

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

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2016-28943 Filed 12-1-16; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36072]

### Carload Express, Inc.—Continuance in Control Exemption—Delmarva Central Railroad Company

Carload Express, Inc. (CEI), has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Delmarva Central Railroad Company (DCR) upon DCR's becoming a Class III rail carrier. CEI is a Class III non-operating rail holding company currently with subsidiary companies operating rail line in Pennsylvania and Ohio.

This transaction is related to a concurrently filed verified notice of exemption in *Delmarva Central Railroad—Lease & Operation Exemption with Interchange Commitment—Norfolk Southern Railway*, FD 36071, in which DCR has filed for authority under 49 CFR 1150.31 to lease and operate approximately 161.59 miles of track (the Line) currently owned and operated by Norfolk Southern Railway Company (NSR) consisting of (1) a line of railroad extending between Porter, Del., at milepost DM 14.4 and Pocomoke, Md., at milepost DM 128.19; (2) a line of railroad extending between Harrington, Del., at milepost IR 0.0 and Frankford, Del., at milepost IR 39.0; and (3) various industrial tracks.<sup>1</sup>

The transaction may be consummated on or after December 17, 2016, the effective date of the exemption.

CEI currently controls three Class III carriers: Allegheny Valley Railroad Company and Southwest Pennsylvania Railroad Company, which operate in Pennsylvania, and Ohio Terminal Railway Company, which operates in Ohio.

CEI certifies that (1) the rail lines to be operated by DCR do not connect with

any other railroads in the CEI corporate family; (2) the proposed continuance in control is not part of a series of anticipated transactions that would connect the carriers with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, pursuant to 49 CFR 1180.2(d)(2), the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323.

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 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. Stay petitions must be filed no later than December 9, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36072, 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 William A. Mullins, Baker & Miller, PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

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

Decided: November 28, 2016.

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

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2016-28949 Filed 12-1-16; 8:45 am]

**BILLING CODE 4915-01-P**

**ACTION:** Sixth RTCA SC-235 Non Rechargeable Lithium Batteries Plenary.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of Sixth RTCA SC-235 Non Rechargeable Lithium Batteries Plenary.

**DATES:** The meeting will be held January 25, 2017 09:00 a.m.–05:00 p.m.

**ADDRESSES:** The meeting will be held Virtually at <https://rtca.webex.com/rtca/j.php?MTID=mbbd6ff9a890bf402c705cc80485a74f1>, Join by phone, 1-877-668-4493 Call-in toll-free number (U.S./Canada), 1-650-479-3208 Call-in toll number (U.S./Canada), Access code: 636 752 137.

**FOR FURTHER INFORMATION CONTACT:** Karan Hofmann at [khofmann@rtca.org](mailto:khofmann@rtca.org) or 202-330-0680, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the Sixth RTCA SC-235 Non Rechargeable Lithium Batteries Plenary. The agenda will include the following:

**Wednesday, January 25, 2017—9:00 a.m.–5:00 p.m.**

1. Welcome and Administrative Remarks
2. Introductions
3. Agenda Review
4. Meeting-Minutes Review
5. Final Review and Comment (FRAC) Process Presentation
6. Final Review of Document
7. Approve Document for FRAC
8. Review of Program Schedule
9. Action Item Review
10. Any Other Business
11. Date and Place of Next Meeting
12. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

<sup>1</sup> DCR states in its verified notice that these segments include the Oxford Industrial Track between mileposts VQ 0 and VQ 0.4, the Cambridge Industrial Track between mileposts QT 0.0 and QT 2.3, the Willards Industrial Track between mileposts MW 42.05 and MW 45.7, the Mardella Industrial Track between mileposts MW 41.4 and MW 42.05, the Mill Street Industrial Track between mileposts MR 0.0 and MR 0.6, and the Chrisfield Industrial Track between mileposts KK 0.0 and KK 1.2. DCR notes that the parties do not intend to convey common carrier authority over such industrial tracks or convert such industrial tracks into 49 U.S.C. 10901 lines.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Sixth RTCA SC-235 Non Rechargeable Lithium Batteries Plenary

**AGENCY:** Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

Issued in Washington, DC, on November 29, 2016.

**Mohannad Dawoud,**

*Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division,*

Federal Aviation Administration.

[FR Doc. 2016-28992 Filed 12-1-16; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Buy America Waiver Notification**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic steel components of Airport Transit System (ATS) vehicles, ATS guideway switches, and ATS rails to be incorporated into the Chicago O'Hare International Airport Transit System Expansion & Modernization Project.

**DATES:** The effective date of the waiver is December 5, 2016.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via email at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. William Winne, FHWA Office of the Chief Counsel, 202-366-1397, or via email at [William.Winne@dot.gov](mailto:William.Winne@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

**Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products

are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for use of non-domestic steel components of ATS vehicles, ATS guideway switches, and ATS rails to be incorporated into the Chicago O'Hare International Airport ATS Expansion & Modernization Project.

In accordance with Division K, section 122 of the "Consolidated and Further Continuing Appropriations Act, 2015" (Pub. L. 113-235), FHWA published a notice of intent to issue a waiver on its Web site; <http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=125> on April 26th. The FHWA received two comments in response to the publication. Frank Johnson opposed granting a waiver and suggested that all products should be made in the United States. Brian Abbott of Voestalpine Nortrak claimed that Nortrack has the capability of manufacturing guideway switches domestically. The City of Chicago consulted with Nortrak and explored the possibility for domestic procurement of guideway switches. The City of Chicago determined that the guideway switches manufactured by Voestalpine Nortrak were not compatible with Chicago O'Hare Airport Transit System ATS. Chicago's June 28th response indicates that they coordinated with Voestalpine Nortrak regarding compatibility issues and provided a reasonable explanation of why a waiver is appropriate considering their project circumstances. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of ATS vehicles, ATS guideway switches, and ATS rails for the Chicago O'Hare International Airport ATS Expansion & Modernization Project.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410.

Issued on: November 23, 2016.

**Gregory G. Nadeau,**

*Administrator, Federal Highway Administration.*

[FR Doc. 2016-28975 Filed 12-1-16; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Buy America Waiver Notification**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic galvanized strands consisting of HDPE or HDPP sheath filled corrosion inhibitor meeting FDOT specification 938, ASTM and PTI requirements for SR-836/I-395 from West of I-95 to MacArthur Causeway Bridge in the State of Florida.

**DATES:** The effective date of the waiver is December 5, 2016.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via email at [Gerald.Yakowenko@dot.gov](mailto:Gerald.Yakowenko@dot.gov). For legal questions, please contact Mr. William Winne, FHWA Office of the Chief Counsel, (202) 366-1397, or via email at [William.Winne@dot.gov](mailto:William.Winne@dot.gov). Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

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**Background**

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