

Regional Rail; (2) this control transaction is not part of a series of anticipated transactions that would result in such a connection; and (3) the transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

This transaction may be consummated on or after June 30, 2024, the effective date of the exemption (30 days after the verified notice was filed).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all the carriers involved are Class III rail carriers.

If the verified 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 June 21, 2024.

All pleadings, referring to Docket No. FD 36783, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on 3i RR's and Regional Rail's representative, Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to 3i RR and Regional Rail, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: June 11, 2024.

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

**Brendetta Jones,**  
Clearance Clerk.

[FR Doc. 2024-13167 Filed 6-13-24; 8:45 am]

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## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36782]

### **Paul Didelius and CCET LLC—Intra-Corporate Family Transaction Exemption—Cincinnati Eastern Railroad LLC**

Paul Didelius (Didelius) and CCET LLC (CCET I), a Class III rail carrier controlled by Didelius, have filed a verified notice of exemption for an intra-corporate family transaction pursuant to 49 CFR 1180.2(d)(3), under which CCET I will merge with and into a newly formed noncarrier entity, CCET II, with CCET II as the surviving carrier corporation and Didelius controlling CCET II.

CCET I leases approximately 69.45 miles of rail line in Ohio from Norfolk Southern Railway Company (NSR) pursuant to an agreement extended in 2020. See *CCET, LLC—Lease & Operation Exemption—Rail Line of Norfolk S. Ry.*, FD 36370 (STB served Dec. 26, 2019). According to the verified notice, CCET I's owners have reached an agreement to sell CCET I to 3i RR Holdings GP LLC et al. and Regional Rail, LLC (3i/Regional Rail), which currently control twelve other Class III rail carriers in the eastern United States. See *3i RR Holdings GP LLC—Control Exemption—Ind. E. R.R.*, FD 36735 (STB served Nov. 16, 2023). Didelius and CCET I state that to accommodate certain corporate and tax considerations in connection with that transaction, CCET I will undergo a reorganization immediately prior to its sale to 3i/Regional Rail. The owners of CCET I have formed CCET Holding, Inc. (CCET Holding), which will assume direct ownership of CCET I. CCET II will be formed as a separate, noncarrier subsidiary of CCET Holding, and CCET I will be merged with and into CCET II, with CCET II as the surviving corporation, becoming a Class III rail carrier controlled indirectly by Didelius. The parameters of its lease operations in Ohio will be identical to those of CCET I. CCET II, in turn will be the rail carrier acquired by 3i/Regional Rail pursuant to the concurrently filed notice of exemption in *3iRR Holding GP LLC—Control Exemption—Cincinnati Eastern Railroad*, Docket No. FD 36783. In that proceeding, 3i/Regional Rail seek to obtain control of CCET II.

Didelius and CCET I state that the agreement between CCET I and CCET II that will govern the proposed transaction does not include any provision that would limit the future interchange of traffic with any third-party connecting carrier, nor does the

existing lease agreement between CCET I and NSR.<sup>1</sup>

The verified notice states that the transaction will not adversely affect the level of existing rail service, or result in significant operational changes or a change in the competitive balance with carriers outside the corporate family. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(3). Unless stayed, the exemption will be effective on June 30, 2024, (30 days after the verified notice was filed).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. CCET I is a Class III rail carrier and CCET II will be a Class III rail carrier after consummation of the proposed intra-corporate merger transaction. Accordingly, the Board may not impose labor protective conditions here because all the carriers involved are Class III rail carriers.

If the verified 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 June 21, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36782, must be filed with the Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Didelius's and CCET I's representative, Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to Didelius and CCET I, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic reporting under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: June 11, 2024.

<sup>1</sup>Didelius and CCET I filed with their verified notice an unexecuted copy of the agreement.

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

**Brendetta Jones,**  
Clearance Clerk.

[FR Doc. 2024–13166 Filed 6–13–24; 8:45 am]

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## TENNESSEE VALLEY AUTHORITY

### Amended Record of Decision for the Production of Tritium in Commercial Light Water Reactors

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Amended record of decision.

**SUMMARY:** The Tennessee Valley Authority (TVA) is amending the April 5, 2017 Record of Decision (ROD) for the Final Supplemental Environmental Impact Statement (SEIS) for the Production of Tritium in a Commercial Light Water Reactor (CLWR). The SEIS was issued March 4, 2016, by the U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA) and adopted by TVA in its 2017 ROD. TVA is amending its previous decision to increase the number of tritium-producing burnable absorber rods (TPBARs) irradiated in its reactors at Watts Bar Nuclear Plant (WBN). In partnership with NNSA, TVA initially decided to implement the CLWR SEIS Preferred Alternative, Alternative 6, which allows for the irradiation of up to a total of 5,000 TPBARs every 18 months using TVA reactors at both the WBN and Sequoyah sites. Subsequent to the CLWR SEIS, WBN Unit 1 increased production under Unit 1 License Amendment 107 (July 2016) and Unit 2 tritium production was authorized under Unit 2 License Amendment 27 (May 2019). In April 2024, WBN Units 1 and 2 were further authorized to increase their tritium productions to 2,496 TPBARs in each unit under Unit 1 License Amendment 165 and Unit 2 License Amendment 72. Hence, TVA and NNSA are now opting to choose the previously analyzed CLWR SEIS Alternative 4, which allows for the irradiation of up to a total of 5,000 TPBARs every 18 months at WBN using Units 1 and 2.

