

45552
DO

SERVICE DATE – NOVEMBER 16, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 670 (Sub-No. 2)

NOTICE OF RAIL ENERGY TRANSPORTATION ADVISORY COMMITTEE VACANCY

AGENCY: Surface Transportation Board.

ACTION: Notice of vacancy on federal advisory committee and solicitation of nominations.

SUMMARY: The Surface Transportation Board (Board) hereby gives notice of one vacancy on its Rail Energy Transportation Advisory Committee (RETAC) for a representative of private railcar owners, lessors, or manufacturers. The Board is soliciting suggestions from the public for a candidate to fill this vacancy.

DATES: Suggestions for a candidate for membership on RETAC are due December 21, 2016.

ADDRESSES: Suggestions may be submitted either via the Board's e-filing format or in paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's website, at <http://www.stb.gov>. Any person submitting a filing in paper format should send the original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 670 (Sub-No. 2), 395 E Street, S.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION, CONTACT: Jason Wolfe at 202-245-0239. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: The Board exercises broad authority over transportation by rail carriers, including rates and services (49 U.S.C. §§ 10701-10747, 11101-11124), construction, acquisition, operation, and abandonment of railroad lines (49 U.S.C. §§ 10901-10907), and consolidation, merger, or common control arrangements between railroads (49 U.S.C. §§ 10902, 11323-11327).

In 2007, the Board established RETAC as a federal advisory committee consisting of a balanced cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, railroads, and users of energy resources. RETAC operates under the Federal Advisory Committee Act (5 U.S.C. App. 2, §§ 1-16).

RETAC's membership is balanced and representative of interested and affected parties, consisting of not less than: five representatives from the Class I railroads; three representatives from Class II and III railroads; three representatives from coal producers; five representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); four representatives from biofuel refiners, processors, or distributors, or biofuel feedstock growers or providers; one representative of the petroleum shipping industry; and, two representatives from private car owners, car lessors, or car manufacturers. RETAC may also include up to two members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. (At present, the at-large seats are occupied by representatives of railway labor and the downstream petroleum production industry.) Members are selected by the Chairman of the Board with the concurrence of a majority of the Board. The Chairman may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members. The three members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are generally held at the Board's headquarters in Washington, D.C., but may be held in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses unless reimbursement of such expenses is authorized in advance by the Board's Managing Director. Further information about RETAC is available on the RETAC page of the Board's website at <http://www.stb.gov/stb/rail/retac.html>.

The Board is soliciting nominations from the public for a candidate to fill one vacancy on RETAC for a representative of private railcar owners, lessors, or manufacturers, for a three-year term ending September 30, 2019. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RETAC, as long as they do so in a representative capacity, rather than an individual capacity. See Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns, 79 Fed. Reg. 47,482 (Aug. 13, 2014). Members of RETAC are appointed to serve in a representative capacity.

Nominations for a candidate to fill this vacancy should be submitted in letter form and should include: (1) the name of the candidate; (2) the interest the candidate will represent; (3) a summary of the candidate's experience and qualifications for the position; (4) a representation that the candidate is willing to serve as a member of RETAC; and, (5) a statement that the candidate agrees to serve in a representative capacity. Suggestions for a candidate for membership on RETAC should be filed with the Board by December 21, 2016. Please note that submissions will be available to the public at the Board's offices and posted on the Board's website under Docket No. EP 670 (Sub-No. 2).

Authority: 49 U.S.C. § 1321; 49 U.S.C. § 11101; 49 U.S.C. § 11121.

Decided: November 16, 2016.

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