

## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 35319]

**Old Augusta Railroad, LLC—Lease and Operation Exemption—KM Railways, LLC**

Old Augusta Railroad, LLC (OAR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from KM Railways, LLC (KMR), and to operate 2.5 miles of KMR's line of railroad extending from New Augusta (Station No. FSAC 10) to Augusta (Station No. FSAC 20), in Perry County, MS (line).<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35321, *KM Railways, LLC—Acquisition Exemption—Old Augusta Railroad, LLC*, wherein KMR seeks to acquire the line from OAR, which currently owns and operates the line.<sup>2</sup> According to OAR, KMR has entered into a Lease Agreement with OAR under which the line will be leased back to, and operated by, OAR. OAR states that this transaction is an internal reorganization for corporate purposes and that there will be no planned change in the operations presently conducted by OAR.

The transaction is expected to be consummated on or after December 18, 2009, the effective date of the exemption (30 days after the exemption is filed).

OAR certifies that, as a result of this transaction, it will not become a Class II or Class I rail carrier. In addition, OAR provides that its projected annual revenues will not exceed \$5 million.<sup>3</sup>

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: Collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. § 903.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the

<sup>1</sup> OAR states that there are no branch lines and no mileposts.

<sup>2</sup> See *Old Augusta Railroad, LLC—Acquisition and Operation Exemption—Assts of Old Augusta Railroad Company*, STB Finance Docket No. 34493 (STB served April 21, 2004).

<sup>3</sup> By letter filed on November 23, 2009, OAR supplemented the notice of exemption advising the Board that the projected annual revenues of OAR will not exceed \$5 million.

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 by no later than December 11, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35319 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on David H. Coburn, Sleptoe & Johnson LLP, 1330 Connecticut Avenue, NW., Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: November 30, 2009.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

Kuluyte L. Cannon,

Clerk.

[FR Doc. E9-28938 Filed 12-3-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

**Proposed Modification of the Atlanta, GA, Class B Airspace Area; Public Meetings**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meetings.

**SUMMARY:** This notice announces four fact-finding informal airspace meetings to solicit information from airspace users and others, concerning a proposal to revise Class B airspace at Atlanta, GA. The purpose of these meetings is to provide interested parties an opportunity to present views, recommendations, and comments on the proposal. All comments received during these meetings will be considered prior to any issuance of a notice of proposed rulemaking.

**DATES:** The informal airspace meetings will be held on Monday, February 22, 2010; Thursday, February 25, 2010; Monday, March 1, 2010; and Thursday, March 4, 2010. All meetings will run from 3 p.m. until 8:30 p.m. Comments must be received on or before April 3, 2010.

**ADDRESSES:** (1) The meeting on Monday, February 22, 2010, will be held at the Cobb Co. PD, Precinct 1, 2380 North Cobb Parkway, Kennesaw, GA 30152 [Call 770-499-4181 for directions]; (2) The meeting on Thursday, February 25, 2010, will be held at the City of

Covington City Hall, 2116 Stallings Street NW., Covington, GA 30014 [Call 770-385-2022 for directions]; (3) The meeting on Monday, March 1, 2010, will be held at the Chamblee Civic Center, 3540 Broad Street, Chamblee, GA 30341 [Call 770-986-5016 for directions]; and (4) the meeting on Thursday, March 4, 2010, will be held at Peachtree City Falcon Field, 7 Falcon Drive, Peachtree City, GA 30269 [Call 770-487-2225 for directions].

**Comments:** Send comments on the proposal, in triplicate, to: Mark Ward, Manager, Operations Support Group, Eastern Service Area, Air Traffic Organization, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

**FOR FURTHER INFORMATION CONTACT:** Mike Richardson, Support Manager, Atlanta TRACON, 784 South Highway 74, Peachtree City, GA; telephone: (678) 364-6306.

**SUPPLEMENTARY INFORMATION:****Meeting Procedures**

(a) The meetings will be informal in nature and will be conducted by one or more representatives of the FAA Eastern Service Area. A representative from the FAA will present a briefing on the planned Class B airspace area modification. Each participant will be given an opportunity to deliver comments or make a presentation, although a time limit may be imposed. Only comments concerning the plan to modify the Atlanta Class B airspace will be accepted.

(b) The meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter. These meetings will not be adjourned until everyone on the list has had an opportunity to address the panel.

(d) Position papers or other handout material relating to the substance of these meetings will be accepted. Participants wishing to submit handout material should present an original and two copies (3 copies total) to the presiding officer. There should be additional copies of each handout available for other attendees.

(e) These meetings will not be formally recorded. However, a summary of comments made at the meetings will be filed in the docket.

**Agenda for the Meetings**

- Sign-in.
- Presentation of Meeting Procedures.
- Informal Presentation of the planned Class B Airspace area Modification.
- Public Presentations and Discussions.
- Closing Comments.

At all meetings, the informal presentation will be conducted at 3 p.m., 5 p.m., and again at 7 p.m. Each presentation will be the same, so attendees may arrive at any time at their convenience, and it will not be necessary to remain until the end. Following each presentation there will be time for questions and presentations by attendees.

