

Bright obtained authority to control BCR as a rail carrier.³ (Pet. 3–4.)

TERRI states that in December 1995, “[d]ue to an inadvertent oversight and lack of knowledge that additional agency approval was necessary,” BCR was merged with and into TERRI, the surviving corporation, without prior agency authorization as required under 49 U.S.C. 11323–25. (Pet. 4–5.) TERRI explains that, had it “been aware of its obligation to obtain additional agency authorization, it would have timely filed a verified notice of exemption under 49 CFR 1180.2(d)(3) prior to consummating the merger.” (*Id.* at 5.) In its petition, TERRI disclaims any intention “to flout the law,” as it “only became aware of the need for such authorization as part of current Counsel’s due diligence relating to the imminent and expected sale” of BC&G to the State of West Virginia. (*Id.*) To address this oversight, TERRI seeks expedited consideration of its petition under 49 U.S.C. 10502 for an exemption from the prior approval requirements of 49 U.S.C. 11323–25 to authorize its 1995 merger with BCR and seeks retroactive effect.

Discussion and Conclusions

Under 49 U.S.C. 11323(a)(1), the merger of two rail carriers into one corporation for the ownership, management, or operation of the previously separately owned properties requires prior approval of the Board. When a transaction does not involve the merger or control of at least two Class I railroads, it is governed by 49 U.S.C. 11324(d). However, under 49 U.S.C. 10502(a), the Board must exempt a transaction or service from regulation upon finding that: (1) Regulation is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not needed to protect shippers from the abuse of market power.

Here, an exemption from the prior approval requirements of sections 11323–25 is consistent with section 10502(a). Detailed scrutiny of this transaction is not necessary to carry out the RTP here. An exemption from the application process would promote a fair and expeditious regulatory decision-

making process, minimize the need for Federal regulatory control, encourage honest and efficient management of railroads, and result in the expeditious handling of this proceeding. *See* 49 U.S.C. 10101(2), (9), (15). Other aspects of the RTP would not be adversely affected.

Regulation of this transaction is not needed to protect shippers from the abuse of market power.⁴ At the time of the 1995 merger, TERRI and BCR already were commonly controlled by Bright, and indeed, as TERRI points out, the transaction likely would have qualified for the class exemption for transactions within a corporate family under 49 CFR 1180.2(d)(3) had it been timely sought. Moreover, the record indicates there has been no loss of rail competition, no adverse change in the competitive balance in the transportation market, and no change in the level of service to any shippers because, as TERRI explains in its petition, the BC&G rail line does not connect with another rail line other than TERRI’s at Dundon, W. Va., and has not carried any traffic in over twenty years. (Pet. 6.)

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, precludes the Board from imposing labor protection for Class III rail carriers receiving authority under sections 11324–25. Accordingly, the Board may not impose labor protective conditions here because TERRI and BCR were both Class III carriers at the time of the merger.

This transaction is categorically excluded from environmental review under 49 CFR 1105.6(c)(1) and from the historic reporting requirements under 49 CFR 1105.8(b).

As stated above, TERRI seeks an exemption with retroactive effect, arguing that its failure to obtain prior approval or an exemption for its merger with BCR was “an inadvertent oversight” and “was in no way intended to flout the law[.]” (Pet. 5.) Although the Board on occasion has granted authority retroactively,⁵ it generally disfavors

retroactive grants of authority.⁶ As TERRI provides no explanation as to why retroactive authority is needed, the Board declines to grant retroactive authority here.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 11323–25 BCR’s merger with and into TERRI.

2. Notice of the exemption will be published in the **Federal Register**.

3. The exemption will be effective on the service date of this decision.

Decided: November 5, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2020–25016 Filed 11–10–20; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: October 1–31, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR Part 806, Subpart E

1. Danville Borough Municipal Authority—Public Water Supply System, GF Certificate No. GF–202010119, Danville Borough, Montour County, Pa.; Susquehanna River; Issue Date: October 13, 2020.

the TERRI line; milepost 0 on the BC&G line) to Widen (milepost 18.6 on the BC&G line) in Clay County, W. Va.).

³ *See Bright—Control Exemption—Buffalo Creek R.R.*, FD 31969, slip op. at 3 (ICC served Mar. 9, 1992) (granting an exemption for Bright to control BCR). Bright placed the stock of BCR in an independent voting trust before BCR acquired the BC&G line in order to avoid controlling BCR as a rail carrier before obtaining his ICC authority to do so. *See id.* at 1; (Pet. 3–4).

⁴ Because the Board concludes that regulation is not needed to protect shippers from the abuse of market power, it is unnecessary to determine whether the proposed transaction is limited in scope. *See* 49 U.S.C. 10502(a).

