

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. Stay petitions must be filed no later than July 22, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36029, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, Fletcher & Sippel LLC, 29 N. Wacker Drive, Suite 920, Chicago, IL 60606, and Karl Morell, Karl Morell & Associates, Suite 225, 655 Fifteenth St. NW., Washington, DC 20005.

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

Decided: July 12, 2016.

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

**Tia Delano,**

*Clearance Clerk.*

[FR Doc. 2016-16795 Filed 7-14-16; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36045]**

### **Paul Didelius—Continuance in Control Exemption—CWW, LLC**

Paul Didelius (Didelius), an individual and noncarrier,<sup>1</sup> has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of CWW, LLC (CWW), upon CWW's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in *CWW, LLC—Lease & Operation Exemption—Port of Columbia, Wash.*, Docket No. FD 36044, wherein CWW seeks Board approval under 49 CFR 1150.31 to lease from the Port of Columbia, Wash., and to operate, approximately 37.1 miles of rail line, referred to as the Dayton Line, between

<sup>1</sup>Didelius currently owns 100% of LRY, LLC d/b/a Lake Railway (LRY), a Class III carrier that leases and operates rail lines owned by Union Pacific Railroad Company in California and Oregon; 49% of YCR Corporation (YCR), a Class III rail carrier established for the purpose of leasing and operating a line of railroad owned by Yakima County, Wash.; 100% of CCET, LLC (CCET), a Class III short line rail carrier organized for the purpose of leasing and operating a rail line owned by Norfolk Southern Railway Company in Ohio; and 100% of WRL, LLC (WRL), a Class III carrier that leases and operates a rail line owned by Port of Royal Slope, a Washington state municipal corporation, in Washington.

milepost 33.0 near Walla Walla, Wash., and milepost 70.1 at Dayton, Wash.

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

Didelius represents that: (1) The rail properties that will be operated and controlled by Didelius, namely LRY, YCR, CCET, WRL, and CWW, do not physically connect; (2) there are no plans to acquire additional rail lines for the purpose of making a connection; and (3) each of the carriers involved in the continuance in control transaction is a Class III carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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. Section 11326(c), however, does not provide for labor protection for transactions under §§ 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III 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 22, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36045, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: July 12, 2016.

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

**Kenyatta Clay,**

*Clearance Clerk.*

[FR Doc. 2016-16782 Filed 7-14-16; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. AB 290 (Sub-No. 387X)]**

### **Chesapeake Western Railway—Discontinuance of Service Exemption—in Rockingham and Shenandoah Counties, VA**

Chesapeake Western Railway (CW), a wholly owned subsidiary of Norfolk Southern Railway Company, filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 15.1-mile rail line, between milepost CW 84.4 at Mt. Jackson, VA, and milepost CW 99.5 at Broadway, VA, in Rockingham and Shenandoah Counties, VA (the Line). The Line traverses United States Postal Service Zip Codes 22842, 22844, 22847, 22853, and 22815.

CW has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years, and if there were any overhead traffic, it could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending before the Surface Transportation 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 1105.12 (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 discontinuance 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) to subsidize continued rail service has been received, this exemption will become effective on August 16, 2016 (50 days after the filing of the exemption), unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued

rail service under 49 CFR 1152.27(c)(2)<sup>1</sup> must be filed by July 25, 2016.<sup>2</sup> Petitions to reopen must be filed by August 4, 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 CW's representative: William A. Mullins, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

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

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

Decided: July 12, 2016.

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

**Raina S. Contee,**  
Clearance Clerk.

[FR Doc. 2016-16774 Filed 7-14-16; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36044]**

### **CWW, LLC—Lease and Operation Exemption—Port of Columbia, Wash.**

CWW, LLC (CWW), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the Port of Columbia, Wash. and to operate, approximately 37.1 miles of rail line, referred to as the Dayton Line, between milepost 33.0 near Walla Walla, Wash. and milepost 70.1 at Dayton, Wash., pursuant to an executed lease and operating agreement.

This transaction is related to a concurrently filed verified notice of exemption in *Paul Didelius—Continuance in Control Exemption—CWW, LLC*, Docket No. FD 36045, in which Paul Didelius seeks Board approval to continue in control of CWW under 49 CFR 1180.2(d)(2), upon CWW's becoming a Class III rail carrier.

