

**SURFACE TRANSPORTATION BOARD****[Docket No. EP 730 (Sub-No. 1)]****Revisions to Arbitration Procedures**

Under Section 13 of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), codified at 49 U.S.C. 11708, Congress directed the Board to “promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints” that are subject to the Board’s jurisdiction. In May 2016, the Board issued a Notice of Proposed Rulemaking proposing to modify its existing regulations at 49 CFR pt. 1108 and § 1115.8 to conform to the requirements of the STB Reauthorization Act. *Revisions to Arbitration Procedures*, EP 730 (STB served May 12, 2016). Section 11708(f) provides that, unless parties otherwise agree, an arbitrator or panel of arbitrators shall be selected from a roster maintained by the Board. Accordingly, the Board’s rules establish a process for creating and maintaining a roster of arbitrators. See *Revisions to Arbitration Procedures (Final Rule)*, EP 730, slip op. at 3–4 (STB served Oct. 11, 2016).

By decision served December 2, 2016, the Board sought applications from all interested persons who wished to be considered for inclusion on the initial roster. The Board assessed each applicant’s qualifications to identify individuals who can ably serve as arbitrators based on the criteria established by the Board in its *Final Rule* at 49 CFR 1108.6(b). By decision served February 23, 2017, the Board adopted and issued its roster of arbitrators. The roster is published on the Board’s website at <https://www.stb.gov/stb/litigationalternatives/CurrentArbitration.html> (a link to the current arbitrator roster is located in the section titled, “Arbitration Procedures”).

Section 1108.6(b) requires that the Board update the roster of arbitrators every year. Accordingly, the Board is now requesting the names and qualifications of new arbitrators who wish to be placed on the roster. Arbitrators who wish to remain on the roster must notify the Board of their continued availability and confirm that the biographical information on file with the Board remains accurate and if not, provide any necessary updates. Arbitrators who do not confirm their continued availability will be removed from the roster. This decision will be served on all current arbitrators.

Any person who wishes to be added to the roster should file an application describing his or her experience with

rail transportation and economic regulation, as well as professional or business experience, including agriculture, in the private sector. Each applicant should also describe his or her training in dispute resolution and/or experience in arbitration or other forms of dispute resolution, including the number of years of experience. Lastly, the applicant should provide his or her contact information and fees.

All comments—including filings from new applicants, updates to existing arbitrator information, and confirmations of continued availability—should be submitted by January 22, 2018.<sup>1</sup> The Board will assess each new applicant’s qualifications to determine which individuals can ably serve as arbitrators based on the criteria established under section 1108.6(b). The Board will then establish an updated roster of arbitrators by no-objection vote. The roster will include a brief biographical sketch of each arbitrator, including information such as background, area(s) of expertise, arbitration experience, and geographical location, as well as contact information and fees. The roster will be published on the Board’s website.

*It is ordered:*

1. Applications from persons interested in being added to the Board’s roster of arbitrators and confirmations of continued availability (with updates, if any, to existing arbitrator information) from persons currently on the arbitration roster, are due by January 22, 2018.

2. This decision will be served on all current arbitrators and published in the **Federal Register**.

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

Decided: December 21, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2017–28009 Filed 12–27–17; 8:45 am]

**BILLING CODE 4915–01–P**

**SURFACE TRANSPORTATION BOARD****[Docket No. EP 526 (Sub-No. 10)]****Notice of Railroad-Shipper Transportation Advisory Council Vacancies**

**AGENCY:** Surface Transportation Board (Board).

<sup>1</sup> Persons who have informally indicated an interest in being included on the arbitrator roster (e.g., correspondence to Board members) should submit a comment pursuant to this decision.

**ACTION:** Notice of vacancies on the Railroad-Shipper Transportation Advisory Council (RSTAC) and solicitation of nominations.

**SUMMARY:** The Board hereby gives notice of vacancies on RSTAC for two small shipper representatives, one large shipper representative, two small railroad representatives, and two large railroad representatives. The Board seeks suggestions for candidates to fill these vacancies.

**DATES:** Nominations are due on January 22, 2018.

**ADDRESSES:** Suggestions 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 website, at <http://www.stb.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. EP 526 (Sub-No. 10), 395 E Street SW, Washington, DC 20423–0001 (if sending via express company or private courier, please use zip code 20024). Please note that submissions will be available to the public at the Board’s offices and posted on the Board’s website under Docket No. EP 526 (Sub-No. 10).

**FOR FURTHER INFORMATION CONTACT:** Katherine Bourdon at 202–245–0285. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** The Board, created in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. 10701–47, 11101–24), the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. 10901–07), as well as railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. 10902, 11323–27).

RSTAC was established upon the enactment of the ICC Termination Act of 1995 (ICCTA) on December 29, 1995, to advise the Board’s Chairman, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues RSTAC considers significant. RSTAC focuses on

issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. ICCTA instructs RSTAC to endeavor to develop private-sector mechanisms to prevent, or identify and address, obstacles to the most effective and efficient transportation system practicable. RSTAC also prepares an annual report concerning its activities and recommendations on whatever regulatory or legislative relief it considers appropriate. RSTAC is not subject to the Federal Advisory Committee Act.

