

exemption under 49 CFR 1150.31 to acquire an approximately 2.5-mile rail line owned by Old Augusta Railroad, LLC (OAR), extending from New Augusta (Station No. FSAC 10) to Augusta (Station No. FSAC 20), in Perry County, MS (line).<sup>1</sup> According to KMR, KMR will acquire the line from OAR pursuant to an executed Asset Purchase Agreement, and, in a related transaction, KMR will lease the track and other physical assets needed to operate the line back to OAR.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35319, *Old Augusta Railroad, LLC—Lease and Operation Exemption—KM Railways, LLC*, wherein OAR has filed a notice of exemption to lease and operate the line.

The transaction is expected to be consummated on or shortly after December 18, 2009 (30 days after the exemption was filed).

KMR certifies that, as a result of this transaction, it will not become a Class II or Class I rail carrier. In addition, KMR provides that its projected annual revenues will not exceed \$5 million.<sup>2</sup>

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 effectiveness of the exemption. Petitions for stay must be filed no later than December 11, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35321, 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 David H. Coburn, Steptoe & Johnson LLP, 1330

Connecticut Avenue, NW., Washington, DC 20036.

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. E9-28927 Filed 12-3-09; 8:45 am]  
BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activity Seeking OMB Approval

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

**ACTION:** Notice.

**SUMMARY:** The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 2, 2009, vol. 74, no. 169, page 45516. Aeronautical Chart Point of Sale Survey data will be used by the Federal Aviation Administration to measure management objectives and analyze customer feedback for ISO-9001.

**DATES:** Please submit comments by January 4, 2010.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Carla Mauney at [Carla.Mauney@faa.gov](mailto:Carla.Mauney@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Federal Aviation Administration (FAA)

*Title:* Aeronautical Chart Point of Sale Survey.

*Type of Request:* New collection.

*OMB Control Number:* 2120-XXXX.

*Form(s):* There are no FAA forms associated with this collection.

*Affected Public:* An estimated 320 Respondents.

*Frequency:* This information is collected semi-annually.

*Estimated Average Burden per Response:* Approximately 5 minutes per response.

*Estimated Annual Burden Hours:* An estimated 53 hours annually.

*Abstract:* Survey data will be used by the Federal Aviation Administration to measure management objectives and analyze customer feedback for ISO-9001.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection ways to enhance the quality, utility, and clarity of the information to be collected and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on November 30, 2009.

**Carla Mauney,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division AES-200.*

[FR Doc. E9-28945 Filed 12-3-09; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the purchase of foreign roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411 on a Federal-aid/American Recovery and Reinvestment Act project no. X-STP-5900 (180) in Portland, Oregon.

**DATES:** The effective date of the waiver is December 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief

<sup>1</sup> KMR states that there are no branch lines and no mileposts.

<sup>2</sup> By letter filed on November 23, 2009, KMR supplemented the notice of exemption advising the Board that the projected annual revenues of KMR will not exceed \$5 million.

Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the purchase and use of roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411 in Oregon State.

In accordance with Division K, section 130 of the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), the FHWA published a notice of intent to issue a waiver on its web site for the roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411 (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=39>) on October 22. The FHWA received no comments in response to the roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411, which suggests that the roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411 may not be available domestically. During the 15-day comment period, the FHWA conducted an additional nationwide review to locate potential domestic manufacturers for the roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411. Based on all of the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the roof tiles made of 40/45 KSI #2, 24 gauge (0.0276) galvanized steel with Kynar PPG 5LR82411. Thus, the FHWA concludes that a Buy America waiver is

appropriate pursuant to 23 CFR 635.410(c)(1).

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of the Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of this notice. Comments may be submitted to the FHWA's web site via the link provided to the Oregon waiver page noted above.

**Authority:** 23 U.S.C. 313; Public Law 110-161, 23 CFR 635.410)

Issued on: November 27, 2009.

**Dwight A. Horne,**

*Director, Office of Program Administration.*

[FR Doc. E9-28952 Filed 12-3-09; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35320]

#### Koch Industries, Inc.—Continuance in Control Exemption—KM Railways, LLC

Koch Industries, Inc. (Koch), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of KM Railways, LLC (KMR), upon KMR becoming a Class III rail carrier.<sup>1</sup>

This transaction is related to the concurrently filed verified notices of exemption in: (1) STB Finance Docket No. 35321, *KM Railways, LLC—Acquisition Exemption—Old Augusta Railroad, LLC*, in which KMR seeks to acquire the assets of Old Augusta Railroad, LLC (OAR), including the track that constitutes the rail line owned by OAR between New Augusta (Station No. FSAC 10) and Augusta (Station No. FSAC 20), a distance of approximately 2.5 miles in Perry County, MS (the rail line)<sup>2</sup>; and (2) STB Finance Docket No. 35319, *Old Augusta Railroad, LLC—Lease and Operation Exemption—KM Railways, LLC*, in which OAR seeks to lease back, and to operate over, the rail line.

The transactions are scheduled to be consummated on or after December 18, 2009 (30 days after the notices of exemption were filed).

<sup>1</sup> Koch has also concurrently filed a motion for protective order pursuant to 49 CFR 1104.14(b) to allow Koch to file the unredacted Asset Purchase and Sale Agreement under seal. That motion will be addressed in a separate decision.

<sup>2</sup> There are no branch lines and mileposts on the rail line.

Koch is a noncarrier that currently controls directly or indirectly 3 Class III rail carriers in the states of Mississippi, Kansas, and Texas: OAR, Blue Rapids Railway Company, LLC, and Moscow Camden and San Augustine Railroad, LLC.

Koch states that: (1) The rail line whose assets are to be acquired does not connect with the lines of any other railroad controlled by Koch; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail line with any railroads controlled by Koch; 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 December 11, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35320, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW., Washington, DC 20036.

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.*

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