

electric cooperative and one state- or municipally-owned utility); four representatives from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; two representatives from private car owners, car lessors, or car manufacturers; one representative from the petroleum shipping industry; two representatives from renewable energy sources; and one representative from a labor organization. The Committee may also include up to two at large members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors.

Members are selected by the Chair of the Board with the concurrence of a majority of the Board. The Chair 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 members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are typically held at the Board's headquarters in Washington, DC, but may be held virtually or in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses. 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 candidates to fill nine vacancies: three representatives from coal producers; one representative from electric utilities; one representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; one representative from private car owners, car lessors, or car manufacturers; two representatives from renewable energy sources; and one representative from a labor organization. All the vacancies are for three-year terms ending September 30, 2026. 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 FR 47,482 (Aug. 13, 2014). Members of RETAC are appointed to serve in a representative capacity.

Nominations for candidates to fill the vacancies 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. Candidates may nominate themselves. The Chair is committed to having a committee reflecting diverse communities and viewpoints and strongly encourages the nomination of candidates from diverse backgrounds. Nominations for candidates for membership on RETAC should be filed with the Board by January 26, 2023. Please note that submissions will be 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: December 20, 2022.

By the Board, Cynthia T. Brown, Acting Director, Office of Proceedings.

**Stefan Rice,**

*Clearance Clerk.*

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 290 Sub-No. 5; 2023-1]**

### **Quarterly Rail Cost Adjustment Factor; Decision**

In *Railroad Cost Recovery Procedures*, 1 I.C.C.2d 207 (1984), the Interstate Commerce Commission (ICC) outlined the procedures for calculating the all-inclusive index of railroad input prices and the method for computing the rail cost adjustment factor (RCAF). Under the procedures, the Association of American Railroads (AAR) is required to calculate the index on a quarterly basis and submit it to the agency on the fifth day of the last month of each calendar quarter. In *Railroad Cost Recovery Procedures—Productivity Adjustment*, 5 I.C.C.2d 434 (1989), *aff'd sub nom. Edison Electric Institute v. ICC*, 969 F.2d 1221 (D.C. Cir. 1992), the ICC adopted procedures that require the adjustment of the quarterly index for a measure of productivity.

The provisions of 49 U.S.C. 10708 direct the Surface Transportation Board (Board) to continue to publish both an unadjusted RCAF and a productivity-adjusted RCAF. In *Productivity Adjustment—Implementation*, 1 S.T.B. 739 (1996), the Board decided to publish a second productivity-adjusted RCAF called the RCAF-5. Consequently, three indices are now filed with the Board: the RCAF (Unadjusted); the RCAF (Adjusted); and

the RCAF-5. The RCAF (Unadjusted) is an index reflecting cost changes experienced by the railroad industry, without reference to changes in rail productivity. The RCAF (Adjusted) is an index that reflects national average productivity changes as originally developed and applied by the ICC, the calculation of which is currently based on a five-year moving average. The RCAF-5 is an index that also reflects national average productivity changes; however, those productivity changes are calculated as if a five-year moving average had been applied consistently from the productivity adjustment's inception in 1989.

As required by statute, the denominator of the RCAF is to be rebased every five years. See 49 U.S.C. 10708(a). The Board has verified AAR's proposed rebasing calculations, and they comply with the statute. The rebasing calculations are shown in Table C of the Appendix.

The index of railroad input prices, RCAF (Unadjusted), RCAF (Adjusted), and RCAF-5 for the first quarter of 2023 are shown in Table A of the Appendix to this decision. Table B shows the third quarter 2022 index and the RCAF calculated on both an actual and a forecasted basis. The difference between the actual calculation and the forecasted calculation is the forecast error adjustment.

