

additional overhead trackage rights over DWP's line of railroad between milepost 70.7 at Shelton Junction, MN, and milepost 165.3 at Ranier, MN, a distance of approximately 94.6 miles. DMIR states that the extension of its existing trackage rights will allow DMIR to operate trains from DMIR's Proctor Yard near Duluth, MN, over existing trackage rights to Shelton Junction, and on to the DWP terminal at Ranier.

The purpose of the proposed transaction is to expand the existing DMIR-DWP paired overhead trackage rights arrangement between Nopeming Junction, MN, and Shelton Junction to the next logical terminal at Ranier. According to DMIR, this will accommodate improvements in yard facilities and changes in terminal operations being undertaken in the Twin Ports of Duluth, MN, and Superior, WI, by DMIR, DWP, and Wisconsin Central Ltd., another CN affiliate. As a result, DMIR states that its expanded trackage rights will improve crew utilization, operational flexibility, and traffic fluidity in the area.

The transaction is scheduled to be consummated on November 25, 2009, the effective date of the exemption (30 days after the exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 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.

This notice is filed under 49 CFR 1180.2(d)(7). If the 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 November 18,

2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35046 (Sub-No. 1), 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 Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: November 5, 2009.

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

**Kulunie L. Cannon,**

*Clearance Clerk.*

[FR Doc. E9-27060 Filed 11-9-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 35045 (Sub-No. 1)]**

#### **Duluth, Winnipeg and Pacific Railway Company—Trackage Rights Exemption—Duluth, Missabe and Iron Range Railway Company**

Pursuant to a written trackage rights amendment agreement,<sup>1</sup> Duluth, Missabe and Iron Range Railway Company (DMIR) has agreed to amend and extend the existing overhead trackage rights previously granted to Duluth, Winnipeg and Pacific Railway Company (DWP).<sup>2</sup> According to DWP, its existing trackage rights on DMIR's line from Nopeming Junction, MN, through Adolph, MN, to Shelton Junction, MN (Nopeming Junction-Shelton Junction segment), did not provide access to DMIR's Proctor Yard in Proctor, MN, which is located several

<sup>1</sup>Duluth, Winnipeg and Pacific Railway Company has submitted a draft agreement. As required by 49 CFR 1180.6(a)(7)(ii), DWP states that it will submit a copy of the executed agreement within 10 days of the date the agreement is executed.

<sup>2</sup>The original trackage rights were exempted in *Duluth, Winnipeg and Pacific Railway Company—Trackage Rights—Duluth, Missabe and Iron Range Railway Company*, STB Finance Docket No. 34424 (Sub-No. 1) (STB served Apr. 9, 2004), and were exempted as amended in *Duluth, Winnipeg and Pacific Railway Company—Amended Trackage Rights Exemption—Duluth, Missabe and Iron Range Railway Company*, STB Finance Docket No. 35045 (STB served June 29, 2007). DWP and DMIR are indirect subsidiaries of Canadian National Railway Company. See *Canadian National Railway Company and Grand Trunk Corporation—Control—Duluth, Missabe and Iron Range Railway Company, et al.*, STB Finance Docket No. 34424 (STB served Apr. 9, 2004).

miles east of Adolph on a separate DMIR line. DWP now proposes to acquire additional overhead trackage rights over DMIR's line of railroad between milepost 12.8 at Carson/Adolph and milepost 6.7 at Proctor, MN (2,000 feet beyond the south switch into DMIR's Proctor Yard), a distance of approximately 6.1 miles. DWP states that the proposed trackage rights will include the right to enter and exit the Nopeming Junction-Shelton Junction segment at Carson/Adolph, and will provide access from that line into DMIR's Proctor Yard for interchange purposes.

The purpose of the proposed transaction is to allow DWP trains to operate in and out of the DMIR Proctor Yard, thus increasing interchange efficiency by optimizing traffic flows in the Twin Ports of Duluth, MN, and Superior, WI.

The transaction is scheduled to be consummated on November 25, 2009, the effective date of the exemption (30 days after the exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

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.