⁵ *See, e.g., Grand Elk R.R.—Acquis. of Incidental Trackage Rights Exemption—Norfolk S. Ry.*, FD 35187 (Sub-No. 1) et al., slip op. at 4 (STB served Nov. 20, 2017) (after having previously denied a request for retroactive authority, reopening the proceeding to make exemption retroactive in light of changed circumstances).

⁶ *See, e.g., Ark.-Okla. R.R.—Acquis. & Operation Exemption—Okla.*, FD 36323, slip op. at 3 (STB served Sept. 19, 2019) (declining a request for retroactive authority and stating that the Board “generally disfavors retroactive grants of authority”).

2. Pennsylvania Department of Corrections—State Correctional Institute at Camp Hill, GF Certificate No. GF–202010120, Lower Allen Township, Cumberland County, Pa.; Cedar Run and consumptive use; Issue Date: October 13, 2020.

3. Pennsylvania Department of Corrections—State Correctional Institute at Dallas, GF Certificate No. GF–202010121, Jackson Township, Luzerne County, Pa.; Well 1 and consumptive use; Issue Date: October 13, 2020.

4. Joseph and Susan Tallman—Joseph and Susan Tallman Farm, GF Certificate No. GF–202010122, Porter Township, Schuylkill County, Pa.; Wiconisco Creek; Issue Date: October 13, 2020.

5. Port Royal Municipal Authority—Public Water Supply System, GF Certificate No. GF–202010123, Turbett Township, Juniata County, Pa.; Wells 1, 3, 4, and 5; Issue Date: October 15, 2020.

6. Pennsylvania Fish & Boat Commission—Huntsdale State Fish Hatchery, GF Certificate No. GF–202010124, Penn Township, Cumberland County, Pa.; Northline/Knaubs, McManus, and Springs 3, 4, 5, 6, 7, and 9; Issue Date: October 15, 2020.

7. Centre Hall Borough—Centre Hall Borough Waterworks, GF Certificate No. GF–202010125, Centre Hall Borough and Potter Township, Centre County, Pa.; Wells 8 and 9; Issue Date: October 15, 2020.

8. Henry Reiner—Reiner Farms, GF Certificate No. GF–202010126, Upper Mahantongo Township, Schuylkill County, Pa.; Mahantongo Creek—Pivot and Mahantongo Creek—Reel; Issue Date: October 15, 2020.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: November 5, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–24957 Filed 11–10–20; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on December 11, 2020, from Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission

published a document in the **Federal Register** on October 7, 2020, concerning its public hearing on November 5, 2020, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Friday, December 11, 2020, at 9 a.m.

ADDRESSES: The meeting will be conducted telephonically from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110.

FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717–238–0423; fax: 717–238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Adoption of a policy to incentivize the use of impaired waters; (2) adoption of an updated regulatory program fee schedule; (3) adoption of a general permit for groundwater remediation projects; (4) ratification/approval of contracts/grants; (5) a report on delegated settlements; and (6) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the COVID–19 orders, the meeting will be conducted telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting by telephone conference and may do so by dialing Conference Call # 1–888–387–8686, the Conference Room Code # 9179686050. Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through www.srbcb.net/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before December 9, 2020. Comments will not be accepted at the business meeting noticed herein.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: November 5, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–24958 Filed 11–10–20; 8:45 am]

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TENNESSEE VALLEY AUTHORITY

Sunshine Act Meetings

TIME AND DATE: 10 a.m. on November 13, 2020.

PLACE: Please use the following link for the live stream of meeting: <https://bcove.video/2ThhkTb>.

STATUS: Open, via live streaming only.

MATTERS TO BE CONSIDERED:

Meeting No. 20–04

The TVA Board of Directors will hold a public meeting on November 13, 2020. Due to the ongoing risks associated with the COVID–19 outbreak, the meeting will be conducted via teleconference. The meeting will be called to order at 10 a.m. ET to consider the agenda items listed below. TVA Board Chair John Ryder and TVA management will answer questions from the news media following the Board meeting.

Public health concerns also require a change to the Board's public listening session. Although in-person comments from the public are not feasible, the Board is encouraging those wishing to express their opinions to submit written comments that will be provided to the Board members before the November 13 meeting. Written comments can be submitted through the same online system used to register to speak at previous listening sessions.

Agenda

1. Approval of minutes of the August 27, 2020, Board Meeting
2. Report from President and CEO
3. Report of the Finance, Rates, and Portfolio Committee
 - A. FY 2021 Financial Plan and Budget
 - B. Electric Vehicle Charging—Policy and Pricing
4. Report of the People and Performance Committee
 - A. Fiscal Year 2020 Performance and Compensation
 - B. Fiscal Year 2021 Corporate Goals
5. Report of the Audit, Risk, and Regulation Committee
 - A. Extension of Pandemic Relief Delegation
6. Report of the Nuclear Oversight Committee
7. Report of the External Relations Committee
8. Information Items