

internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-NYSEAMER-2022-45, and should be submitted on or before November 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-22659 Filed 10-18-22; 8:45 am]

BILLING CODE 8011-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36581]

Akron Barberton Cluster Railway Company—Acquisition Exemption—Rittman Community Improvement Corporation

Akron Barberton Cluster Railway Company (ABC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Rittman Community Improvement Corporation (RCIC) approximately 3.26 miles of rail line between milepost 216.76 near Wadsworth, and milepost 220.02 near Rittman, in Medina and Wayne Counties, Ohio (the Line).

The verified notice states that ABC has been serving as the operator on the Line since August 1994 when it acquired the rail assets of its predecessor, Akron & Barberton Belt Railroad Company, and several

Consolidated Rail Corporation lines. *See Akron Barberton Cluster Ry.—Acquis. & Operation Exemption—Certain Lines of Consol. Rail Corp.*, FD 32537 (ICC served Aug. 10, 1994). ABC states that the Line was inadvertently omitted from the verified notice of exemption filed in that docket and that the authority it seeks here would rectify that oversight. The verified notice also states that RCIC and ABC have executed a purchase and sale agreement providing for ABC's acquisition of all of RCIC's right, title, and interest in and to the Line subject to ABC's receipt of appropriate authority or exemption from the Board, and that ABC will continue to operate and provide all rail common carrier service to shippers on the Line after the exemption becomes effective.

ABC certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million annually. ABC further certifies that the acquisition does not involve an interchange commitment.

The transaction may be consummated on or after November 2, 2022, the effective date of the exemption (30 days after the verified notice 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 to stay must be filed no later than October 26, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36581, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW Washington, DC 20423-0001. In addition, a copy of each pleading must be served on ABC's representative: Michael J. Barron Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to ABC, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: October 14, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2022-22683 Filed 10-18-22; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 Sub-No (411X)]

Norfolk Southern Railway Company—Abandonment Exemption—in the City of Evansville, Ind.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption pursuant to 49 CFR part 1152, subpart F—*Exempt Abandonments* to abandon an approximately 0.24-mile rail line extending from milepost +/1 0.00 EB to milepost +/- 0.24 EB in the City of Evansville, Ind. (the Line). The Line traverses U.S. Postal Service Zip Code 47711.

NSR has certified that: (1) no local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years, and overhead traffic, if there were any, could 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 either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7 and 1105.8 (notice of environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

Any employee of NSR adversely affected by the abandonment 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) has been received,¹ the exemption will be effective on November 18, 2022, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to

¹ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental

Continued

¹⁹ 17 CFR 200.30-3(a)(12).

file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 31, 2022.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 8, 2022, 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 NSR's representative, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by November 13, 2022. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by October 19, 2023, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: October 13, 2022.

Analysis (OEA) in its independent investigation cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2022-22653 Filed 10-18-22; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36638]

Pioneer Industrial Railway Co.— Change in Operator Exemption—in Peoria County, Ill.

Pioneer Industrial Railway Company (Pioneer), a Class III rail carrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to assume operations over two interconnected railroad lines (collectively, the Lines) owned by, and located entirely within, the City of Peoria, Ill. (City). The first line, the Western Connection, is about 2.24 miles long and extends from a point of connection with the Peoria Subdivision of the Union Pacific Railroad Company at approximately milepost 71.5 to a point a short distance west of University Avenue in the City, then extends another 1,800 feet to a point of connection between the Western Connection and the Kellar Branch. The second line, the North Line, is an approximately 1.5-mile portion of the Kellar Branch between milepost 8.50 and milepost 10.0. The Lines total approximately 3.75 route miles.

Pioneer certifies that it has entered into a lease agreement with the City to assume leasehold operations over the Lines in place of the prior lessee, the Central Illinois Railroad Company (CIRY), which obtained Board authority to operate the Lines in 2005.¹ The verified notice, as supported by a verified statement by CIRY's former Controller, indicates Pioneer's understanding that in 2011 CIRY was involuntarily dissolved as a business and ceased providing rail service in 2010. CIRY's contract with the City to operate the Lines was terminated. Additionally, prior to its dissolution, CIRY reportedly intended to obtain authority to discontinue service over all of its lines but, through oversight or administrative error, failed to do so with respect to these Lines. Pioneer further states that it cannot locate CIRY's prior owners.

Pioneer confirms, as required under 49 CFR 1150.43(h), that the proposed transaction does not involve a provision

or agreement that may limit future interchange with a third-party connecting carrier. Pioneer also certifies that its projected annual revenues will not result in the creation of a Class I or II rail carrier or exceed \$5 million as a result of this transaction.

Under 49 CFR 1150.42(b), a change in operator requires that notice be given to shippers. Pioneer certifies that it has provided notice of the proposed change in operator to Carver Lumber, the only potential shipper on the Lines, and the verified notice includes a letter from Carver Lumber in support of this transaction.

The transaction may be consummated on or after November 2, 2022, the effective date of the exemption (30 days after the verified notice 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 October 26, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36638, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Pioneer's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to Pioneer, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: October 14, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2022-22694 Filed 10-18-22; 8:45 am]

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¹ *Cent. Ill. R.R.—Operation Exemption—Rail Lines of the City of Peoria, Ill.*, FD 34518, et al. (STB served Feb. 23, 2005).