RSTAC currently consists of 19 members. Of this number, 15 members are appointed by the Chairman of the Board, and the remaining four members are comprised of the Secretary of Transportation and the Members of the Board, who serve as *ex officio*, nonvoting members. Of the 15 appointed members, nine are voting members and are appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries. At least four of the voting members must be representatives of small shippers as determined by the Chairman, and at least four of the voting members must be representatives of Class II or III railroads. The remaining six members to be appointed—three representing Class I railroads and three representing large shipper organizations—serve in a nonvoting, advisory capacity, but are entitled to participate in RSTAC deliberations.

RSTAC is required by statute to meet at least semi-annually. In recent years, RSTAC has met four times a year. Meetings are generally held at the Board's headquarters in Washington, DC, although some meetings are held in other locations.

RSTAC members receive no compensation for their services and are required to provide for the expenses incidental to their service, including travel expenses, as the Board cannot provide for these expenses. RSTAC may solicit and use private funding for its activities, again subject to certain restrictions in ICCTA. RSTAC members currently have elected to submit annual dues to pay for RSTAC expenses.

RSTAC members must be citizens of the United States and represent as broadly as practicable the various segments of the railroad and rail shipper industries. They may not be full-time employees of the United States.

According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RSTAC, as long as

they do so in a representative capacity, rather than an individual capacity. See *Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns.*, 79 FR 47,482 (Aug. 13, 2014). Members of RSTAC are appointed to serve in a representative capacity.

RSTAC members are appointed for three-year terms. A member may serve after the expiration of his or her term until a successor has taken office. No member will be eligible to serve in excess of two consecutive terms.

Due to the expiration of several RSTAC members' terms, vacancies exist for the following: Two small shipper representatives, one large shipper representative, two small railroad representatives, and two large railroad representatives. Upon appointment by the Board Chairman, the new representatives will serve for three years and may be eligible to serve a second three-year term following the end of their first term.

Suggestions for candidates to fill these vacancies should be submitted in letter form, identify the name of the candidate, provide a summary of why the candidate is qualified to serve on RSTAC, and contain a representation that the candidate is willing to serve as an RSTAC member effective immediately upon appointment. RSTAC candidate suggestions should be filed with the Board by January 22, 2018. Members selected to serve on RSTAC are chosen at the discretion of the Board Chairman. Please note that submissions will be available to the public at the Board's offices and posted on the Board's website under Docket No. EP 526 (Sub-No. 10).

**Authority:** 49 U.S.C. 1325.

Decided: December 21, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2017-28011 Filed 12-27-17; 8:45 am]

**BILLING CODE 4915-01-P**

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Determination of Trade Surplus in Certain Sugar and Syrup Goods and Sugar-Containing Products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia, and Panama

**AGENCY:** Office of the United States  
Trade Representative.

**ACTION:** Notice.

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**SUMMARY:** In accordance with the Harmonized Tariff Schedule of the United States (HTS), the Office of the United States Trade Representative (USTR) is providing notice of its determination of the trade surplus in certain sugar and syrup goods and sugar-containing products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia and Panama. The level of a country's trade surplus in these goods relates to the quantity of sugar and syrup goods and sugar-containing products for which the United States grants preferential tariff treatment under (i) the United States-Chile Free Trade Agreement (Chile FTA); (ii) the United States-Morocco Free Trade Agreement (Morocco FTA); (iii) the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR); (iv) the United States-Peru Trade Promotion Agreement (Peru TPA); (v) the United States-Colombia Trade Promotion Agreement (Colombia TPA); and (vi) the United States-Panama Trade Promotion Agreement (Panama TPA).

**DATES:** This notice is applicable on January 1, 2018.

**FOR FURTHER INFORMATION CONTACT:**  
Ronald Baumgarten, Office of  
Agricultural Affairs, (202) 395-9583 or  
[Ronald\\_Baumgarten@ustr.eop.gov](mailto:Ronald_Baumgarten@ustr.eop.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Chile FTA

Pursuant to section 201 of the United States-Chile Free Trade Agreement Implementation Act (Pub. L. 108-77; 19 U.S.C. 3805 note), Presidential Proclamation No. 7746 of December 30, 2003 (68 FR 75789) implemented the Chile FTA on behalf of the United States and modified the HTS to reflect the tariff treatment provided for in the Chile FTA.

Note 12(a) to subchapter XI of HTS chapter 99 requires USTR to publish annually a determination of the amount of Chile's trade surplus, by volume, with all sources for goods in Harmonized System (HS) subheadings 1701.11, 1701.12, 1701.91, 1701.99, 1702.20, 1702.30, 1702.40, 1702.60, 1702.90, 1806.10, 2101.12, 2101.20, and 2106.90, except that Chile's imports of goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the Chile FTA are not included in the calculation of Chile's trade surplus. Proclamation 8771 of December 29, 2011 (77 FR 413) reclassified HS subheading 1701.11 as 1701.13 and 1701.14.