

rule change to be operative on March 1, 2023.<sup>35</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CboeEDGX-2023-013 on the subject line.

##### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-CboeEDGX-2023-013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's 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 Number SR-CboeEDGX-2023-013 and should be submitted on or before March 28, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>36</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

#### SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #17796 and #17797; South Dakota Disaster Number SD-00139]**

#### Presidential Declaration of a Major Disaster for Public Assistance Only for the State of South Dakota

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of SOUTH DAKOTA (FEMA—4689—DR), dated 02/27/2023.

*Incident:* Severe Winter Storms and Snowstorm.

*Incident Period:* 12/12/2022 through 12/25/2022.

**DATES:** Issued on 02/27/2023.

*Physical Loan Application Deadline Date:* 04/28/2023.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/27/2023.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on

02/27/2023, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Bennett, Brookings, Clark, Day, Deuel, Hamlin, Jackson, Jones, Kingsbury, Mellette, Oglala Lakota, Potter, Roberts, Stanley, Todd, Tripp.

*The Interest Rates are:*

|   | Percent |
|---|---------|
| <i>For Physical Damage:</i>                                 |         |
| Non-Profit Organizations with Credit Available Elsewhere    | 2.375   |
| Non-Profit Organizations without Credit Available Elsewhere | 2.375   |
| <i>For Economic Injury:</i>                                 |         |
| Non-Profit Organizations without Credit Available Elsewhere | 2.375   |

The number assigned to this disaster for physical damage is 17796 B and for economic injury is 17797 O.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**

*Acting Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2023-04664 Filed 3-6-23; 8:45 am]

**BILLING CODE 8026-09-P**

#### SURFACE TRANSPORTATION BOARD

**[Docket No. AB 1066 (Sub-No. 3X)]**

#### City of Peoria, Ill.—Discontinuance of Service Exemption—in Peoria County, Ill.

On February 15, 2023, the City of Peoria, Ill. (the City), filed with the Board a petition under 49 U.S.C. 10502 for an exemption from the prior approval requirements of 49 U.S.C. 10903 “permitting the City, on behalf of the no longer extant Central Illinois Railroad Company (‘CIRY’),” to discontinue common carrier rail service over an approximately 1.1-mile portion of a railroad line known as the Kellar Branch, extending between mileposts 1.71 and 2.78 (the Line), located in the City. The Line traverses U.S. Postal Service Zip Code 61603.

The City states that it purchased the Kellar Branch from the trustee of the Chicago, Rock Island & Pacific Railroad Company in 1984 after the trustee secured authority to abandon it in

<sup>35</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>36</sup> 17 CFR 200.30-3(a)(12), (59).

1980.<sup>1</sup> The City explains that CIRY was authorized to operate over the Kellar Branch in *Central Illinois Railroad—Operation Exemption—Rail Line of the City of Peoria & the Village of Peoria Heights in Peoria & Peoria Heights, Peoria County, Ill.*, FD 34518, et al. (STB served July 28, 2004). According to the City, CIRY ceased operations in 2010 and was involuntarily dissolved in 2011. In addition, the City asserts that CIRY's prior owners cannot be located and CIRY has failed to abide by its operating, maintenance, and other responsibilities under its prior operating lease with the City, which has been terminated.

The City states that the only customer on the Line, O'Brien Steel Service Co. (O'Brien Steel), has been without rail service since 2010 following the cessation of CIRY's operations.<sup>2</sup> The City explains that, after discontinuance, it intends to transfer approximately 550 feet of right-of-way and track located at the south end of the Line to O'Brien Steel, which plans to use the track as a private industrial spur to connect to the Tazewell & Peoria Railroad.<sup>3</sup> The City attached to its petition a letter from O'Brien Steel supporting the City's petition.

The City states that, based on information in its possession, the Line does not contain any federally granted rights-of-way and that any documentation in its possession will be made available to those requesting it.

As a condition to this exemption, any employee adversely affected by the discontinuance of service 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).

