

**CHANGES IN THE MEETING:** The Closed Meeting scheduled for Thursday, June 15, 2023 at 2:00 p.m. has been changed to Thursday, June 15, 2023 at 10:00 a.m.

**CONTACT PERSON FOR MORE INFORMATION:** For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551-5400.

*Authority:* 5 U.S.C. 552b.

Dated: June 12, 2023.

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2023-12822 Filed 6-12-23; 4:15 pm]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-97672; File No. SR-CBOE-2023-018]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Make Permanent the Operation of its Flexible Exchange Options Pilot Program Regarding Permissible Settlement Values for FLEX Index Options

June 8, 2023.

On April 10, 2023, Cboe Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to make permanent the operation of its Flexible Exchange Options (“FLEX Options”) pilot program (“Pilot Program”) regarding permissible exercise settlement values for FLEX Index Options. The proposed rule change was published for comment in the **Federal Register** on April 28, 2023.<sup>3</sup>

Section 19(b)(2) of the Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be

disapproved. The 45th day after publication of the notice for this proposed rule change is June 12, 2023.

The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates July 20, 2023, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CBOE-2023-018).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2023-12662 Filed 6-13-23; 8:45 am]

**BILLING CODE 8011-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21107]

### Van Pool Transportation LLC—Acquisition of Control—Royal Coach Lines, Inc.

**AGENCY:** Surface Transportation Board.  
**ACTION:** Notice tentatively approving and authorizing finance transaction.

**SUMMARY:** On May 15, 2023, Van Pool Transportation LLC (Van Pool or Applicant), a noncarrier, filed an application for Van Pool to acquire control of an interstate passenger motor carrier, Royal Coach Lines, Inc. (Royal Coach), by acquiring all of the outstanding equity shares from Steven DiPaolo, the sole shareholder of Royal Coach. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by July 31, 2023. If any comments are filed, Van Pool may file a reply by August 14, 2023. If no opposing comments are filed by July 31, 2023, this notice shall be effective on August 1, 2023.

**ADDRESSES:** Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, send one copy of comments to Van Pool’s representative: Andrew K.

Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

**FOR FURTHER INFORMATION CONTACT:** Valerie Quinn at (202) 740-5567. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** According to the application, Van Pool is a limited liability company organized under Delaware law and headquartered in Wilbraham, Mass. (Appl. 2.) Applicant states that it is not a federally regulated carrier but that it indirectly owns and controls all of the equity and voting interest in seven interstate passenger motor carriers that are among its operating subsidiaries (the Affiliate Regulated Carriers). (*Id.* at 2.) The Affiliate Regulated Carriers are as follows <sup>1</sup>:

- NRT Bus, Inc., which primarily provides non-regulated student school bus transportation services in Massachusetts (Essex, Middlesex, Norfolk, Suffolk, and Worcester counties), and occasional charter services;
- Trombly Motor Coach Service, Inc., which primarily provides non-regulated school bus transportation services in Massachusetts (Essex and Middlesex counties), and occasional charter services;
- Salter Transportation, Inc., which primarily provides non-regulated school bus transportation services in Massachusetts (Essex County) and southern New Hampshire, and occasional charter services;
- Easton Coach Company, LLC, which provides (i) intrastate paratransit, shuttle, and line-run services under contracts with regional transportation authorities and other organizations, primarily in New Jersey and eastern Pennsylvania, and (ii) private charter motor coach and shuttle services (interstate and intrastate), primarily in eastern Pennsylvania;
- F.M. Kuzmeskus, Inc., which provides (i) non-regulated school bus transportation services in western Massachusetts and southern Vermont, (ii) intrastate and interstate motor coach and limousine charter services, and (iii) limited intrastate and interstate charter services;
- Alltown Bus Service, Inc., which primarily provides non-regulated school bus transportation services in the

<sup>1</sup> Additional information about these motor carriers, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*See* Appl. 3-6; *id.* at Ex. A.)

