

operate scheduled passenger service as a commuter air carrier ("the Statute").

**Barbara J. Hairston,**

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending October 9, 2009**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2009-0243.

*Date Filed:* October 6, 2009.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 27, 2009.

*Description:* Application of Albinati Aeronautics SA ("Albinati") requesting a foreign air carrier permit to the full extent authorized by the Air Transport Agreement between the Government of Switzerland and the Government of the United States of America in order to engage in: (i) Charter foreign air transportation of persons, property and mail from points behind Switzerland via Switzerland and intermediate points to a point or points in the United States and beyond; and (ii) Fifth Freedom charter service pursuant to the prior approval requirements set forth in Part 212 of the Department's Economic Regulations.

*Docket Number:* DOT-OST-2009-0244.

*Date Filed:* October 6, 2009.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 27, 2009.

*Description:* Application of Hellenic Imperial Airways ("Hellenic")

requesting exemption authority and a foreign air carrier permit to conduct scheduled and charter foreign air transportation of persons, property, and mail, between a point or points in the European Community and the Member States of the European Union, and a point or points in the United States, to the full extent allowed under the Air Transport Agreement between the United States and the European Community and the Member States of the European Union.

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[STB Docket No. AB-1052X]**

**Almanor Railroad Company—  
Abandonment Exemption—in Plumas  
and Lassen Counties, CA**

Almanor Railroad Company (AL) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 12.3-mile line of railroad between milepost 0.0 in Chester, and milepost 12.3 near Clear Creek, in Plumas and Lassen Counties, CA. The line traverses United States Postal Service Zip Code 96020.

*AL has certified that:* (1) No local traffic has been handled to or from any customer over the rail line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (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 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 March 11, 2010, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an 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 February 19, 2010. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 1, 2010, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to AL's representative: Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW., 8th Floor, Washington, DC 20036.

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

AL has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 12, 2010. 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), AL 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 AL's filing of a notice of consummation by February 9, 2011, and there are no legal or regulatory barriers to

<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.

<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).