AAR's calculations have been examined by the Board's Office of Economics, and the Board finds that AAR has complied with agency procedures. The Board finds that the first quarter 2023 RCAF (Unadjusted) is 1.010, an increase of 1.0% from the fourth quarter 2022 RCAF (Unadjusted) of 1.000. The RCAF (Adjusted) is calculated, in part, using the RCAF (Unadjusted) and a five-year moving geometric average of productivity change for U.S. Class I railroads from 2016–2020, which is 1.025 (2.5% per year). The first quarter 2023 RCAF (Adjusted) is 0.408, an increase of 0.2% from the fourth quarter 2022 RCAF (Adjusted) of 0.407.<sup>1</sup>

In accordance with *Productivity Adjustment—Implementation*, 1 S.T.B. at 748–49, the RCAF-5 for this quarter will use a productivity trend for the years 2016–2020, which is 1.025 (2.5% per year). The RCAF-5 for the first quarter of 2023 is 0.390, an increase of

<sup>1</sup> The first quarter 2023 RCAF Adjusted (0.408) is calculated by dividing the first quarter 2023 RCAF Unadjusted (1.010) by the first quarter productivity adjustment factor (PAF) of 2.4740. The first quarter 2023 PAF is calculated by multiplying the fourth quarter 2022 productivity adjustment of 2.4588 by the fourth root (1.0062) of the 2016–2020 annual average productivity growth rate of 2.5%.

0.3% from the fourth quarter 2022 RCAF-5 of 0.389.<sup>2</sup>

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Authority: 49 U.S.C. 10708.

It is ordered:

1. The Board finds that the first quarter 2023 RCAF (Unadjusted) is 1.010, RCAF (Adjusted) is 0.408, and RCAF-5 is 0.390.

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

3. The effective date of this decision is January 1, 2023.

Decided: December 20, 2022.

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

**Kenyatta Clay,**

Clearance Clerk.

TABLE A—EP 290 (SUB—NO. 5) (2023–1) ALL INCLUSIVE INDEX OF RAILROAD INPUT COSTS

[Endnotes following Table C]

Line No.	Index component	2021 Weights (percent)	Fourth quarter 2022 forecast	First quarter 2023 forecast
1	LABOR	31.4	479.6	546.0
2	FUEL	14.2	475.2	467.1
3	MATERIALS AND SUPPLIES	4.5	335.3	328.9
4	EQUIPMENT RENTS	4.9	253.8	250.1
5	DEPRECIATION	17.5	233.3	234.8
6	INTEREST	2.4	50.1	50.1
7	OTHER ITEMS <sup>1</sup>	25.1	290.6	280.0
8	WEIGHTED AVERAGE	100.0	360.6	377.4
9	LINKED INDEX <sup>2</sup>		331.3	346.7
10	PRELIMINARY RAIL COST ADJUSTMENT FACTOR <sup>3</sup>		96.8	101.3
11	FORECAST ERROR ADJUSTMENT <sup>4</sup>		0.032	–0.003
12	RCAF (UNADJUSTED) (LINE 10 + LINE 11)		1.000	1.010
13	RCAF (ADJUSTED)		0.407	0.408
14	RCAF–5		0.389	0.390

TABLE B—EP 290 (SUB—NO. 5) (2023–1) COMPARISON OF THIRD QUARTER 2022 INDEX

[Calculated on both a forecasted and an actual basis]

Line No.	Index component	2020 Weights (%)	Third quarter 2022 forecast	Third quarter 2022 actual
1	LABOR	32.4	472.4	472.4
2	FUEL	9.7	459.6	484.4
3	MATERIALS AND SUPPLIES	4.5	305.0	305.0
4	EQUIPMENT RENTS	5.2	256.0	251.4
5	DEPRECIATION	18.5	233.2	233.7
6	INTEREST	2.7	51.1	51.1
7	OTHER ITEMS	27.0	302.4	289.7
8	WEIGHTED AVERAGE	100.0	350.8	349.7
9	LINKED INDEX		328.7	327.7
10	RAIL COST ADJUSTMENT FACTOR		96.0	95.7

TABLE C—REBASING THE DENOMINATOR OF THE RCAF TO THE FOURTH QUARTER 2022 LEVEL

1.	Fourth Quarter 2022 Linked Index	331.3
2.	Second Quarter 2022 Linked Index Calculated Using Actual Data	324.8
3.	Second Quarter 2022 Linked Index Calculated Using Forecasted Data	313.8
4.	Difference	11.0
5.	Rounding Adjustment to Force 1.000	0.0
6.	Fourth Quarter 2022 Linked Index Adjusted for Second Quarter 2022 Forecast Error (Line 1 plus Line 4 plus Line 5).	342.3