<sup>1</sup> The Board has found that the Kellar Branch was fully abandoned when the City acquired it. *Pioneer Indus. Ry.—Discontinuance of Serv. Exemption—Line in Peoria Cnty., Ill.*, AB 1066 (Sub-No. 1X) et al., slip op at 5 (STB served Apr. 16, 2010); *City of Peoria—Adverse Discontinuance—Pioneer Indus. Ry.*, ABA 878, slip op. at 1 (STB served Nov. 19, 2007).

<sup>2</sup> According to the City, Pioneer Industrial Railway (PIRY) obtained non-exclusive local trackage rights over the Line in 2010, see *Pioneer Indus. Ry. Co.—Trackage Rights Exemption—Central Illinois R.R.*, FD 35341 (STB served Jan. 14, 2010), but has not used them since CIRY's dissolution in 2011. PIRY recently filed a verified notice of exemption for discontinuance of those trackage rights. (Notice, Feb. 13, 2023, *Pioneer Indus. Ry.—Discontinuance of Trackage Rts. Exemption—in Peoria Cnty., Ill.*, AB 1056 (Sub-No. 1X).)

<sup>3</sup> The City asserts that under *Common Carrier Status of States, State Agencies & Instrumentalities & Political Subdivisions*, 363 I.C.C. 132 (1980), abandonment authority is not necessary here because the Line was previously authorized for abandonment and the City has never held itself out as a common carrier.

Because the Line has already been abandoned, trail use/rail banking and public use conditions are not appropriate, and no environmental review is necessary.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b).

A final decision will be issued by June 5, 2023. Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.<sup>4</sup> The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

Any interested party may file a response to this notice. All pleadings, referring to Docket No. AB 1066 (Sub-No. 3X), 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 the City's representative, Peter A. Pfohl, Slover & Loftus LLP, 1224 17th Street NW, Washington, DC 20036. Replies to the petition are due on or before March 27, 2023.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment and discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

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

Decided: March 2, 2023.

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

**Brendetta Jones,**  
Clearance Clerk.

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**BILLING CODE 4915-01-P**

<sup>4</sup> The City has requested an exemption from the OFA procedures at 49 U.S.C. 10904 and waiver of the related Board regulations at 49 CFR 1152.27.

## SURFACE TRANSPORTATION BOARD

[Docket No. AB 1056 (Sub-No. 1X)]

### Pioneer Industrial Railway Co. LLC—Discontinuance of Trackage Rights Exemption—in Peoria County, Ill.

Pioneer Industrial Railway Co. LLC (PIRY) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue trackage rights over approximately 1.07 miles of rail line located between milepost 1.71 and milepost 2.78 in the City of Peoria, Peoria County, Ill. (the Line).<sup>1</sup> The Line traverses U.S. Postal Service Zip Code 61603.

PIRY has certified that: (1) it has moved no local traffic over the Line for at least two years; (2) because the Line is stub-ended, there is no overhead traffic on the Line to be rerouted; (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 on the Line is either pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service 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.

<sup>1</sup> PIRY's discontinuance of trackage rights exemption is related to a concurrently filed petition by the City of Peoria, Ill. (the City), for an exemption "permitting the City, on behalf of the no longer extant Central Illinois Railroad Company ('CIRY'), to discontinue service" over the Line. (Pet. 1, Feb. 15, 2023, *City of Peoria, Ill.—Discontinuance of Serv. Exemption—in Peoria, Ill.*, AB 1066 (Sub-No. 3X) (footnote omitted).) In its petition, the City requests that the Board exempt both the discontinuance of service in that docket and PIRY's discontinuance of trackage rights in this docket from the Board's offer of financial assistance (OFA) provisions at 49 U.S.C. 10904. (*Id.* at 14–16.) In its verified notice here, PIRY states that it supports the City's request for exemption from the OFA provisions and, "to ensure uniform application of the requested exemption, PIRY hereby incorporates herein by reference the City's case for OFA relief." (Notice 6.) PIRY's request will be addressed by separate decision.