

Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139 (1)(1)

Issued on: December 10, 2009.

**Clarence W. Coleman,**

*Preconstruction and Environmental Director, Raleigh, North Carolina.*

[FR Doc. E9-30118 Filed 12-17-09; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35250 (Sub-No. 1)]

#### **LRY, LLC D.B.A. Lake Railway—Lease and Operation Exemption—Rail Line in Lake County, OR**

LRY, LLC D.B.A. Lake Railway (LRY), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Lake County, OR (Lake County), and to operate 54.45 miles of railroad on the Lakeview Branch, extending from milepost 458.60 at Alturas, CA, to milepost 513.05, at Lakeview, OR.<sup>1</sup> That line had been previously leased to Modoc Railway and Land Company, LLC (MR&L), and operated by Modoc Northern Railroad Co (MNRR). According to LRY, Lake County has terminated that lease and filed an adverse discontinuance application with the Board, which was granted.<sup>2</sup>

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35250, *LRY, LLC D.B.A. Lake Railway—Lease and Operation Exemption—Union Pacific Railway Company*, wherein LRY seeks to lease and operate 62.21 miles of UP's lines of railroad, consisting of: (1) Part of the Modoc Subdivision, extending from milepost 445.6 near MacArthur, CA, to milepost 506.1 near Perez, CA; and (2) part of the Lakeview

<sup>1</sup> The notice had stated that the line extended from milepost 458.60 at Alturas, CA, to milepost 512.30, at Lakeview, OR, for a total distance of 53.70 miles. On December 14, 2009, LRY filed a pleading amending its notice to reflect the correct milepost and distance.

<sup>2</sup> See *Lake County, Oregon—Adverse Discontinuance of Rail Service—Modoc Railway and Land Company, LLC and Modoc Northern Railroad Company*, STB Docket No. AB-1035 (STB served Nov. 17, 2009).

Branch, extending from milepost 456.89 to milepost 458.60 at Alturas, CA.

The transaction cannot be consummated until January 1, 2010, the effective date of the exemption (30 days after the exemption is filed).<sup>3</sup>

LRY certifies that, as a result of this transaction, its projected revenues will not exceed those that would qualify it as a Class III carrier.

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.

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 to stay must be filed by no later than December 24, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35250 (Sub-No. 1) must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on James H. M. Savage, Of Counsel, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

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

Decided: December 15, 2009.

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

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

[FR Doc. E9-30102 Filed 12-17-09; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>3</sup> LRY states in its notice that it plans to commence operations on or after December 31, 2010.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35250]

#### **LRY, LLC D.B.A. Lake Railway—Lease and Operation Exemption—Union Pacific Railroad Company**

LRY, LLC D.B.A. Lake Railway (LRY), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Union Pacific Railroad Company (UP), and to operate 62.21 miles of UP's lines of railroad, consisting of: (1) Part of the Modoc Subdivision, extending from milepost 445.6 near MacArthur, CA, to milepost 506.1 near Perez, CA; and (2) part of the Lakeview Branch, extending from milepost 456.89 to milepost 458.60 at Alturas, CA (the lines).

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35250 (Sub-No. 1), *LRY, LLC D.B.A. Lake Railway—Lease and Operation Exemption—Rail Line in Lake County, OR*, wherein LRY seeks to lease and operate 54.45 miles of railroad on the Lakeview Branch, owned by Lake County, OR, extending from milepost 458.6 at Alturas, to milepost 513.05, at Lakeview, OR. The lines involved herein, and the line involved in the (Sub-No. 1) proceeding had been previously leased to Modoc Railway and Land Company, LLC (MR&L), and operated by Modoc Northern Railroad Co. (MNRR). UP has terminated the lease with MR&L and MNRR and plans to file for adverse discontinuance authority for MNRR from the Board.

The transaction cannot be consummated until January 1, 2010, the effective date of the exemption (30 days after the exemption is filed).<sup>1</sup>

LRY certifies that, as a result of this transaction, its projected revenues will not exceed those that would qualify it as a Class III carrier.

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.

<sup>1</sup> LRY states in its notice that it plans to commence operations on or after December 31, 2009.

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

Decided: December 15, 2009.

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

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

[FR Doc. E9-30109 Filed 12-17-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Receipt of Noise Compatibility Program Update and Request for Review for Modesto City-County Airport, Modesto, CA

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program update that was submitted for Modesto City-County Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150 by City of Modesto. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Modesto City-County Airport were in compliance with applicable requirements, effective January 9, 2009 (74 FR 4499). The proposed noise compatibility program update will be approved or disapproved on or before June 6, 2010.

**DATES:** *Effective Date:* The effective date of the start of FAA's review of the noise compatibility program update is

December 9, 2009. The public comment period ends February 8, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Camille Garibaldi, Environmental Protection Specialist, Federal Aviation Administration, Western-Pacific Region, San Francisco Airports District Office, 831 Mitten Road, Suite 210, Burlingame, California 94010. Telephone number: (650) 876-2778, extension 613.

Comments on the proposed noise compatibility program update should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program update for Modesto City-County Airport which will be approved or disapproved on or before June 6, 2010. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program update for Modesto City-County Airport, effective on December 6, 2009. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before June 6, 2010.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the

introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program update are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, Planning and Environmental Division, APP-400, 800 Independence Avenue, SW., Room 621, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, CA 90261.

Federal Aviation Administration, Western-Pacific Region, San Francisco Airports District Office, 831 Mitten Road, Suite 210, Burlingame, CA 94010.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on December 9, 2009.

**Mia Paredes Ratcliff,**

*Acting Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. E9-30186 Filed 12-17-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

**Railsolve, Inc.**

**(Waiver Petition Docket Number FRA-2009-0115)**

The Railsolve, Inc. (RASX) of Atlanta, Georgia, has petitioned for a permanent waiver of compliance for two (2) locomotives from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The reporting marks on these locomotives