

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Raina White,**  
Clearance Clerk.

[FR Doc. 2023-21076 Filed 9-26-23; 8:45 am]

BILLING CODE 4915-01-P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36716]

### **OmniTRAX Holdings Combined, Inc., and HGS Railway Holdings, Inc.—Continuance in Control Exemption—OmniTRAX SBVR, LLC d/b/a South Branch Valley Railroad**

OmniTRAX Holdings Combined, Inc. (OmniTRAX), and HGS Railway Holdings, Inc. (HGS) (collectively, Omni-HGS), both noncarriers, have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of OmniTRAX SBVR, LLC d/b/a South Branch Valley Railroad (OSL), a non-carrier entity controlled by OmniTRAX, upon OSL's becoming a Class III rail carrier.

This transaction is related to a verified notice of exemption filed in *OmniTRAX SBVR, LLC—Operation Exemption—Railroad Line of West Virginia State Rail Authority in Hampshire, Hardy, & Grant Counties, W. Va.*, Docket No. FD 36717, in which OSL seeks to operate an approximately 52.4-mile rail line (the Line) extending from milepost 0.0 at Green Spring, W. Va., to milepost 52.4 at Petersburg, W. Va., owned by the West Virginia Rail Authority.

Omni-HGS states that it will continue in control of OSL upon OSL's becoming a railroad common carrier. According to the verified notice, OmniTRAX and HGS are under joint managerial and operational control. OmniTRAX currently controls 22 Class III rail carriers: Alabama & Tennessee River Railway, LLC; Brownsville & Rio Grande International Railway, LLC; Central Texas & Colorado River Railway, LLC; Chicago Rail Link, L.L.C.; Cleveland & Cuyahoga Railway, LLC; Fulton County Railway, LLC; Georgia & Florida Railway, LLC; Georgia Woodlands Railroad, L.L.C.; Great Western Railway of Colorado, L.L.C.; Illinois Railway, LLC; Kettle Falls International Railway, LLC; Manufacturers' Junction Railway, L.L.C.; Nebraska, Kansas and Colorado Railway, LLC; The Newburgh & South Shore Railroad, LLC; Northern Ohio & Western Railway, L.L.C.; Omni River Ridge, LLC d/b/a River Ridge Railroad; Panhandle Northern Railroad, L.L.C.; Peru Industrial Railroad, LLC; Sand Springs Railway Company; Savannah

Industrial Transportation, LLC (SIT);<sup>1</sup> Stockton Terminal and Eastern Railroad; and The Winchester and Western Railroad Company. HGS controls two Class III railroads: HGS-ATN, LLC; and HGS-FCR, LLC.

Omni-HGS represents that: (1) the rail line to be operated by OSL does not connect with the rail lines of any of the rail carriers controlled by Omni-HGS; (2) the transaction is not part of a series of anticipated transactions that would result in such a connection; and (3) the transaction does not involve a Class I rail 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 effective date of this exemption is October 11, 2023.<sup>2</sup> 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 October 4, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36716, 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, one copy of each pleading must be served on Omni-HGS's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to Omni-HGS, this action is categorically excluded from

<sup>1</sup> Omni-HGS notes that SIT has limited and provisional authority to operate pursuant to *Savannah Industrial Transportation, LLC—Operation Exemption—in Effingham County, Ga.*, FD 36489, slip op. at 6-7 (STB served Aug. 1, 2023).

<sup>2</sup> By order served September 8, 2023, the effective dates of the exemptions in this docket and in the related Docket No. FD 36717 were postponed pending further Board order to allow for further briefing and consideration of certain issues. On September 13, 2023, OSL filed an amended verified notice of exemption in Docket No. FD 36717 addressing the issues raised in the September 8 order.

environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

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

Decided: September 21, 2023.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Raina White,**  
Clearance Clerk.

[FR Doc. 2023-21077 Filed 9-26-23; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2023-1555; Summary Notice No. 2023-37]

### **Petition for Exemption; Summary of Petition Received; Billings Flying Service**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before October 17, 2023.

**ADDRESSES:** Send comments identified by docket number FAA-2023-1555 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Valerie Smith, AIR-646, Federal Aviation Administration, phone 404-474-5380, email [valerie.l.smith@faa.gov](mailto:valerie.l.smith@faa.gov).

