

excluding any pilot seat, of 9 or fewer seats). This task is intended to address these differences.

The objective of the Commercial Air Tour Maintenance (CATM) Working Group is to recommend a maintenance quality assurance system, a maintenance training program and a required inspection program for operators and air carriers that conduct air tours and operate under parts 91 and 135 (with aircraft type certificated for a passenger seating configuration, excluding any pilot seat, of 9 or fewer seats).

#### The Task

ARAC is tasked to develop recommendations for a maintenance quality assurance system, a maintenance training program and a required inspection program for operators and air carriers that conduct air tours and who operate under parts 91 and 135 (aircraft type certificated for a passenger seating configuration, excluding any pilot seat, of 9 or fewer seats).

ARAC will be supported by the CATM Working Group who will:

1. Review NTSB's June 12, 2008 letter to the FAA to understand the facts and analysis of the accident findings that lead to issuing safety recommendations A-08-32 and A-08-33. The letter is found at [http://www.nts.gov/recs/letters/2008/A08\\_32\\_35.pdf](http://www.nts.gov/recs/letters/2008/A08_32_35.pdf). (Note: Included in NTSB's letter are safety recommendations A-08-34 and A-08-35. These are not part of this ARAC tasking.)

2. Review Advisory Circulars (AC) 120-79 and 120-16E for available guidance on developing and implementing a maintenance quality assurance system, maintenance training program and required inspection program. A copy of these ACs are at: [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/c83d3e4ceb74e1df86256d1600587657/\\$FILE/AC120-79.pdf](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/c83d3e4ceb74e1df86256d1600587657/$FILE/AC120-79.pdf) and [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/d505ffc06aecc27e862574c6005480a2/\\$FILE/AC%20120-16E.pdf](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/d505ffc06aecc27e862574c6005480a2/$FILE/AC%20120-16E.pdf).

3. Develop a report containing recommendations for rulemaking and explain the reason and safety benefits for each recommendation and will present the findings at the next ARAC Executive Committee meeting.

If a Notice of Proposed Rulemaking (NPRM) is published for public comment as a result of the recommendations from this tasking, the FAA may ask ARAC to review the comments received and provide a recommended response to them.

*Schedule:* The tasks must be completed no later than 12 months after the first working group meeting.

#### ARAC Acceptance of Task

ARAC accepted the task and assigned the task to the CATM Working Group. The working group serves as staff to ARAC and assists in the analysis of assigned tasks. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will send them to the FAA. The FAA will submit the recommendations it receives to the agency's Rulemaking Management Council to address the availability of resources and prioritization.

#### Working Group Activity

The Commercial Air Tour Maintenance (CATM) Working Group must comply with the procedures adopted by ARAC. As part of the procedures, the working group must:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next ARAC Executive Committee meeting held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC Executive Committee.

#### Participation in the Working Group

The CATM Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

If you have expertise in the subject matter and wish to become a member of the working group, write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. We must receive all requests by September 14, 2009. The Executive Committee and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must represent your aviation community segment and actively participate in the working group by attending all meetings, and providing written comments when

requested to do so. You must devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management chain and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions don't conflict with your sponsoring organization's position when the subject is presented to ARAC for approval. Once the working group has begun deliberations, members will not be added or substituted without the approval of the FAA and the working group chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC are open to the public. Meetings of the CATM Working Group will not be open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on July 10, 2009.

**Pamela Hamilton-Powell,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. E9-16788 Filed 7-14-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35218]

#### **Meridian Southern Railway, LLC—Construction of Connecting Track Exemption—in Lauderdale County, MS**

Meridian Southern Railway, LLC (MDS) has filed a verified notice of exemption under 49 CFR 1150.36 to construct approximately 1,910 feet of track in Lauderdale County, MS. The track to be constructed will extend from the existing MDS track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway Company (NS) rail yard near NS milepost 3.2 in Meridian, MS. The track to be constructed will connect MDS to the NS main line, whereas MDS currently connects only to the Kansas City Southern Railway Company main line. The connection will be constructed within existing rail rights-of-way (owned either by MDS or NS) and within an acquired railroad easement.

