

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

[STB Docket No. AB-1031X]

**East Tennessee Railway, L.P.—  
Abandonment Exemption—in  
Washington and Carter Counties, TN**

East Tennessee Railway, L.P. (ETRY), has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a segment of its line of railroad between milepost 1.2, in Johnson City, and milepost 11.2 at the end of the line, in Elizabethton, in Washington and Carter Counties, TN. The line traverses United States Postal Service Zip Codes 37605 and 37643.

ETRY has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 6, 2010, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 17, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 28, 2009, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to ETRY's representative: Eric M. Hocky, Esquire, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

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

ETRY has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 11, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) 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 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), ETRY shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by ETRY's filing of a notice of consummation by December 7, 2010, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. E9-28932 Filed 12-4-09; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety  
Administration**

[Docket No. FMCSA-2009-0343]

**Medical Review Board Public Meeting**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of Medical Review Board (MRB) public meeting.

**SUMMARY:** FMCSA announces a public meeting of the Agency's MRB. The MRB public meeting will provide the public an opportunity to observe MRB deliberations about FMCSA's medical standards and provide comments to the MRB in accordance with the Federal Advisory Committee Act (FACA).

**DATES:** The MRB meeting will be held from 9 a.m. to 5:40 p.m. on Wednesday, January 6, 2010. Please refer to the preliminary agenda for this meeting in the **SUPPLEMENTARY INFORMATION** section of this notice for specific information.

**ADDRESSES:** The meeting will take place at the United States Department of Transportation, West Building Ground Floor, Oklahoma Room, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2009-0343 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between

9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.).

You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

*Information On Services for Individuals With Disabilities:* For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Jennifer Musick at 703-998-0189 ext. 237.

**SUPPLEMENTARY INFORMATION:** The preliminary agenda for the meeting includes:

- 0900-0910 Call to Order, Introduction and Agenda Review
- 0910-0915 Medical Review Board (MRB) vote on Minutes of the July 1, 2009 Meeting
- 0915-0945 Parkinson's Disease, Multiple Sclerosis and Commercial Motor Vehicle (CMV) safety: Evidence Report Findings
- 0945-1015 Parkinson's Disease, Multiple Sclerosis and CMV safety: Medical Expert Panel (MEP) Opinion
- 1015-1045 Ad hoc Committee Report on Parkinson's disease, Multiple Sclerosis and CMV safety
- 1045-1100 Public Comment on Parkinson's disease, Multiple Sclerosis and CMV safety
- 1100-1115 Break\*\*
- 1115-1145 MRB Deliberations on Parkinson's disease, Multiple Sclerosis and CMV safety
- 1145-1215 Narcolepsy (with and without Cataplexy) and CMV Driver Safety: Evidence Report Findings

- 1215-1315 Lunch (on your own)
- 1315-1345 Ad hoc Committee Report on Narcolepsy and CMV Driver Safety
- 1345-1400 Public Comment on Narcolepsy (with and without Cataplexy) and CMV Driver Safety
- 1400-1430 MRB Deliberation on Narcolepsy (with and without Cataplexy) and CMV Driver Safety
- 1430-1500 Traumatic Brain Injury and CMV Driver Safety: Evidence Report Findings
- 1500-1515 Break\*\*
- 1515-1545 Traumatic Brain Injury and CMV Driver Safety: MEP Opinion
- 1545-1600 Public Comment on Traumatic Brain Injury and CMV Driver Safety
- 1600-1630 MRB Deliberation on Traumatic Brain Injury and CMV Driver Safety
- 1630-1700 Ad hoc Committee Report on Psychiatric Disorders and CMV Driver Safety
- 1700-1730 MRB Deliberation on Psychiatric Disorders and CMV Driver Safety
- 1730-1740 MRB Further Business
- 1740 Call to Adjourn

\*\* Breaks will be announced on meeting day and may be adjusted according to schedule changes, other meeting requirements.

#### Background

The U.S. Secretary of Transportation announced on March 7, 2006, the five medical experts who serve on the MRB. Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-59) requires the Secretary of Transportation with the advice of the MRB to "establish, review, and revise medical standards for operators of Commercial Motor Vehicles (CMVs) that will ensure that the physical condition of operators is adequate to enable them operate the vehicles safely." FMCSA is planning updates to the physical qualification regulations of CMV drivers, and the MRB will provide the necessary science-based guidance to establish realistic and responsible medical standards.

The MRB operates in accordance with FACA as announced in the **Federal Register** (70 FR 57642, October 3, 2005). The MRB is charged initially with the review of all current FMCSA medical standards (49 CFR 391.41), as well as making recommendations for new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in CFR 390.5, are physically capable of doing so.

#### Meeting Participation

Attendance is open to the interested public, including medical examiners, motor carriers, drivers, and representatives of medical and scientific associations. Written comments for this MRB meeting will also be accepted beginning on December 7, 2009 and continuing until January 20, 2010, and should include the docket ID that is listed in the **ADDRESSES** section.

During the MRB meeting, oral comments may be limited depending on how many persons wish to comment; and will be accepted on a first come, first serve basis as requestors register at the meeting. The comments must directly address relevant medical and scientific issues on the MRB meeting agenda. For more information, please view the following Web site: <http://mr.fmcса.dot.gov>.

Issued on: December 2, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

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

**ACTION:** Monthly Notice of PFC Approvals and Disapprovals. In July 2009, there were three applications approved. Additionally, 12 approved amendments to previously approved applications are listed.

**SUMMARY:** The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

#### PFC Applications Approved

*Public Agency:* City of Pierre, South Dakota.

*Application Number:* 09-02-C-00-PIR.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in this Decision:* \$422,107.

*Earliest Charge Effective Date:* September 1, 2009.