

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](mailto: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]

**BILLING CODE 4710-05-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36663]

### **Yak Rail LLC—Modified Rail Certificate**

On January 27, 2023, Yak Rail LLC (Yak Rail),<sup>1</sup> 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 Toppenish<sup>2</sup> 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).

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

<sup>2</sup> 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.<sup>3</sup>

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.)<sup>4</sup>

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

<sup>3</sup> 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).

<sup>4</sup> 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](http://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]

**BILLING CODE 4915-01-P**

## **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 Toppenish<sup>1</sup> 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.<sup>2</sup>

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

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

<sup>2</sup> 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).

the purpose of making a connection, and (3) the transaction does not involve a Class I 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. 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 carriers. Because this transaction involves Class III carriers only, the Board may not impose labor protective conditions here.

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. Stay petitions must be filed no later than February 17, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36664, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing at 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on CWW's representative, James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

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

Decided: February 7, 2023.

By the Board,

**Mai T. Dinh,**

*Director, Office of Proceedings.*

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2023-02876 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 290 (Sub-No. 4)]**

### **Railroad Cost Recovery Procedures—Productivity Adjustment**

**AGENCY:** Surface Transportation Board.

**ACTION:** Presentation of the Board's calculation for the change in railroad productivity for the 2017–2021 averaging period.

**SUMMARY:** In a decision served on February 10, 2023, the Board proposed to adopt 1.028 (2.8% per year) as the measure of average (geometric mean) change in railroad productivity for the

2017–2021 (five-year) period. The Board's February 10, 2023 decision stated that comments may be filed addressing any perceived data and computational errors in the Board's calculation. The decision also stated that, unless a further order is issued postponing the effective date, the decision will take effect on March 1, 2023.

**DATES:** Comments are due by February 27, 2023.

**ADDRESSES:** Comments may be filed via e-filing on the Board's website at [www.stb.gov](http://www.stb.gov). Comments must be served on all parties appearing on the service list.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez at (202) 245-0333. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision, which is available at [www.stb.gov](http://www.stb.gov).

Decided: February 6, 2023.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Stefan Rice,**

*Clearance Clerk.*

[FR Doc. 2023-02915 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 558 (Sub-No. 26)]**

### **Railroad Cost of Capital—2022**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2022. The decision solicits comments on the following issues: the railroads' 2022 current cost of debt capital, the railroads' 2022 current cost of preferred equity capital (if any), the railroads' 2022 cost of common equity capital, and the 2022 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due by March 21, 2023. Statements of the railroads are due by April 11, 2023. Statements of other interested persons are due by May 2, 2023. Rebuttal statements by the railroads are due by May 23, 2023.

**ADDRESSES:** Comments may be filed with the Board via e-filing on the Board's website.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez at (202) 245-0333. If you

require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** The decision in this proceeding is posted at [www.stb.gov](http://www.stb.gov).

*Authority:* 49 U.S.C. 10704(a).

Decided: February 7, 2023.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2023-02928 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. MCF 21104]**

### **Van Pool Transportation LLC—Acquisition of Control—Local Motion, Inc.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving and authorizing finance transaction.

**SUMMARY:** On January 13, 2023, Van Pool Transportation LLC (Van Pool or Applicant), a noncarrier, filed an application for Van Pool to acquire control of an interstate passenger motor carrier, Local Motion, Inc. (Local Motion), by acquiring all of the outstanding equity shares of the shareholders of Local Motion: Bruce E. Barrows, William J. Carragher, and John R. Eaton (collectively, Sellers). The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by March 27, 2023. If any comments are filed, Van Pool may file a reply by April 11, 2023. If no opposing comments are filed by March 27, 2023, this notice shall be effective on March 28, 2023.

**ADDRESSES:** Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, send one copy of comments to Van Pool's representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

**FOR FURTHER INFORMATION CONTACT:** Amy Ziehm at (202) 245-0391. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** According to the application, Van Pool is a limited liability company organized under