

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁴

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2016-00639 Filed 1-14-16; 8:45 am]

BILLING CODE 8011-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 35988]

East Penn Railroad, LLC—Lease Exemption Containing Interchange Commitment—Norfolk Southern Railway Company

East Penn Railroad, LLC (ESPN), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Norfolk Southern Railway Company (NSR) 1.8 miles of rail line located between milepost VE 0.00 and milepost VE 1.80 near Philadelphia, Pa. (the Line). ESPN will be the operator on the Line.

ESPN states that it will shortly enter into an agreement with NSR for the lease of the Line. As required by 49 CFR 1150.43(h), ESPN has disclosed in this notice that the lease agreement contains a provision that will enable ESPN to reduce its lease payments by receiving a credit for each car interchanged with NSR.¹ ESPN states that it requested the lease credit option in order to provide it with an opportunity to earn lower rental payment so that ESPN will be able to invest in improvements on the Line to increase traffic levels. The affected interchange point is West Falls Yard, Philadelphia, Pa.

ESPN has certified that its projected annual revenues as a result of the proposed transaction will not result in ESPN becoming a Class II or Class I rail carrier. ESPN has further certified that its projected annual rail freight revenues from operation of the Line, when combined with ESPN's projected revenues from current rail freight operations, would not exceed \$5 million.

ESPN states that it intends to consummate the transaction on or after January 29, 2016, the effective date of the exemption (30 days after the exemption was filed).

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 January 22, 2016 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35988, 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 Karl Morell, Karl Morell & Associates, Suite 225, 655 15th Street NW., Washington, DC 20005.

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

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: January 12, 2016.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2016-00733 Filed 1-14-16; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 749X)]

CSX Transportation, Inc.—Discontinuance of Service Exemption—in Harnett County, NC

CSX Transportation, Inc. (CSXT) 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 0.34-mile rail line between mileposts SDS 56.66 and SDS 57.00 (the Line) on its Southern Region, Florence Division, South End Subdivision, in Harnett County, NC. The Line traverses United States Postal Service Zip Code 28334.

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line that would have to 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 is pending either with 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 February 17, 2016, 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)¹ must be filed by January 25, 2016.² Petitions to reopen must be filed by February 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 CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

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.

Decided: January 11, 2016.

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

Raina S. Contee,
Clearance Clerk.

[FR Doc. 2016-00737 Filed 1-14-16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0372]

Notice of Availability of a Draft Environmental Assessment for the City of El Paso, Texas, Commercial Zone Expansion

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

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

² Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require an environmental review.

³⁴ 17 CFR 200.30-3(a)(12).

¹ ESPN has filed the lease agreement under seal pursuant to 49 CFR 1150.43(h)(1)(ii).