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> *See* Securities Exchange Act Release No. 97368 (April 24, 2023), 88 FR 26353.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30-3(a)(31).

metropolitan area of Chicago, Ill., and its northern suburbs, and occasional charter services; and

- DS Bus Lines, Inc., which primarily provides (i) non-regulated school bus transportation services in Kansas (Beloit, Kansas City, Lincoln, Olathe, and Shawnee), Missouri (Belton and Smithville), Colorado (the metropolitan area of Denver), and Oklahoma (the metropolitan area of Tulsa), (ii) intrastate employee shuttle services in Colorado and Texas, and (iii) occasional charter services.<sup>2</sup>

According to the application, Van Pool also has operating subsidiaries that provide transportation services that do not involve regulated interstate transportation or require interstate passenger authority, primarily in the northeastern and central portions of the United States. (Appl. 2–3.) Van Pool states that it is indirectly owned and controlled by investment funds affiliated with Audax Management Company, LLC, a Delaware limited liability company. (*Id.* at 8.)<sup>3</sup>

The application explains that Royal Coach, the carrier being acquired, is a New York corporation headquartered in Yonkers, N.Y., and provides the following services: (i) primarily non-regulated school bus transportation services under contracts with schools in the metropolitan area of Westchester County, N.Y., and southern Connecticut (Westchester Area), and (ii) contract and charter transportation services in the Westchester Area for activities such as summer camps, events, group trips, and other activities, utilizing the same buses and vans at times when those vehicles are not in use for school activities. (*Id.* at 6–7.) According to the application, less than 1% of Royal Coach’s charter revenue was derived from regulated interstate moves. (*Id.* at 7.) The application states that Royal Coach holds intrastate contract carrier and charter carrier operating authorities issued by the New York State Department of Transportation, as well as interstate carrier operating authority under FMCSA Docket No. MC–139888 and a safety rating of “Satisfactory.” (*Id.* at 6.) Van Pool states that it will acquire control of Royal Coach by acquiring all of the outstanding equity shares from Steve DiPaolo, the sole shareholder of Royal Coach. (*Id.* at 1, 6.)

<sup>2</sup> In *Van Pool Transportation LLC—Acquisition of Control—Local Motion, Inc.*, MCF 21104 (STB served Feb. 10, 2023), Applicant received approval to acquire control of Local Motion, Inc., which became effective on March 28, 2023, but Applicant states that it has not yet completed the transaction. (Appl. 3 n.4.)

<sup>3</sup> Further information about Applicant’s corporate structure and ownership can be found in the application. (See Appl. 8–9; *id.* at Ex. B.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges that result from the proposed transaction, and (3) the interest of affected carrier employees. Van Pool has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (See Appl. 9–13.)

Van Pool asserts that the proposed transaction will not have a material, detrimental impact on the adequacy of transportation services available for the public. (*Id.* at 10.) According to Van Pool, Royal Coach will continue to provide the same services it currently provides under the same name; however, going forward, Royal Coach will operate within the holdings of Applicant, an organization thoroughly experienced in passenger transportation operations. (*Id.*) Van Pool states that it is experienced in the same market segments served by Royal Coach (school bus transportation and private charter transportation) and that the passenger carrier management capacity of Applicant is expected to result in improved operating efficiencies, increased equipment utilization rates, and cost savings derived from economies of scale, which in turn will help to ensure the provision of adequate service to the public. (*Id.*) Van Pool also asserts that the addition of Royal Coach will enhance the viability of Applicant’s organization and its subsidiaries. (*Id.*)

Van Pool states the impact of the transaction on the regulated motor carrier industry will be minimal at most and that neither competition nor the public interest will be adversely affected. (*Id.* at 13.) According to Van Pool, the school bus transportation market is competitive in the Westchester Area, with several local, regional, and national school bus service providers in operation. (*Id.* at 12.) Van Pool also asserts that a number of passenger charter transportation providers serve the Westchester Area. (*Id.* at 12–13.) In addition, Van Pool asserts that all charter service providers, including Royal Coach, compete with other modes of passenger transportation,

including rail, low-cost airlines, carpools, and passenger transportation network companies. (*Id.* at 13.) Van Pool states that there is virtually no overlap in the service areas and/or customer bases among the Affiliate Regulated Carriers and Royal Coach. (*Id.*)

Van Pool asserts that the proposed transaction will increase fixed charges in the form of interest expenses because funds will be borrowed to assist in financing the transaction; however, Van Pool maintains that the increase will not impact the provision of transportation services to the public. (*Id.* at 10–11.) Van Pool also asserts that it does not expect the transaction to have substantial impacts on employees or labor conditions, and it does not anticipate a measurable reduction in force or changes in compensation levels or benefits at Royal Coach. (*Id.* at 11.) Van Pool submits, however, that staffing redundancies could result in limited downsizing of back-office and/or managerial-level personnel. (*Id.*)

Based on Van Pool’s representations, the Board finds that the acquisition as proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action in this proceeding.

