnold Chacon,**

*Director General of the Foreign Service and Director of Human Resources, Department of State.*

[FR Doc. 2016-24895 Filed 10-13-16; 8:45 am]

**BILLING CODE 4710-15-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 35347 (Sub-No. 1)]

### Elkhart & Western Railroad Co.— Amended Lease and Operation Exemption Containing Interchange Commitment—Norfolk Southern Railway Company

Elkhart & Western Railroad Co. (EWR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to lease and operate approximately 23.0 miles of rail line from Norfolk Southern Railway Company (NSR) between MP I 108.6 +/- (at Argos, Ind.) to MP I 131.6 +/- (at Walkerton, Ind.) (the Line).<sup>1</sup>

<sup>1</sup> EWR also has local trackage rights over approximately 13 miles of rail line owned by Fulton County, LLC, extending from MP 1-95.6 at Rochester, Fulton County, Ind., to MP I-108.6, where it connects with the Line. *Elkhart & W. R.R.—Trackage Rights Exemption—Fulton Cty., LLC*, FD 35453 (STB served Feb. 9, 2011).

According to EWR, it first entered into a lease agreement (Original Agreement) with NSR in 2010. *See Elkhart & W. R.R.—Lease & Operation Exemption—Norfolk S. Ry.*, FD 35347 (STB served Feb. 19, 2010). On July 21, 2016, EWR and NSR agreed to amend the Original Agreement (1st Agreement Amendment) to extend the agreement's termination date an additional five years, through December 31, 2024, and amend certain other specific terms of the agreement.<sup>2</sup> EWR states that the 1st Agreement Amendment will take effect on or after the effective date of the notice of exemption.

According to EWR, it will continue to interchange traffic with NSR at a track in the vicinity of the Argo Yard. EWR states that the Original Agreement, as modified by the 1st Agreement Amendment, does not prohibit or limit EWR from interchanging with third-party connecting carriers that connect to the Line, nor does the modified agreement set forth terms governing EWR's interchange of traffic with such third-party carriers. According to EWR, the Original Agreement, as modified by the 1st Agreement Amendment, contains a provision specifically permitting EWR unrestricted interchange with other carriers. However, EWR certifies that the Original Agreement, as modified by the 1st Agreement Amendment, does contain lease credits, a type of interchange commitment. As required under 49 CFR 1150.43(h)(1), EWR has disclosed in its verified notice that the Original Agreement, as modified by the 1st Agreement Amendment, affects the interchange point of MP I 131.6 +/- (at Walkerton, Ind.) and MP 118.3 (at Plymouth, Ind.). EWR has also provided additional information regarding the interchange commitment.

EWR also certifies that the projected annual revenues do not exceed those that would qualify it as a Class II or Class I rail carrier and would not exceed \$5 million.

The proposed transaction may be consummated on October 29, 2016, the effective date of the exemption (30 days after the verified notice of exemption was filed). If the 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

<sup>2</sup> EWR filed a confidential, complete version of the 1st Agreement Amendment with its notice of exemption to be kept confidential by the Board under 49 CFR 1104.14(a) without the need for the filing of an accompanying motion for protective order under 49 CFR 1104.14(b).

the exemption. Petitions to stay must be filed no later than October 21, 2016 (at least seven days before the exemption becomes effective.)

An original and ten copies of all pleadings, referring to Docket No. FD 35347 (Sub-No. 1), 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 applicant's representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at "[WWW.STB.GOV](http://WWW.STB.GOV)."

Decided: October 11, 2016.

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

**Marline Simeon,**

*Clearance Clerk.*

[FR Doc. 2016-24870 Filed 10-13-16; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. AB 57 (Sub-No. 64X)]

### Soo Line Railroad Company— Abandonment of Trackage Located in Burleigh County, N.D.

Soo Line Railroad Company d/b/a Canadian Pacific (Soo Line) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 0.9-mile line of railroad between milepost 417.99 +/- and milepost 418.89 +/- in Burleigh County, N.D. (Line). The Line traverses United States Postal Zip Codes 58501 and 58504.

Soo Line has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch*

*Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 15, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 24, 2016. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 3, 2016, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to Soo Line's representative: W. Karl Hansen, Stinson Leonard Street LLP, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Soo Line has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by October 21, 2016. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,700. See *Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2016 Update*, EP 542 (Sub-No. 24) (STB served Aug. 2, 2016).

conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Soo Line shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by Soo Line's filing of a notice of consummation by October 14, 2017, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at "WWW.STB.GOV."

Decided: October 11, 2016.

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

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2016-24886 Filed 10-13-16; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36068]**

### **The Indiana Rail Road Company— Trackage Rights Exemption—CSX Transportation, Inc.**

The Indiana Rail Road Company (INRD), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for its acquisition of trackage rights over a line of railroad of CSX Transportation, Inc. (CSXT) between approximately milepost OZA 204.5 at Sullivan, Ind., and milepost OZA 219.05 at Oaktown, Ind., a distance of approximately 14.55 miles (the Line).

INRD states that, pursuant to a May 15, 2008 trackage rights agreement and two subsequent supplements to that agreement, dated as of August 1, 2009, and November 20, 2009, INRD holds trackage rights over CSXT's rail line from Sullivan to Carlisle and Oaktown, Ind.,<sup>1</sup> for the purpose of handling unit coal trains from mines at Carlisle and Oaktown to specified destinations on INRD or other railroads with which INRD interchanges.

Pursuant to a written Supplemental Agreement No. 6 (Agreement) dated September 1, 2016,<sup>2</sup> CSXT has agreed to grant additional limited, temporary trackage rights to INRD over the Line. The purpose of the transaction is to

<sup>1</sup> See *Ind. Rail Rd.—Trackage Rights Exemption—CSX Transp., Inc.*, FD 35328 (STB served Dec. 31, 2009); *Ind. Rail Rd.—Trackage Rights Exemption—CSX Transp., Inc.*, FD 35287 (STB served Sept. 2, 2009); *Ind. Rail Rd.—Amended Trackage Rights Exemption—CSX Transp., Inc.*, FD 35137 (STB served May 22, 2008).

<sup>2</sup> The fully executed Agreement between CSXT and INRD was filed with the notice as Exhibit 2.

allow INRD to handle loaded and empty coal trains between the Oaktown Mine and the Kentucky Utilities Generating Station in Harrodsburg, Ky., in interline service with other rail carriers.<sup>3</sup> The Agreement provides that the trackage rights are temporary in nature and are scheduled to expire on December 31, 2017.<sup>4</sup>

The transaction may be consummated on or after October 29, 2016, the effective date of the exemption (30 days after the verified notice was filed).

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

If the 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 for stay must be filed no later than October 21, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36068, 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 Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at "WWW.STB.GOV."

Decided: October 11, 2016.

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

**Marline Simeon,**  
Clearance Clerk.

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<sup>3</sup> INRD's notice of exemption initially described the trackage rights as "local." However, on October 4, 2016, INRD filed a supplement in which it states that, beyond serving the mine at Oaktown, the temporary trackage rights will not allow INRD to provide local service at any points between Sullivan and Oaktown.

<sup>4</sup> INRD states that, because the temporary trackage rights established by the Agreement are longer than one year in duration, it is not filing under the Board's class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8). Instead, INRD has filed under the trackage rights class exemption at 1180.2(d)(7). Concurrently, INRD has filed, in Docket No. FD36068 (Sub-No. 1), a petition for partial revocation of this exemption to permit these proposed trackage rights to expire on December 31, 2017, as provided in the Agreement. The Board will address that petition in a separate decision.