

aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2023-02874 Filed 2-9-23; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36663]

Yak Rail LLC—Modified Rail Certificate

On January 27, 2023, Yak Rail LLC (Yak Rail),¹ a noncarrier, filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150 subpart C—*Modified Certificate of Public Convenience and Necessity*, to lease and operate a line of railroad owned by Yakima County, originating at BNSF Railway Company (BNSF) milepost 73.6 at Wesley Junction near Toppenish² and extending west 20.56 miles to White Swan (the Line), and an additional 1.63 miles of industrial spur near White Swan, for a total distance of 22.19 miles in Yakima County, Wash.

The Line was authorized for abandonment by the Board's predecessor agency, the Interstate Commerce Commission, in *Washington Central Railroad—Abandonment Exemption—in Yakima County, Wash.*, AB 326X (ICC served Aug. 24, 1992).

¹ Yak Rail is a new entity formed as a limited liability company under the laws of the State of Washington.

² The lease agreement refers to this point as milepost 0.0. (See Verified Notice, Ex. B at 1.)

Although authorized for abandonment, the Line was subsequently acquired by the State of Washington pursuant to an offer of financial assistance in *Washington Central Railroad—Abandonment Exemption—in Yakima County, Wash.*, AB 326X (ICC served March 18, 1993), and according to Yak Rail, transferred to Yakima County (the County). Previously, the Line was operated by three other carriers under modified rail certificates.³

Pursuant to a lease agreement, Yak Rail and the County have agreed that Yak Rail will commence freight rail operation on or after January 27, 2023, for an initial term of 10 years, which may be extended, upon the occurrence of certain conditions, for an additional five years. Under the agreement, the parties may terminate the lease earlier upon the occurrence of certain events (*i.e.*, a final and non-appealable order by the Board, court, or other administrative agency that terminates Yak Rail's authority or ability to provide rail freight services on the Line). (See Verified Notice, Ex. B at 9.)⁴

This transaction is related to the verified notice of exemption filed in *CWW LLC—Continuance in Control Exemption—Yak Rail LLC*, Docket No. FD 36664, in which CWW LLC seeks to continue in control of Yak Rail, upon Yak Rail's becoming a Class III rail carrier.

The Line qualifies for a modified certificate of public convenience and necessity. See *Common Carrier Status of States, State Agencies & Instrumentalities & Pol. Subdivs.*, FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22.

Yak Rail states that no entity is subsidizing Yak Rail's freight operations on the Line and that there are no preconditions for shippers to meet in order to receive rail service from Yak Rail. Yak Rail also states that the agreement requires it to obtain liability insurance coverage.

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service

³ See *Yakima Valley Rail & Steam Museum Ass'n.—Modified Rail Certificate*, FD 32487 (ICC served Apr. 28, 1994); *Cent. Wash. R.R.—Modified Rail Certificate*, FD 34804 (STB served Jan. 4, 2006); *YCR Corp.—Modified Rail Certificate—in Yakima Cnty., Wash.*, FD 35336 (STB served Jan. 15, 2010).

⁴ As operator of the Line, Yak Rail will provide rail freight service over the Line's only interline connection with BNSF at BNSF milepost 73.6, at Toppenish. Yak Rail advises the Board that it intends to enter into an interchange agreement with BNSF, imposing no interchange commitment. Yak Rail states that it will advise the Board in the event that the final interchange agreement differs from what it represented here.

and car-hire agreement, at 425 Third Street SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 500, Washington, DC 20001.

Board decisions and notices are available at www.stb.gov.

Decided: February 7, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2023-02875 Filed 2-9-23; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36664]

CWW LLC—Continuance in Control—Yak Rail LLC

CWW LLC (CWW), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Yak Rail LLC (Yak Rail), upon Yak Rail's becoming a Class III carrier.

This transaction is related to a concurrently filed notice of modified certificate of public convenience and necessity in *Yak Rail LLC—Modified Rail Certificate*, Docket No. FD 36663, for Yak Rail to lease and operate a line of railroad owned by Yakima County, originating at BNSF Railway Company (BNSF) milepost 73.6 at Wesley Junction near Toppenish¹ and extending west 20.56 miles to White Swan (the Line), and an additional 1.63 miles of industrial spur near White Swan, for a total distance of 22.19 miles in Yakima County, Wash.²

This transaction may be consummated on or after February 26, 2023, the effective date of the exemption (30 days after the exemption is filed).

According to the verified notice, CWW is under the ownership and control of Paul Didelius, who also controls YCR; CCET LLC, a Class III carrier that operates a rail line in Ohio; and three Class III carriers—WRL LLC, RYAL LLC, and KET LLC—that operate rail lines in Washington.

CWW represents that: (1) the rail properties operated and controlled by CWW and its corporate affiliates do not physically connect, (2) there are no plans to acquire additional rail lines for

¹ This point is also referred to as milepost 0.0. (See Verified Notice 3.)

² The Line was previously leased to YCR Corporation (YCR), a Class III carrier, pursuant to a modified rail certificate. See *YCR Corp.—Modified Rail Certificate—in Yakima, Cnty., Wash.*, FD 35336 (STB served Jan. 15, 2010).