Since MDS acquired its rail line in 2000,<sup>1</sup> MDS has served several major customers on the line, including the Marshall Durbin Poultry complex at Waynesboro, the Hood Lumber Company at Waynesboro, Georgia Pacific at Meridian, and Atlas Roofing at Meridian. MDS also serves a number of smaller customers including Bazor Lumber Company in Quitman, Scotch Plywood in Waynesboro, Culbreth Timber Company in Quitman, and Southwood Door Company in Quitman. MDS anticipates that the proposed connecting track will provide these existing shippers and consignees with improved access to the national rail system by the addition of a routing option with more efficient flow and adding price competition. MDS anticipates that the proposed connection will encourage increased shipments from existing customers and foster new economic development in the East Mississippi area served by MDS.

Construction is proposed to begin no earlier than 90 days after the filing of this notice of exemption.

MDS has certified that it has complied with the Board's environmental rules at 49 CFR 1105 and with the pre-filing notice requirements at 49 CFR 1150.36(c)(1).

MDS has submitted environmental and historic reports required under 49 CFR 1105.7 and 1105.8. Under 49 CFR 1150.36(c)(3), the Board's Section of Environmental Analysis (SEA) will generally issue an environmental assessment (EA) 15 days after the **Federal Register** notice, here by July 30, 2009. However, under 49 CFR 1150.36(c)(10), a stay of the effective date may be issued if an informed decision on environmental issues cannot be made prior to September 23, 2009.<sup>2</sup> Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20523-0001) or by calling SEA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 30 days after the EA becomes available to the public.

On completion of the environmental review, the Board will issue a decision addressing those matters and making

the exemption effective at that time, if appropriate, subject to any necessary conditions, thereby allowing construction to begin.

This exemption will be effective on September 23, 2009, unless stayed. Petitions to stay that do not involve environmental issues must be filed by July 24, 2009. Petitions for reconsideration must be filed by August 4, 2009.

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. 6903.

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 transaction.

Any original and 10 copies of all pleadings, referring to STB Finance Docket No. 35218, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Shays, K&L Gates LLP, 1601 K Street, NW., Washington, DC 20006.

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

Decided: July 8, 2009.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-16636 Filed 7-10-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35256]

#### **Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Temple & Central Texas Railway, Inc.**

Patriot Rail, LLC (PRL) and its subsidiaries Patriot Rail Holdings LLC (PRH) and Patriot Rail Corp. (Patriot), have filed a verified notice of exemption to continue in control of Temple & Central Texas Railway, Inc. (TC), upon TC's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption for TC to operate about 7.7 miles of unmarked rail line owned by the City of Temple, in Bell County, TX. See STB Finance Docket No. 35255, *Temple & Central Texas Railway, Inc.—Operation Exemption—City of Temple, TX*.

The parties intend to consummate the transaction on or after August 1, 2009.

PRL is a noncarrier limited liability company that owns not less than 51 percent of the equity interests in PRH, which owns 100 percent of the stock of Patriot. Patriot is a noncarrier holding company that owns 100 percent of the stock of TC and 5 Class III railroad subsidiaries: Tennessee Southern Railroad Company (TSRR), Rarus Railway Company (Rarus), Utah Central Railway Company (Utah), Sacramento Valley Railroad, Inc. (SAVR), and The Louisiana and North West Railroad Company (L&NW).

PRL, PRH, and Patriot state that each has successfully managed short line railroads for more than a decade and that they intend to use that experience and expertise and their purchasing power to effect operating efficiencies for TC, to improve service to shippers, and to make TC a financially viable railroad.

The parties represent that: (1) The rail line to be operated by TC does not connect with any other railroads in the corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect the rail lines with any other railroad in the corporate family;<sup>1</sup> 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. 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 all of the carriers involved are Class III carriers.

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

<sup>1</sup> See *Meridian Southern Railway, LLC—Acquisition and Operation—Lines of Kansas City Southern Railway Company*, STB Finance Docket No. 33854 (STB served Aug. 29, 2000).

<sup>2</sup> See *Exemption of Out-of-Service Rail Lines*, 5 L.C.C.2d 377 (1989).

<sup>1</sup> TSRR's lines are located in Tennessee and Alabama, Rarus' lines are located in Montana, Utah's lines are located in Utah, SAVR's lines are located in California, and L&NW's lines are located in Arkansas and Louisiana.