#### Endnotes:

<sup>2</sup> The first quarter 2023 RCAF–5 (0.390) is calculated by dividing the first quarter 2023 RCAF Unadjusted (1.010) by the first quarter productivity

adjustment factor–5 (PAF–5) of 2.5898. The first quarter 2023 PAF–5 is calculated by multiplying the fourth quarter 2022 PAF–5 of 2.5738 by the

fourth root (1.0062) of the 2016–2020 annual average productivity growth rate of 2.5%.

<sup>1</sup> “Other Items” is a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes, Loss and Damage, and Special Charges, price changes for all of which are measured by the Producer Price Index for Industrial Commodities Less Fuel and Related Products and Power.

<sup>2</sup> Linking is necessitated by a change to the 2021 weights beginning in the fourth quarter of 2022. The following formula was used for the current quarter’s index:

$$\frac{\text{1st Qr. 2023 Index}}{\text{(2021 Weights)}} \times \frac{\text{4th Qr. 2022 Index}}{\text{(2021 Weights)}} = \text{Times 4th Quarter Linked Index (1980 = 100 Linked) Equals Linked Index (Current Quarter)}$$

Or

$$\frac{377.4}{360.6} \times 331.3 = 346.7$$

<sup>3</sup> The first quarter 2023 RCAF was rebased using the October 1, 2022 level of 342.3 in accordance with the requirements of the Staggers Rail Act of 1980 (10/1/2022 = 100). For the purpose of calculating the fourth quarter 2022 linked index (2022Q4 = 100), where the fourth quarter 2022 linked index equals 100 after the forecast error adjustment, the fourth quarter 2022 RCAF is also recalculated using the October 1, 2022 level of 342.3.

<sup>4</sup> The first quarter 2023 forecast error adjustment was calculated as follows: (a) third quarter 2022 RCAF using forecasted data equals 96.0; (b) third quarter 2022 RCAF using actual data equals 95.7; and (c) the difference equals the forecast error (b-a) of -0.3. Because the actual third quarter value is less than the forecast value, the difference is subtracted from the Preliminary RCAF.

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## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at December 15, 2022 Meeting

**AGENCY:** Susquehanna River Basin Commission

**ACTION:** Notice.

**SUMMARY:** As part of its regular business meeting held on December 15, 2022, in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

**DATES:** December 15, 2022.

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

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238–0423, ext. 1312, fax: (717) 238–2436; email:

joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at [www.srbc.net](http://www.srbc.net).

**SUPPLEMENTARY INFORMATION:** In addition to the actions taken on projects identified in the summary above these actions were also taken: (1) adoption of the regulatory program fee schedule for CY2023; (2) adoption of a resolution recognizing the 50th anniversary of the Clean Water Act; (3) and approval of contracts, grants and agreements.

### Project Applications Approved

1. *Project Sponsor and Facility:* Blossburg Municipal Authority, Bloss Township, Tioga County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.144 mgd from Taylor Run Well 1 and 0.144 mgd from Taylor Run Well 3.

2. *Project Sponsor and Facility:* BlueTriton Brands, Inc. (Valley View Springs), Hegins Township, Schuylkill County, Pa. Applications for renewal of surface water withdrawal of up to 0.200 mgd (peak day) and consumptive use of

up to 0.200 mgd (peak day) (Docket No. 19971101).

3. *Project Sponsor:* Constellation Energy Generation, LLC. Project Facility: Three Mile Island Generating Station, Londonderry Township, Dauphin County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from Well A, 0.099 mgd from Well B, and 0.099 mgd from Well C (Docket No. 20110610), and Commission-initiated modification of surface water and consumptive use approvals based on changes in operating status of the project and revised demand projections.

4. *Project Sponsor:* Corning Incorporated. Project Facility: Corporate Headquarters, City of Corning, Steuben County, N.Y. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 6A (Docket No. 19981201).

5. *Project Sponsor and Facility:* Dover Township, York County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.088 mgd from Well 10 (Docket No. 19911104).