

RGPC represents that: (1) the rail lines operated by the RGPC carriers do not connect with the rail line to be operated by BNR; (2) the transaction is not part of a series of anticipated transactions that would connect the rail line to be operated by BNR with any railroad in the RGPC corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, because this transaction involves Class III rail carriers only, the Board may not impose labor protective conditions here.

The earliest this transaction may be consummated is June 9, 2023, 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(g) 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 by June 2, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36687, 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 BNR's representative, Karl Morell, Karl Morell & Associates, 440 1st Street NW, Suite 440, Washington, DC 20001.

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

Decided: May 22, 2023.

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

Eden Besera,
Clearance Clerk.

[FR Doc. 2023-11224 Filed 5-25-23; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36686]

Bogalusa and Northern Railway, LLC— Change in Operator Exemption— Bogalusa Bayou Railroad, LLC

Bogalusa and Northern Railway, LLC (BNR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to permit BNR to acquire from Illinois Central Railroad Company (IC) trackage rights over a one-mile rail line extending between milepost 68.85, at Lees Creek, La, and milepost 69.85, at Bogalusa, La. (the Line). The Line is currently operated by Bogalusa Bayou Railroad, LLC (BBRR), pursuant to a trackage rights agreement between IC and BBRR.¹

According to the verified notice, BNR and IC have entered into an agreement granting BNR restricted overhead rights over the Line limited to movements of crude tall oil, crude sulphate turpentine, pulpboard, and recycled paper.² IC will also continue to be an operator over the Line. The verified notice further states that the transaction will effectuate a change of common carrier operator from BBRR to BNR, under which, coterminous with BNR's commencement of common carrier operations, the current trackage rights agreement between BBRR and IC governing BBRR's operations will terminate and BBRR's common carrier operations will cease.³

This transaction is related to a concurrently filed verified notice of exemption in *Rio Grande Pacific Corp.—Continuance in Control Exemption—Bogalusa & Northern Railway*, Docket No. FD 36687, in which Rio Grande Pacific Corporation seeks to continue in control of BNR upon BNR's becoming a Class III rail carrier.

BNR certifies that the agreement between BNR and IC does not contain any provision that would limit interchange with a third-party carrier. BNR also certifies that its projected annual revenues as a result of this transaction will not result in it becoming a Class II or Class I rail carrier and that its projected annual revenue will not exceed \$5 million.

¹ See *Bogalusa Bayou R.R.—Acquis. of Trackage Rights Exemption Containing Interchange Commitment—Ill. Cent. R.R.*, FD 35880 (STB served Dec. 17, 2014).

² BNR has provided public and confidential version of its trackage rights agreement. The confidential version was submitted under seal concurrently with a motion for protective order, which will be addressed in a separate Board decision.

³ BNR states that BBRR is aware of the proposed change of operators and concurs in the same.

Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. BNR states that it has sent a copy of its verified notice to International Paper, the sole customer on the Line.

The transaction may be consummated on or after June 9, 2023, 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 June 2, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36686, must be filed with the Surface Transportation Board 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 BNR's representative, Karl Morell, Karl Morell & Associates, 440 1st Street NW, Suite 440, Washington, DC 20001.

According to BNR, 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)(1).

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

Decided: May 22, 2023.

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

Eden Besera,
Clearance Clerk.

[FR Doc. 2023-11223 Filed 5-25-23; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36702]

Chesapeake and Indiana Railroad Company, LLC—Lease and Operation Exemption—Northern Indiana Railroad Company, LLC

Chesapeake & Indiana Railroad Company, LLC (CKIN), a Class III rail carrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to continue to lease and operate 27.52 miles of rail line that extend between milepost CF 0.63, at or near Lacrosse, Ind., and milepost CF 15.23, at or near Wellsboro, Ind., and between milepost CI 218.0, at or near English Lake, Ind., and milepost CI 230.92, at or near

