

Waterloo Railway Company (WLOO) approximately 11.42 miles of line between milepost 603.0 at Water Valley Junction, MS, and milepost 614.42 at Bruce Junction, MS. This transaction is also related to STB Finance Docket No. 35248, *Natchez Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company*, wherein Natchez seeks to acquire from ICR and to operate approximately 65.6 route miles of rail line between milepost 86.0 near Brookhaven, and milepost 148.34 in Natchez, including the International Paper Spur in Natchez, all in Mississippi.

The transactions are scheduled to be consummated on or after June 12, 2009 (30 days after the notices of exemption were filed).

Mr. Schumacher is a noncarrier that currently controls four rail carriers: the Tulare Valley Railroad Company; Kern Valley Railroad Company; V&S Railroad, Inc.; and Gloster Southern Railroad Company LLC. Mr. Schumacher states that Grenada and Natchez are two newly organized Class III rail carriers. Under the purchase agreement between Grenada, ICR, and WLOO, ICR granted Grenada the right to operate on its tracks to Memphis, TN, on the north, and to Canton on the south for the sole purpose of interchanging traffic with ICR. Also, ICR will retain overhead trackage rights on the line of railroad it is selling to Grenada.

Mr. Schumacher states that: (1) The rail lines to be acquired do not connect with each other or with the lines of any other railroad controlled by Mr. Schumacher; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail lines with each other or with any railroads controlled by Mr. Schumacher; and (3) the transaction does not involve a Class I railroad. 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 automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35249, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy must be served on Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW., Eighth Floor, Washington, DC 20036.

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

Decided: May 21, 2009.

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

Kulunie L. Cannon,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35248]

Natchez Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company

Natchez Railway, LLC (Natchez), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 65.6 route miles of rail line owned by Illinois Central Railroad Company (ICR) between milepost 86.0 near Brookhaven, MS, and milepost 148.34 in Natchez, MS, including the International Paper Spur in Natchez.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35249, *Kern W. Schumacher—Continuance in Control Exemption—Grenada Railway, LLC and Natchez Railway, LLC*, wherein Kern W. Schumacher seeks to continue in control of Grenada Railway, LLC (Grenada), and Natchez Railway, LLC, upon their becoming Class III rail carriers.¹

The transaction is expected to be consummated on or shortly after June 12, 2009 (30 days after the exemption was filed).

¹ STB Finance Docket No. 35249 is also related to STB Finance Docket No. 35247, *Grenada Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company and Waterloo Railway Company*, wherein Grenada has filed a notice of exemption to acquire and operate lines of ICR and Waterloo Railway Company.

Natchez certifies that, as a result of the proposed transaction, it will not become a Class II or Class I rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, section 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 effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35248, 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 Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW., (8th floor), Washington, DC 20036.

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

Decided: May 21, 2009.

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

Kulunie L. Cannon,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35247]

Grenada Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company and Waterloo Railway Company

Grenada Railway, LLC (Grenada), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by purchase) from the Illinois Central Railroad Company (ICR) and to operate a rail line approximately 175.4

miles long between milepost 403.0, at Southaven, and milepost 703.8, near Canton, and to acquire from Waterloo Railway Company and to operate a connecting rail line approximately 11.42 miles long between milepost 603.0, at Water Valley Junction, and milepost 614.42, at Bruce Junction. All of the rail lines are located in the State of Mississippi.

Pursuant to the purchase agreement, ICR granted Grenada the right to operate on its tracks to Memphis, TN, on the north, and to Canton on the south for the sole purpose of interchanging traffic with ICR. Also, ICR will retain overhead trackage rights on the line of railroad it is selling to Grenada.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35249, *Kern W. Schumacher—Continuance in Control Exemption—Grenada Railway, LLC and Natchez Railway, LLC*, wherein Kern W. Schumacher seeks to continue in control of Grenada and Natchez Railway, LLC (Natchez), upon their becoming Class III rail carriers.¹

The transaction is expected to be consummated on or shortly after June 12, 2009 (30 days after the notice of exemption was filed).

Grenada certifies that its projected annual revenues as a result of the transaction will not result in Grenada becoming a Class II or Class I rail carrier, but a Class III rail carrier. Grenada further certifies that its projected annual revenues upon becoming a Class III rail carrier will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, section 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 effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35247 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy must be served on Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW., Eighth Floor, Washington, DC 20036.

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

Decided: May 21, 2009.

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

Kulunie L. Cannon,

Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35251]

Cleveland Commercial Railroad Company, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company

Cleveland Commercial Railroad Company, LLC (CCR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and to operate, pursuant to a lease agreement (Agreement) entered into on May 13, 2009, with Norfolk Southern Railway Company (NSR), approximately 25.3 miles of NSR’s rail line between milepost RH 2.2+/- at Cleveland, OH, and milepost RH 27.5+/- at Aurora, OH.

CCR states that it will interchange traffic with NSR at a track in the vicinity of Von Willer Yard in Cleveland. CCR also states that it interchanges traffic with the Wheeling & Lake Erie Railway Company (W&LE) at Falls Junction in Glenwillow, OH, and that CCR’s lease and operation of the subject line, which physically connects with the line that CCR currently leases from W&LE, will not affect the existing CCR and W&LE relationship.¹

CCR states that it does not believe that the Agreement contains an interchange commitment that would impede CCR’s ability to interchange with third party

carriers. *See* 49 CFR 1150.43(h). According to CCR, the Agreement does contain a standard rental credit provision, which CCR sought in negotiations to afford it greater financial flexibility to, among other things, improve the line’s infrastructure. To ensure adherence to 49 CFR 1150.43(h) for transactions involving interchange commitments, CCR concurrently has filed with its notice a complete version of the Agreement, marked “highly confidential” and submitted under seal pursuant to 49 CFR 1104.14(a).

CCR certifies that its projected annual revenues as a result of the transaction will not result in CCR becoming a Class II or Class I rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

CCR states that it expects to consummate the transaction on or after June 15, 2009. The earliest this transaction may be consummated is the June 14, 2009 effective date of the exemption (30 days after the exemption was filed).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, section 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 effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35251, 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 Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

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

Decided: May 21, 2009.

¹ STB Finance Docket No. 35249 is also related to STB Finance Docket No. 35248, *Natchez Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company*, wherein Natchez seeks to acquire from ICR and to operate approximately 65.6 miles of rail line in Natchez, MS.

¹ *See Cleveland Commercial Railroad Company, LLC—Change in Operators Exemption—Wheeling & Lake Erie Railway Company*, STB Finance Docket No. 34521 (STB served Aug. 6, 2004).