

## DEPARTMENT OF STATE

[Public Notice 6712]

**Notice of Meeting of a Study Group of the U.S. Department of State Advisory Committee on Private International Law**

A Study Group of the Department of State Advisory Committee on Private International Law (ACPIL) will be holding a public meeting to continue the discussion of the treatment of IP-secured financing practices in the United Nations Commission on International Trade (UNCITRAL) Draft Legislative Guide on Secured Transactions (Guide). At the 40th Session of the UNCITRAL in December 2007, it adopted a legislative guide on secured transactions, including recommendations dealing with the scope of the Guide as it relates to IP law and secured financing, as well as the inclusion in the commentary to the Guide of explanatory statements on the treatment of IP as secured financing. UNCITRAL also approved a work project on IP law matters as they relate to secured financing law. Earlier sessions for that work project were held in May and October of 2008 and April and May 2009. A fourth session of the IP work project is scheduled in November 2009 in Vienna.

The Study Group will use this public meeting to continue to exchange thoughts on the relationship between secured finance and IP and how this matter should be addressed in the new draft IP annex to the Guide. The report of the first two sessions of the working group and the papers prepared by the Secretariat for the next session of the UNCITRAL working group can be obtained at [http://www.uncitral.org/uncitral/en/commission/working\\_groups/6Security\\_Interests.html](http://www.uncitral.org/uncitral/en/commission/working_groups/6Security_Interests.html).

**Time:** The public meeting will take place at the Department of State, Office of Private International Law, 2430 E Street, NW., Washington, DC on Wednesday, October 21, from 9:30 a.m. to 11:30 a.m. EST.

**Public Participation:** This Study Group meeting is open to the public, subject to the capacity of the meeting room. Access to the meeting building is controlled; persons wishing to attend should contact Tricia Smeltzer or Niesha Toms of the Department of State Legal Adviser's Office at [SmeltzerTK@state.gov](mailto:SmeltzerTK@state.gov) or [TomsNN@state.gov](mailto:TomsNN@state.gov) and provide your name, e-mail address, and mailing address to get admission into the meeting or to get directions to the office. Persons who cannot attend but who

wish to comment are welcome to do so by e-mail to Michael Dennis at [DennisMJ@state.gov](mailto:DennisMJ@state.gov). A member of the public needing reasonable accommodation should advise those same contacts not later than October 12th. Requests made after that date will be considered, but might not be able to be fulfilled. If you are unable to attend the public meeting and you would like to participate by teleconferencing, please contact Tricia Smeltzer or Niesha Toms at 202-776-8420 to receive the conference call-in number and the relevant information.

Dated: October 6, 2009.

**Michael J. Dennis,**  
*Attorney-Adviser, Office of Private International Law, U.S. Department of State.*  
[FR Doc. E9-24694 Filed 10-13-09; 8:45 am]  
**BILLING CODE 4710-08-P**

## DEPARTMENT OF TRANSPORTATION

**Surface Transportation Board**

[STB Finance Docket No. 35303]

**David Gavrich—Continuance in Control Exemption—San Francisco Bay Railroad-Mare Island**

David Gavrich (Gavrich) has filed a verified notice of exemption to continue in control of San Francisco Bay Railroad-Mare Island (SF Bay-Mare Is.), upon SF Bay-Mare Is.'s becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption for SF Bay-Mare Is. to operate about 8 miles of unmarked rail line owned by the City of Vallejo (the City) and Lennar Mare Island, LLC in Vallejo, CA. See *San Francisco Bay Railroad-Mare Island—Operation Exemption—California Northern Railroad*, STB Finance Docket No. 35304.

SF Bay-Mare Is. is currently negotiating an operating agreement with the City. Gavrich states that it intends to commence operations over the line as soon as the agreement has been finalized, a locomotive obtained and operating authority is granted.

In addition to wholly owning SF Bay-Mare Is., Gavrich is also the sole owner of San Francisco Bay Railroad (SF Bay).<sup>1</sup> SF Bay operates approximately 4.3 miles of track owned by the Port of San Francisco.

Gavrich states that the proposed transaction will restore common carrier freight service to Mare Island at the

request of the City to meet the demand of a shipper. Further, the operation will increase employment opportunities in the region, as Mare Island has significant industry and commercial space with potential for increased commercial activity. Gavrich also states that his experience operating safely on city streets will reduce the cost of providing service.

Gavrich represents that the rail line to be operated by SF Bay-Mare Is. does not connect with track operated by SF Bay; the two railroads will serve shippers on opposite sides of San Francisco and San Pablo Bays. No Class I carrier is involved in the transaction. 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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because the carrier involved is a Class III carrier and the entity seeking to become a carrier would be a Class III carrier.

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. Stay petitions must be filed no later than October 21, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35303, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John F. McHugh, 6 Water St., New York, NY 10004.

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

Decided: October 8, 2009.

By the Board.

**Rachel D. Campbell,**  
*Director, Office of Proceedings.*  
**Kulunie L. Cannon,**  
*Clearance Clerk.*

[FR Doc. E9-24691 Filed 10-13-09; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>1</sup> SF Bay was originally formed as LB Railco, Inc. on January 8, 2001; the railroad's name was changed in 2007.