Malden, Ind., in LaPorte, Porter, and Starke Counties, Ind. (the Line).¹

According to the verified notice, the Line is currently owned by Northern Indiana Railroad, LLC (NIRC), and operated under lease by CKIN. CKIN's predecessor, Chesapeake & Indiana Railroad, Inc.,² first obtained authorization to operate approximately 32.97 miles of track (including the Line and an additional 5.45-mile segment) in 2004 pursuant to a lease with the Line's former owner, the Town of North Judson, Ind. (the Town). *Chesapeake & Ind. R.R.—Operation Exemption—N. Judson, Ind.*, FD 34529 (STB served Aug. 20, 2004). An amended lease between CKIN and the Town was subsequently filed with the Board and went into effect in 2017. *Chesapeake & Ind. R.R.—Amended Operation Exemption—N. Judson, Ind.*, FD 36147 (STB served Oct. 20, 2017). CKIN subsequently discontinued service on the additional 5.45-mile segment. *Chesapeake & Ind. R.R.—Discontinuance of Serv. Exemption—in Starke Cnty., Ind.*, AB 1259X (STB served Nov. 28, 2017).³ In 2021, NIRC acquired from the Town the entire 32.97 miles of rail line (including the Line and the 5.45-mile segment over which service had been discontinued), *see N. Ind. R.R.—Acquis. Exemption—N. Judson, Ind.*, FD 36499 (STB served Apr. 2, 2021), and NIRC assumed the lease with CKIN. In connection with the sale transaction, CKIN and NIRC entered into a new lease agreement, amending the terms under which CKIN will continue its existing operations on the Line. CKIN states that the new lease agreement will become effective as of the effective date of this notice of exemption.⁴

¹ By letter filed May 23, 2023, CKIN corrected the milepost description for the portion of the Line between Lacrosse and Wellsboro, indicating that all references in its verified notice to “milepost CF 0.23” should be replaced with “milepost CF 0.63” and all references to the Line constituting “27.92 miles” should be replaced with “27.52 miles.”

² CKIN was recently acquired by Gulf & Atlantic Railways, LLC (an affiliate of Macquarie Infrastructure Partners V GP, LLC). As part of that transaction, CKIN was converted to a limited liability company through an asset transfer. (Verified Notice 2 n.1 (citing Macquarie Infrastructure Partners V GP, LLC, Verified Notice 3 n.5, *Macquarie Infrastructure Partners V GP, LLC—Control Exemption—Camp Chase Rail, LLC*, FD 36685).) Both the current CKIN and its predecessor are referred to herein as CKIN.

³ The discontinued segment extended between milepost CI 212.55, at or near North Judson, and milepost CI 218.0, at or near English Lake, in Starke County. (*See* Verified Notice 3 n.4.)

⁴ CKIN states that, because CKIN is a Class III rail carrier and is seeking to lease and operate the rail property of a third party over which CKIN already operates, the new lease transaction is within the scope of the exemption set out in 49 CFR 1150.41. (Verified Notice 4 & n.7 (citing *C&S R.R.—Lease &*

CKIN certifies that its projected annual revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million. CKIN states that neither the new lease agreement nor the prior lease agreement contains any provision or agreement that may limit future interchange with a third party connecting carrier and that the Line is not subject to any agreement that imposes such an interchange commitment.

The transaction may be consummated on or after June 11, 2023, 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 June 2, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36702, 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 CKIN's representative, Terence M. Hynes, Sidley Austin LLP, 1501 K St., NW, Washington, DC 20005.

According to CKIN, 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: May 23, 2023.

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

Stefan Rice,
Clearance Clerk.

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Operation Exemption—Reading Blue Mountain & N. R.R., FD 36517 (STB served May 28, 2021); *Portland & W. R.R.—Amended Lease & Operation Exemption Containing Interchange Commitment—BNSF Ry.*, FD 36391 (STB served Apr. 16, 2020).)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[FAA Docket number: FAA-2023-1292]

NextGen Advisory Committee; Notice of Public Meeting

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the NextGen Advisory Committee (NAC).

DATES: The meeting will be held on June 12, 2023, from 1:00 p.m.–4:30 p.m. ET. Requests to attend the meeting in person or virtually must be received by June 5, 2023. Requests for accommodations for a disability must be received by June 5, 2023. If you wish to make a public statement during the meeting, you must submit a written copy of your remarks by June 5, 2023. Written materials requested to be reviewed by NAC Members before the meeting must be received no later than June 5, 2023.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, with a virtual option. Virtual meeting information will be provided on the NAC internet website at least one week in advance of the meeting. Information on the NAC, including previous meeting minutes, is available on the NAC internet website at https://www.faa.gov/about/office_org/headquarters_offices/ang/nac/. Members of the public who wish to observe the meeting virtually or in person must send the required information listed in the **SUPPLEMENTAL INFORMATION** section to 9-AWA-ANG-NACRegistration@faa.gov.

FOR FURTHER INFORMATION CONTACT: Kimberly Noonan, NAC Coordinator, U.S. Department of Transportation, at Kimberly.Noonan@faa.gov or 202-267-3760. Any requests or questions not regarding attendance registration should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of Transportation established the NAC under agency authority in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, Public Law 92-463, 5 U.S.C. app. 2, to provide independent advice and recommendations to the FAA and to respond to specific taskings received directly from the FAA. The NAC