Issued in Washington, DC, on November 23, 2009.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E9-28900 Filed 12-3-09; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Ex Parte No. 693]

**Oral Argument**

AGENCY: Surface Transportation Board.  
ACTION: Notice of oral argument

**SUMMARY:** By a decision served on December 1, 2009, the Board announced that it will hold oral arguments in two cases: STB Finance Docket No. 35225, *San Benito Railroad LLC—Acquisition Exemption—Certain Assets of Union Pacific Railroad Company (San Benito RR)*; and STB Finance Docket No. 35239, *Allegheny Valley Railroad Company—Petition for Declaratory Order (Allegheny Valley)*.

**Dates/Location:** The oral arguments will take place on Tuesday, January 26, 2010, at 9:30 a.m., in the Board's hearing room at the Board's headquarters located at 395 E Street, SW., Washington, DC. By January 21, 2010, the parties should submit to the Board the name of the counsel who will be presenting argument, the party counsel will be representing, and the requested time reserved for rebuttal if the party is the movant or petitioner.

**FOR FURTHER INFORMATION CONTACT:** Amy Zisim, (202) 245-0391. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** In STB Finance Docket No. 35225, San Benito Railroad LLC (San Benito), a noncarrier, has filed a verified notice of exemption to acquire from Union Pacific Railroad

Company (UP) certain railroad assets, including approximately 12.43 miles of rail line extending between approximately milepost 0.7 (near Hollister, CA) and approximately milepost 12.50 (near Carnadero, CA) in San Benito County. San Benito simultaneously filed a motion to dismiss the notice of exemption. San Benito seeks a determination from the Board that it would not become a common carrier and that the Board would not have jurisdiction over the proposed acquisition because the parties have structured the transaction pursuant to the terms and conditions of the Interstate Commerce Commission's decision in *State of Maine—Acq. And Op. Exempt.*, 8 I.C.C.2d 935 (1991) (*State of Maine*), and subsequent Board decisions addressing *State of Maine*.

The Brotherhood of Maintenance of Way Employees Division/RET and the Brotherhood of Railroad Signalmen (collectively "Unions") filed a response in opposition to San Benito's motion to dismiss. The Unions argue that *State of Maine* was wrongly decided and must be overturned because it is contrary to the Interstate Commerce Act. The Board will hear argument on the motion to dismiss the notice of exemption.

In STB Finance Docket No. 35239, Allegheny Valley Railroad Company (AVRR) has filed a petition for declaratory order to determine whether a 0.3-mile rail segment between 16th Street and 21st Street in Pittsburgh, PA, remains an active rail easement. AVRR, which claims that the easement remains active, wants to restore the 0.3-mile segment of the line as part of a longer line and provide passenger and freight rail service over it. AVRR purportedly acquired the easement as part of a line sale by Consolidated Rail Corporation (Conrail). The segment spans property owned by The Buncher Company (Buncher). Buncher claims that the track in question has been abandoned and that the property interest has been extinguished.

On May 13, 2009, the Board instituted a declaratory order proceeding to clarify the issues and established a procedural schedule. The parties submitted several rounds of evidence concerning the status of the track.

On September 17, 2009, the Board issued a decision directing AVRR and Buncher to address whether or how the recent ruling by the United States Court of Appeals for the District of Columbia Circuit in *Consolidated Rail Corp. v. STB*, 571 F.3d 13 (D.C. Cir. 2009) (*Harsimus*) affects this case. In *Harsimus*, the Court of Appeals found that where the Board's authority was challenged and an interpretation of the

Final System Plan (FSP) for the creation of Conrail or the Special Court's conveyance order under 45 U.S.C. 719(e)(2) for Conrail's creation was required, the Board lacked jurisdiction to resolve the question of the nature of the involved trackage.

AVRR and Buncher filed their evidence on October 9, 2009. AVRR claims that *Harsimus* is limited to its facts and that the Board should resolve the case. Buncher asserts that the Board should dismiss the case in accordance with *Harsimus*, as the resolution of the case relies upon interpreting the FSP and the documents relating to the conveyance to Conrail, thus placing the case directly under the jurisdiction of the Special Court, which is now the United States District Court for the District of Columbia.

The STB requests that all persons attending the hearing use the Patriots Plaza Building's main entrance at 395 E Street, SW. (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved seating, except for those scheduled to present oral arguments. The building will be open to the public at 7 a.m., and participants are encouraged to arrive early. There is no public parking in the building. The oral arguments will be open for public observation, but only counsel for the parties will be permitted to present argument. A video broadcast of the oral argument will be available via the Board's Web site at <http://www.stb.dot.gov>, under "Information Center"/"Webcast"/"Live Video" on the home page.

Additional information is contained in the Board's decision. A copy of the Board's decision is available for inspection or copying at the Board's Public Docket Room, Room 131, 395 E Street, SW., Washington, DC 20423-0001, and is posted on the Board's Web site, <http://www.stb.dot.gov>.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: December 1, 2009.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

Jeffrey Herzig,  
Clearance Clerk.

[FR Doc. E9-28956 Filed 12-3-09; 8:45 am]

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