

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.<sup>19</sup>

**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](http://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)]**

### **Northern 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,<sup>1</sup> the exemption will be effective on November 18, 2022, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to

<sup>1</sup> 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).

<sup>2</sup> 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

<sup>19</sup> 17 CFR 200.30-3(a)(12).