**FOR FURTHER INFORMATION CONTACT:** Matthew Higdon, Tennessee Valley Authority, NEPA Specialist, 400 West Summit Hill Drive (WT11B), Knoxville, Tennessee 37902; telephone (865) 632–8051; or email [mshigdon@tva.gov](mailto:mshigdon@tva.gov).

**SUPPLEMENTARY INFORMATION:** This notice is provided in accordance with the National Environmental Policy Act (NEPA), as amended (42 U.S. Code [U.S.C.] 4321 *et seq.*), the Council on Environmental Quality's regulations for

implementing NEPA (40 Code of Federal Regulations (CFR) 1500 through 1508, as updated April 20, 2022), and TVA's NEPA procedures (18 CFR 1318). TVA adopted the Final SEIS on March 4, 2016 (81 FR 11557–11558). As a cooperating agency, TVA provided subject matter expertise, independent review and evaluation, and close coordination with NNSA during the environmental review process, including preparation of the Draft SEIS and the Final SEIS. NNSA issued a ROD based on the Final SEIS on June 22, 2016 (81 FR 40685) and amended its ROD on September 14, 2023 (88 FR 63099). By this notice, TVA is providing notification of its amended decision and agency reasoning.

#### Background

The NNSA is responsible for maintaining and enhancing the safety, security, reliability, and performance of the nation's nuclear weapons stockpile. Tritium, a radioactive isotope of hydrogen, is an essential component of every weapon in the current and projected U.S. nuclear weapons stockpile and must be replenished periodically due to its short half-life. In March 1999, NNSA published the Final EIS for Production of Tritium in a Commercial Light Water Reactor, which addressed the proposed interagency agreement with TVA to produce tritium at TVA reactors using TPBARs. In May 1999, DOE published the ROD for the 1999 EIS, identifying its decision to implement an agreement for tritium production at the WBN Unit 1 reactor in Rhea County, Tennessee, and Sequoyah Units 1 and 2 reactors in Hamilton County, Tennessee. Under the proposal, TVA would irradiate up to 3,400 TPBARs per reactor per fuel cycle, which lasts about 18 months. The agreement was needed by NNSA because at the time the U.S. nuclear weapons complex did not have the capability to produce the amounts of tritium that were needed to support the nation's current and future nuclear weapons stockpile.

Following the environmental review, the agreement with NNSA was approved by the TVA Board of Directors in late 1999 and, in May 2000, TVA issued a ROD and adopted the NNSA's EIS (65 FR 26259). In 2000, TVA entered into an interagency agreement with NNSA under The Economy Act to provide irradiation services for producing tritium in TVA light water reactors through November 2035.

TVA received license amendments from the U.S. Nuclear Regulatory Commission (NRC) in 2002 to produce tritium in WBN Unit 1 reactor and both

Sequoyah reactors and has been producing tritium at the WBN Unit 1 reactor since 2003; TVA has not produced tritium in the Sequoyah reactors. Since 2003, irradiation experience at WBN has shown that the permeation rate per TPBAR per year has been higher than the estimate that was included and analyzed in the 1999 EIS by NNSA. NNSA prepared the 2016 CLWR SEIS to supplement its previous analysis to address the higher rates of permeation of tritium from TPBARs at TVA sites and to evaluate increasing tritium production quantities to meet requirements. The 2016 CLWR SEIS provides analysis of the potential environmental impacts from TPBAR irradiation based on a conservative estimate of the tritium permeation rate through the TPBAR cladding, NNSA's revised estimate of the maximum number of TPBARs necessary to support the current and projected future tritium supply requirements, and a maximum production scenario of irradiating no more than a total of 5,000 TPBARs every 18 months.

Six alternatives were analyzed in the CLWR SEIS, including the No Action Alternative, which was identified by TVA in its 2017 ROD as environmentally preferable. In their respective RODs, NNSA and TVA initially decided to implement the Preferred Alternative, Alternative 6, which allows for the irradiation of up to a total of 5,000 TPBARs every 18 months using TVA reactors at both the WBN and Sequoyah sites. At the time, this decision provided the greatest flexibility to meet potential future needs that could arise from various plausible but unexpected events.

After the 2016 SEIS, TVA increased irradiation of TPBARs at WBN Unit 1 under License Amendment 107 (July 2016) and at WBN Unit 2 under Unit 2 License Amendment 27 (May 2019). In April 2024, WBN Units 1 and 2 were further authorized to increase their tritium productions to 2,496 TPBARs in each unit under Unit 1 License Amendment 165 and Unit 2 License Amendment 72. Because TVA does not plan to produce tritium at its Sequoyah site, TVA and NNSA are now opting to choose the previously analyzed CLWR SEIS Alternative 4, which allows for the irradiation of up to a total of 5,000 TPBARs every 18 months at WBN Units 1 and 2.

In a February 2023 memorandum, TVA documented its review of the CLWR SEIS to determine if additional environmental review under NEPA was required, consistent with Council on Environmental Quality's regulations implementing NEPA at 40 CFR