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Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD**Executive Field Office: 9084 - East Arbab Court, Tucson, Arizona, 85747****Physical Operations Base: Tonopah Airport, Tonopah, Nevada****Aviation Technologies Ltd., "ATL" PRINCIPAL PLACE OF BUSINESS: TONOPAH AIRPORT, NYE COUNTY, NEVADA****Robert Alan Kemp****[D/B/A:]****NEVADA CENTRAL RAILROAD****VIA - USPS and IMMEDIATE OFFICIAL FAX FILING ON: (Friday), November 14, 2008**

The Honorable Charles D Nottingham, Chairman - STB

(Thursday), November 13, 2008

The Honorable Ann K. Quinlan, Acting Secretary -

Office of the Chairman and Secretary

Surface Transportation Board

395 - E Street, SW.

Washington, DC 20423-0001

By Emergency Fax Filing: (202) 245-0458 / 0461 / 0464**RE: Docket No.****FD- 35106****United States Department of Energy - Rail Construction and Operation - Caliente Rail Line in Lincoln, Nye, and Esmeralda Counties, Nevada****Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD's,****[Notice With Comment - of Intent to Participate in Public Hearing - December 4th, 2008]**

Dear Chairman Nottingham, Secretary Quinlan:

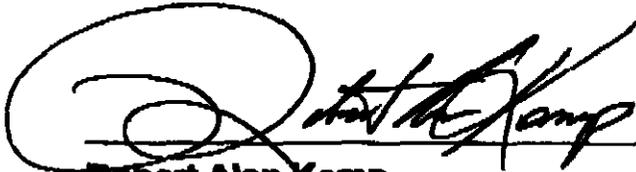
I am writing today November 13th, 2008, to Confirm and File the instant **NOTICE WITH COMMENT of Intent to Participate in Public Hearing** scheduled for December 4th, 2008, as part of: [STB Docket Number FD - 35106]. **As the Public Input relating to the Federally Preempted and thus Protected 458-Mile Heavy High-Speed Mainline Railroad Construction Project in process by NEVADA CENTRAL RAILROAD, lawfully instituted and Noticed within STB FD-34382 on July 14th, 2003, is Legally Superior To and Lawfully Preempts and thus Lawfully VOIDS the Current Unlawful DOE Application filed within: STB FD-35106, on March 17th, 2008, Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, and or Legally Warranted Representative of Same, requests 30-Minutes to Present Testimony to the Board, and further hereby respectfully requests to be scheduled FIRST, ahead of any Testimony to be presented by any other Participant, including but Not Limited To Publicly Elected Officials, and or their Agents of Legal Record. This will ensure that All Participants scheduled to participate within the Public Hearing have the opportunity to Discover the Unlawful Activity being executed by the STB: Office of Proceedings, along with and in conjunction with the Section of Environmental Analysis with Union Pacific Railroad to Defraud the AVIATION TECHNOLOGIES LTD., Corporation and its Shareholders, as well as the NEVADA CENTRAL RAILROAD, Corporation, and its Shareholders by systematically concealing the Existence of the Lawful Construction of the: NCR-ByPass-TM.** **Very Truly Yours,**

Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD
(775) 287- 3681 ncrnv@aol.com

Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD**Executive Field Office: 9084 - East Arbab Court, Tucson, Arizona 85747****Physical Operations Base: Tonopah Airport, Tonopah, Nevada****Aviation Technologies Ltd., "ATL" PRINCIPAL PLACE OF BUSINESS: TONOPAH AIRPORT, NYE COUNTY, NEVADA**

Robert Alan Kemp**[D/B/A:]****NEVADA CENTRAL RAILROAD****RE: Finance Docket No. 35106
(United States Department of Energy)****[CERTIFICATE OF SERVICE]****Concerning: - Rail Construction and Operation -
Caliente Rail Line in Lincoln, Nye, and
Esmeralda Counties, Nevada**

I, Robert Alan Kemp certify that on this 14th, day of November, 2008, that I made service of the attached original: **[NOTICE WITH COMMENT: of Intent to Participate in Public Hearing]**; upon the Surface Transportation Board, (STB), and have mailed a Single Copy of same to all Parties of Legal Record, in Proceeding: FD-35106, by depositing same into the United States First Class Mail with prepaid postage, and also Directly to the STB via **IMMEDIATE FAX DELIVERY FILING to: (202) 245-0458 / 0461 / 0464.**

**Robert Alan Kemp,****D/B/A: NEVADA CENTRAL RAILROAD****(775) 287-3881, or email at: ncrnv@aol.com**