This notice is filed under 49 CFR 1180.2(d)(7). If the 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 November 18, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35045 (Sub-No. 1), 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 Thomas J. Litwiler, Fletcher & Sippel

LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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Decided: November 5, 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. 35047  
(Sub-No. 1)]

#### Wisconsin Central Ltd.—Trackage Rights Exemption—Duluth, Missabe and Iron Range Railway Company

Pursuant to a written trackage rights amendment agreement,<sup>1</sup> Duluth, Missabe and Iron Range Railway Company (DMIR) has agreed to amend and extend the existing overhead trackage rights previously granted to Wisconsin Central Ltd. (WCL).<sup>2</sup> According to WCL, its existing trackage rights on DMIR's line from South Itasca, WI, through Adolph, MN, to Shelton Junction, MN (South Itasca-Shelton Junction segment), did not provide access to DMIR's Proctor Yard in Proctor, MN, which is located several miles east of Adolph on a separate DMIR line. WCL now proposes to acquire additional overhead trackage rights over DMIR's line of railroad between milepost 12.8 at Carson/Adolph and milepost 6.7 at Proctor (2,000 feet beyond the south switch into DMIR's Proctor Yard), a distance of approximately 6.1 miles. WCL states that the proposed trackage rights will include the right to enter and exit the South Itasca-Shelton Junction segment at Carson/Adolph, and will provide

<sup>1</sup> Wisconsin Central Ltd. has submitted a draft agreement. As required by 49 CFR 1180.6(a)(7)(ii), WCL states that it will submit a copy of the executed agreement within 10 days of the date the agreement is executed.

<sup>2</sup> The original trackage rights were exempted in *Wisconsin Central Ltd.—Trackage Rights Exemption—Duluth, Missabe and Iron Range Railway Company*, STB Finance Docket No. 35047 (STB served June 29, 2007). WCL and DMIR are indirect subsidiaries of Canadian National Railway Company. See *Canadian National, et al.—Control—Wisconsin Central Transp. Corp., et al.*, 5 S.T.B. 890 (2001); *Canadian National Railway Company and Grand Trunk Corporation—Control—Duluth, Missabe and Iron Range Railway Company, et al.*, STB Finance Docket No. 34424 (STB served Apr. 9, 2004).

access from that line into DMIR's Proctor Yard for interchange purposes.

The purpose of the proposed transaction is to allow WCL trains to operate in and out of the DMIR Proctor Yard, thus increasing interchange efficiency by optimizing traffic flows in the Twin Ports of Duluth, MN, and Superior, WI.

The transaction is scheduled to be consummated on November 25, 2009, the effective date of the exemption (30 days after the exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

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.

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. Stay petitions must be filed by November 18, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35047 (Sub-No. 1), 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 Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: November 5, 2009.

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

**Kulunie L. Cannon,**  
Clearance Clerk.

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 3, 2009.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before December 10, 2009 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0028.

*Type of Review:* Revision.

*Title:* Employer's Annual Federal Unemployment (FUTA) Tax Return (Form 940); Planilla Para La Declaracion Anual Del Patrono-La Contribucion Federal Para El Desempleo (FUTA)(Form 940-PR).

*Form:* 940-PR, Schedule A (Form 940).

*Description:* IRC section 3301 imposes a tax on employees based on the first \$7,000 of taxable annual wages paid to each employee. IRS uses the information reported on Forms 940 and 940-PR (Puerto Rico) to ensure that employers have reported and figured the correct FUTA Wages and tax.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 105,216,730 hours.

*OMB Number:* 1545-1842.

*Type of Review:* Extension.

*Title:* Health Coverage Tax Credit Registration Form.

*Form:* 13441.

*Description:* Form 13441, Health Coverage Tax Credit Registration Form, will be directly mailed to all individuals who are potentially eligible for the HCTC. Potentially eligible individuals will use this form to determine if they are eligible for the Health Coverage Tax Credit and to register for the HCTC program. Participation in this program is voluntary. This form will be submitted by the individual to the HCTC program office in a postage-paid, return envelope. We will accept faxed forms, if necessary. Additionally,