CWW certifies that the projected annual revenues as a result of this transaction do not exceed those that would qualify it as a Class III rail carrier and states the projected annual revenues of CWW shall not exceed \$5 million dollars.<sup>1</sup> CWW states that it expects to

<sup>1</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

<sup>2</sup> Because CW is seeking to discontinue service, not to abandon the Line, trail use/rail banking and public use conditions are not appropriate. Because there will be environmental review during abandonment, this discontinuance does not require an environmental review.

<sup>3</sup> By letter filed July 6, 2016, CWW supplemented its notice of exemption with a statement that the

execute an agreement to interchange with Palouse River & Coulee City Railroad, LLC imposing no interchange commitments.

The transaction may be consummated on August 5, 2016, the effective date of the exemption (30 days after the verified notice of exemption was filed).<sup>2</sup> 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 to stay must be filed by July 29, 2016 (at least seven days prior to the date the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36044 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, James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

According to CWW, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

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Decided: July 12, 2016.

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

**Kenyatta Clay,**  
Clearance Clerk.

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36028]**

### **Kanawha River Railroad, LLC—Lease Exemption Containing Interchange Commitment—Norfolk Southern Railway Company**

Kanawha River Railroad, LLC (KNWA), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate nine rail segments totaling 308.85 miles from Norfolk Southern Railway Company (NSR). These line segments run (1) between mileposts V 382.0 at Maben, W. Va., and V 435.0 at DB (Deepwater Bridge), W. Va.; (2) between milepost RR 7.0 at Refugee, Ohio, and milepost

projected annual revenues of CWW shall not exceed \$5 million dollars.

<sup>2</sup> Because, as noted, CWW supplemented its verified notice on July 6, 2016, that date is considered the filing date of the verified notice.

RR 116.5 at Hobson Yard, Ohio; (3) between milepost WV 125.6 at Conco, Ohio and milepost WV 253.4 at Cornelia, W. Va.; (4) between milepost VC 0.0 at Vaco Junction, W. Va., and milepost VC 0.84 at Deepwater W. Va.; (5) between Hitop RT at milepost TP 0.0 at Charleston, W. Va., and the end of the track at milepost TP 1.0; (6) between Jones IT at milepost JT 0.0 at Jones, W. Va., and the end of the track at milepost JT 1.3; (7) between milepost VG 0.0 at Virwest, W. Va., and milepost VG 12.1 at Bolt, W. Va., (8) between milepost MY 0.0 at Milam, W. Va., and the end of the track at MY 1.01; and (9) between milepost PE 0.0 at Putt, W. Va., and milepost PE 2.3 at Putt End Branch, W. Va.<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in *Watco Holdings, Inc.—Continuance in Control Exemption—Kanawha River Railroad LLC*, Docket No. FD 36029, wherein Watco Holdings, Inc. seeks Board authority to continue in control of KNWA upon KNWA's becoming a Class III rail carrier.

KNWA plans to lease and increase operations on the subject rail lines in Ohio and West Virginia (189 miles of the subject lines are in active service; the remainder of the track is idled or has been taken out of service by NSR).<sup>2</sup> KNWA intends to return the entire main line component of the rail lines to daily operation. NSR suspended operations on part of the rail lines in Ohio in early 2016 due to declining rail traffic volumes, and rerouted traffic on other routes.

KNWA has certified that its projected annual revenues that will result from the proposed transaction will not result in KNWA becoming a Class II or Class I rail carrier. KNWA has further certified that its projected annual rail freight revenues, including the lines to be operated pursuant to this notice, will exceed \$5 million. Accordingly, as required by 49 CFR 1150.42(e), KNWA has certified that on May 18 and 19,

<sup>1</sup> The notice of exemption was initially filed on June 28, 2016, but was resubmitted with corrections on July 1, 2016. Therefore July 1, 2016, is the official filing date and the basis for all dates in this notice.

<sup>2</sup> KNWA has filed the lease agreement under seal pursuant to 49 CFR 1150.43(h)(1)(ii). On July 7, 2016, Dow Chemical Company (Dow) filed a motion for access to the confidential lease documents, pursuant to 49 CFR 1150.43(h)(2), and a motion for protective order. On July 8, 2016, M&G Polymers USA, LLC (M&G) filed similar motions. Both Dow and M&G stated that KNWA had agreed to grant such access once a protective order was in place. On July 8, 2016, the Board granted M&G's motion for protective order and motion for access to confidential documents. On July 11, 2016, the Board granted Dow's motion for access to confidential documents.