This notice is published pursuant to 14 CFR 11.85.

Issued in Los Angeles, California on September 22, 2023.

**Thuan Nguyen,**

*Manager, Technical Writing Section.*

**Petition for Exemption**

*Docket No.:* FAA-2023-1555

*Petitioner:* Billings Flying Service

*Section(s) of 14 CFR Affected:*

§ 21.185(b)

*Description of Relief Sought:* The petitioner is seeking relief from 14 CFR 21.185(b), which allows an applicant for a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was either a surplus aircraft of the Armed Forces or previously type certificated in another category, to be entitled to an airworthiness certificate if the aircraft has been inspected by the FAA and found to be in a good state of preservation and repair and in a condition for safe operation. Specifically, the petitioner is requesting relief so that it can apply for and receive restricted category airworthiness certificates for six CH-47D helicopters that were received from the Royal Netherlands Air Force.

[FR Doc. 2023-21061 Filed 9-26-23; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Notice of Intent To Rule on a Land Release Request for Change in Use from Aeronautical to Non-Aeronautical at Salisbury-Ocean City: Wicomico Regional Airport, Salisbury, MD**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of request for a change in use of on-airport property.

**SUMMARY:** The FAA proposes to rule and invites public comment on Wicomico County's request to change 0.15 acres of federally obligated airport property at Salisbury-Ocean City: Wicomico Regional Airport, Salisbury, MD from aeronautical to non-aeronautical use. This acreage was originally purchased with federal financial assistance through the Airport Development Aid Program (ADAP). The proposed use of land will be compatible with the airport and will not interfere with the airport or its operation.

**DATES:** Comments must be received on or before October 27, 2023.

**FOR FURTHER INFORMATION CONTACT:** Comments on this application may be mailed or delivered to the following address:

Anthony Rudy, Airport Manager,  
Salisbury-Ocean City: Wicomico  
Regional Airport, 5485 Airport  
Terminal Road, Unit A, Salisbury, MD  
2804, (410) 548-4827

and at the FAA Washington Airports  
District Office:

Matthew J. Thys, Manager, Washington  
Airports District Office, 13873 Park  
Center Road, Suite 490S, Herndon,  
VA 20171, (703) 487-3980

**SUPPLEMENTARY INFORMATION:** In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by grant agreements. The following is a brief overview of the request.

Wicomico County has submitted a land release request seeking FAA approval for the change in use of approximately 0.15 acres of federally obligated airport property from aeronautical to non-aeronautical use. The subject property is proposed to be improved with a cell tower and associated parking area.

Parcel 6 was originally purchased with federal financial assistance through

the ADAP program. The FAA has determined the proposed project would have no material impact on aircraft operations, at, to or from the airport; would not affect the safety of people and property on the ground adjacent to the airport as a result of aircraft operations; and would not have an adverse effect on the value of prior Federal investments to a significant extent. Subsequent to the implementation of the proposed change in use, rents received by the airport from this property is considered airport revenue, and will be used in accordance with 49 U.S.C. 47107(b) and the FAA's Policy and Procedures Concerning the Use of Airport Revenue published in the **Federal Register** on February 16, 1999. The proposed use of the property will not interfere with the airport or its operation.

Issued in Herndon, Virginia.

**Matthew J. Thys,**

*Manager, Washington Airports District Office.*

[FR Doc. 2023-21035 Filed 9-26-23; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Rescinding a Notice of Intent To Prepare an Environmental Impact Statement: Delaware County, NY**

**AGENCY:** Federal Highway Administration (FHWA), United States Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT), is issuing this notice to advise the public that we are rescinding the 2001 Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for a previous proposal to improve NYS Route 17 in Delaware County, New York (the Project, NYSDOT Project Identification Number [PIN] 9066.91). FHWA is rescinding the NOI because a substantial amount of time has passed since its original publication, and previously identified funding and design resources were reprioritized and reallocated to other needs, preventing the progression of the Project.

**FOR FURTHER INFORMATION CONTACT:**

Richard J. Marquis, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 11A Clinton Avenue, Suite 719, Albany, New York 12207, Telephone: (518) 431-4127; or James Rusak, P.E., Regional Director, New York State Department of