

filed by CN and NSR to be in substantial compliance with the regulations under which they were filed¹¹ and finds no basis for rejecting them.¹² The Board reserves the right to require supplemental information, if necessary. The Board further finds that it is not necessary to designate the proposed transactions as minor or significant. Although the agency has typically made such a determination for responsive applications, neither the statute nor the Board's regulations require that such a determination be made for responsive applications that are not inconsistent with the primary application. Section 11325 of title 49, which provides that control applications be published in the **Federal Register** with a determination of whether a merger is major, significant, or minor, (*see* 49 U.S.C. 11325(a)), does require that inconsistent applications (a type of responsive application) and applications for inclusion in major mergers be filed within 90 days of the notice of the primary application, (*see* 49 U.S.C. 11325(b)(2)), and the applicable merger regulations provide that responsive applications inconsistent with the primary application will be classified as major, significant, or minor, (*see* 49 CFR 1180.4(d)(4)(ii)). But the regulations make no such reference with regard to responsive applications that are not inconsistent with the primary application.¹³ Although the Board previously indicated that it would classify the responsive applications filed in this proceeding as minor or significant, *see Canadian Pac. Ry.—Control—Kan. City S. (Decision No. 13)*, FD 36500 et al., slip op. at 3–4 (STB served Feb. 18, 2022), based on the analysis discussed above, we now find that such a determination is not

¹¹ The Board notes that NSR amended its responsive application to address the criticisms raised by CSXT. As discussed, the Board finds the amended responsive application to be in substantial compliance with the applicable regulations.

¹² Based on the environmental information submitted by CN regarding its responsive application, it appears that the thresholds triggering an environmental review under the Board's regulations at 49 CFR 1105.6(b)(4) and 1105.7(e)(5) would be reached or exceeded. Therefore, the Board's Office of Environmental Analysis (OEA) will conduct an environmental and historic review of CN's responsive application that will be separate from, but conducted concurrently with, OEA's ongoing environmental and historic review of the Transaction. NSR's responsive application seeking trackage rights is categorically excluded from environmental and historic review under 49 CFR 1105.6(c)(3) and 1105.8(b)(3).

¹³ This is consistent with another regulatory provision that appears to recognize that a minor/significant determination will not be required for every responsive application. *See* 49 CFR 1180.4(d)(4)(v) ("Each responsive application filed and accepted (if required) is considered consolidated with the primary application.")

necessary.¹⁴ Notice of the responsive applications will be published in the **Federal Register** to ensure that all parties are aware of them.

Access to Filings. Under the Board's rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order. 49 CFR 1180.4(a)(3) (2000). The responsive applications and other filings in this proceeding will be furnished to interested persons upon request and will also be available on the Board's website at www.stb.gov. In addition, the responsive filings may be obtained upon request from the responsive applicants' representatives named above.

Proceedings Consolidated. The responsive filings in Docket Nos. FD 36500 (Sub-No. 1), FD 36500 (Sub-No. 2), FD 36500 (Sub-No. 3), FD 36500 (Sub-No. 4), and FD 36500 (Sub-No. 5) are consolidated for disposition with the primary application in Docket No. FD 36500.

Comments may be Submitted. Interested persons may participate formally by submitting written comments regarding any or all of these responsive filings, subject to the service requirements specified above. Such comments must be filed with the Board by July 12, 2022. Comments must include the following: the commenter's position in support of or in opposition to the transaction proposed in the responsive filing; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval of the proposed transaction would or would not be in the public interest.

Requests for Affirmative Relief will not be Accepted. Because the responsive applications accepted for consideration in this decision contain proposed conditions to approval of the primary application in Docket No. FD 36500, the

¹⁴ As the Board has previously explained, the definition of "minor" and "significant" transaction set out in 49 CFR 1180.2 is tied to the substantive approval standard at 49 U.S.C. 11324(d). *See Decision No. 13*, FD 36500 et al., slip op. at 3 n.5 (citing *R.R. Consol. Procs.: Definition of, & Requirements Applicable to, "Significant" Transactions*, 9 I.C.C.2d 1198, 1199 (1993).) But whether the Board imposes the relief sought in a responsive application as a condition to this merger between two Class I railroads turns not on whether the proposed conditions meet the standard at 49 U.S.C. 11324(d), but on whether they are justified and should be approved under the Board's conditioning authority at 49 U.S.C. 11324(c). *See Decision No. 13*, FD 36500 et al., slip op. at 4 (setting forth the criteria for imposing conditions to remedy competitive harm of the primary transaction).

Board will not entertain requests for affirmative relief with respect to these responsive applications. Parties may only participate in direct support of or in direct opposition to these responsive applications as filed.

It is ordered:

1. The responsive applications in Docket Nos. FD 36500 (Sub-No. 1), FD 36500 (Sub-No. 2), FD 36500 (Sub-No. 3), FD 36500 (Sub-No. 4), and FD 36500 (Sub-No. 5) are accepted for consideration and are consolidated for disposition with the primary application in Docket No. FD 36500.

2. This decision is effective on its service date.

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

Raina White,

Clearance Clerk.

[FR Doc. 2022–14503 Filed 7–6–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–0363, Notice No. 63–22–01]

Notice of Intent To Designate as Abandoned Emerald Enterprises LTD. Type Certificate No. A9WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate Emerald Enterprises LTD. type certificate as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate Emerald Enterprises LTD. Type Certificate (TC) No. A9WE as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning this TC. The FAA has been unsuccessful in contacting Emerald Enterprises LTD. concerning the TC. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by January 3, 2023.

ADDRESSES: You may send comments on this notice by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** Manuel Hernandez, AIR–792, Federal Aviation Administration, Los Angeles ACO Branch, 3960 Paramount Boulevard, Suite 100 Lakewood, CA 90712–4137.

- **Email:** Manuel.F.Hernandez@faa.gov. Include "Docket No. FAA–

2022-0363, Notice No. 63-22-01” in the subject line of the message.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Manuel Hernandez, Aerospace Engineer, Federal Aviation Administration, Los Angeles ACO Branch, 3960 Paramount Boulevard, Suite 100 Lakewood, CA 90712-4137; telephone (562) 627-5256; email Manuel.F.Hernandez@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2022-0363, Notice No. 63-22-01” at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate Emerald Enterprises LTD. TC No. A9WE for the Wing Aircraft Model D-1 airplane as abandoned and subsequently release the related engineering data.

The FAA has received a third-party request for the release of data for the Wing Aircraft Model D-1 airplane under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information, such as the requested data, under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code § 44704(a)(5), the FAA can make TC “engineering data” in possession of the FAA available upon request if the FAA determines that the TC has been inactive for 3 or more years and, using due diligence, the FAA is unable to locate the owner of record or the owner of record’s heir. There has been no activity on this TC for more than 3 years.

On November 3, 2021, the FAA sent a registered letter to Emerald Enterprises LTD. c/o Hillyer & Irwin, at its last known address, 550 West C St. 16th Floor, San Diego, CA 92101. The letter informed Emerald Enterprises LTD. that the FAA had received a request for engineering data related to TC No. A9WE and was conducting a due diligence search to determine whether

the TC was inactive and may be considered abandoned. The letter further requested that Emerald Enterprises LTD. respond in writing within 60 days and state whether it is the holder of the TC. The FAA has also attempted to make contact with Emerald Enterprises LTD. by other means, including telephone communication and emails, but without success.

Information Requested

If you are the owner or heir or a transferee of TC No. A9WE or have any knowledge regarding who may now hold TC No. A9WE, please contact Manuel Hernandez using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you are the heir of the owner or the owner by transfer of TC No. A9WE, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of the TC and, if applicable, your relationship as the heir to the deceased holder of the TC.

Conclusion

If the FAA does not receive any response by January 3, 2023, the FAA will consider TC No. A9WE abandoned and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

Issued on June 30, 2022.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022-14413 Filed 7-6-22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2022-0913]

Agency Information Collection

Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves

information related to rules governing Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations. The information to be collected supports the Department of Transportation’s strategic goal of safety. Specifically, the goal is to promote the public health and safety by working toward the elimination of transportation-related deaths and injuries.

DATES: Written comments should be submitted by September 6, 2022.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Sandra L. Ray, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108.

By fax: 412-239-3063.

FOR FURTHER INFORMATION CONTACT:

Thomas Luipersbeck by email at: Thomas.A.Luipersbeck@faa.gov; phone: 615-202-9683.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.

OMB Control Number: 2120-0756.

Title: Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations.

Form Numbers: 2120-0756, Helicopter Air Ambulance Mandatory Flight Information Report.

Type of Review: Renewal of an information collection.

Background: These requirements in part 135 are addressed specifically to helicopter air ambulances, often referred to as emergency medical services (EMS), and to on-demand operations including overwater operations. The National Transportation Safety Board recommended several changes following accident investigations. The FAA aims to improve the safety record of helicopter air ambulances through better oversight of their operations. The FAA will use the information it collects and reviews to ensure compliance and adherence with regulations and, if necessary, to take enforcement action on violators of the regulations.