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

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective August 1, 2023, unless opposing comments are filed by July 31, 2023. If any comments are filed, Applicant may file a reply by August 14, 2023.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of

Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: June 8, 2023.

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

**Aretha Laws-Byrum,**

*Clearance Clerk.*

[FR Doc. 2023-12706 Filed 6-13-23; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on the I-26 Asheville Connector in North Carolina

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA and other federal agencies.

**SUMMARY:** This notice announces actions taken by FHWA and the other Federal agencies that are final. The actions relate to the proposed improvements to upgrade the I-26 corridor in Asheville from south of the I-26/I-40/I-240 interchange through the I-240 interchange with US 19-23-74A/Patton Avenue west of the French Broad River so that I-240 can be redesignated as I-26 in Buncombe County, North Carolina. The project is commonly referred to as the I-26 Asheville Connector and is identified as State Transportation Improvement Program Project (STIP) No. I-2513. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filled on or before November 13, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Clarence W. Coleman, P. E., Preconstruction and Environment Director, FHWA, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina, 27601-1418; telephone: (919) 747-7014; email: [clarence.coleman@dot.gov](mailto:clarence.coleman@dot.gov). FHWA North Carolina Division's regular office hours are 8 a.m. to 5 p.m. (Eastern Time). For North Carolina Department of Transportation (NCDOT): Mr. Derrick Weaver, P. E., Deputy Director of

Technical Services, NCDOT, 1536 Mail Service Center, Raleigh, North Carolina 27699-1536; telephone (919) 707-2516, email: [dweaver@dot.state.nc.us](mailto:dweaver@dot.state.nc.us).

NCDOT's regular office hours are 8 a.m. to 5 p.m. (Eastern Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of North Carolina: proposed improvements to upgrade the I-26 corridor in Asheville from south of the I-26/I-40/I-240 interchange through the I-240 interchange with US 19-23-74A/Patton Avenue west of the French Broad River so that I-240 can be redesignated as I-26. The proposed action includes improvements to the I-40 interchanges with Smoky Park Highway, I-26/I-240 and Brevard Road, upgrading I-240 (as well as interchanges at Brevard Road, Amboy Road, and Haywood Road) from the I-26/I-240 interchange with I-40 to the I-240 interchange with Patton Avenue west of the French Broad River, constructing I-26 on new location from the Patton Avenue interchange north across the French Broad River, tying into US 19/23/70 south of Broadway Street, and widening Riverside Drive from Hill Street to Broadway Street. The 7.0-mile project is commonly referred to as the I-26 Asheville Connector and is identified in the Statewide Transportation Improvement Plan (STIP) as STIP No. I-2513. The actions by the Federal Agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on January 9, 2020, in the FHWA ROD approved on May 26, 2023, and in other documents in the project record. The FEIS, ROD, and other project records are available by contacting the FHWA or the NCDOT at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the project website at <https://www.ncdot.gov/projects/asheville-i-26-connector/Pages/default.aspx>, or obtained from any contact listed above.

This notice applies to all Federal Agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act [42 U.S.C. 7401 *et seq.*].
3. *Land:* Section 4(f) of the Department of Transportation Act of

1966 [49 U.S.C. 303; 23 U.S.C. 138]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a) *et seq.*], Fish and Wildlife Coordination Act [16 U.S.C. 661 *et seq.*], Migratory Bird Treaty Act [16 U.S.C. 703-712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976 [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966 [54 U.S.C. 306108]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa) *at seq.*]; Archeological and Historic Preservation Act [54 U.S.C. 312501-312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. *Social and Economic:* Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000(d) *et seq.*]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251 *et seq.*]; Coastal Barrier Resources Act [16 U.S.C. 3501-3510]; Coastal Zone Management Act [16 U.S.C. 1451 *et seq.*]; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200301 *et seq.*]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f) *et seq.*]; Rivers and Harbors Act of 1899 [33 U.S.C. 401 *et seq.*]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 119(g) and 133(b)(14)]; Flood Disaster Protection Act [42 U.S.C. 4001 *et seq.*].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601 *et seq.*]; Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 11001 *et seq.*]; Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901 *et seq.*].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination