

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Suspension of Preparation of Environmental Impact Statement for the George Bush Intercontinental Airport, Houston, TX**

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

**ACTION:** Notice suspending preparation of the Environmental Impact Statement (EIS) for the George Bush Intercontinental Airport (IAH).

**SUMMARY:** The FAA is issuing this notice to advise federal, state, and local government agencies and the public that the FAA has suspended preparation of the EIS for the proposed airport improvements at IAH. The Houston Airport System (HAS), the sponsor of the proposed project, has advised the FAA that significant changes in the aviation industry and at IAH warrant suspension of the on-going EIS in order to reevaluate development needs for the airport. HAS has determined that reevaluation of the Airport Master Plan (AMP) assumptions will provide the most current and reliable information on which to base decisions regarding future proposals for airport development.

**FOR FURTHER INFORMATION CONTACT:** DOT/FAA, Southwest Region, Mr. Paul Blackford, ASW-650, 2601 Meacham Boulevard, Fort Worth, TX 76137, (817) 222-5607, or e-mail at [paul.blackford@faa.gov](mailto:paul.blackford@faa.gov).

**SUPPLEMENTARY INFORMATION:** On April 9, 2009, the FAA issued a Notice of Intent in the **Federal Register** (74 FR 16255-16256) to prepare an EIS for proposed airfield improvements at IAH. The purpose of these proposed improvements is to increase airfield capacity and to reduce projected delays. Based on the results of the AMP, the airfield improvements being analyzed in the EIS included the proposed construction of additional runway(s) at IAH. Preparation of the EIS was undertaken by the FAA in accordance with the National Environmental Policy Act of 1969, as amended.

The FAA received a letter from HAS dated July 30, 2010 requesting that preparation of the EIS be delayed. Based on its letter, HAS believes that additional planning work is necessary to ensure that the assumptions used in the AMP remain valid. The letter points to the impacts of the potential United-Continental merger, the economic downturn, potential changes to aircraft fleet mix, and the need to update the

existing terminal concept as reasons justifying their request to conduct additional planning. The FAA will issue another **Federal Register** notice when it determines that preparation of the EIS should resume.

Issued in Fort Worth, TX on September 3, 2010.

**D. Cameron Bryan,**

*Acting Manager, Airports Division.*

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**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[Docket No. FD 35412]

**Middletown & New Jersey Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company**

Under 49 CFR 1011.7(b)(10), the Director of the Office of Proceedings (Director) is delegated the authority to determine whether to issue notices of exemption for lease transactions under 49 U.S.C. 10902. However, the Board reserves to itself the consideration and disposition of all matters involving issues of general transportation importance. 49 CFR 1011.2(a)(6). Accordingly, the Board revokes the delegation to the Director with respect to the issuance of this notice of exemption. The Board determines that this notice of lease and operation exemption should be issued, and does so here.

Middletown & New Jersey Railroad, LLC (M&NJ), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease certain rail lines from Norfolk Southern Railway Company (NSR). In conjunction with the lease of the NSR rail lines, M&NJ states that it will also sublease connecting track owned by New York, Susquehanna & Western Railway (NYS&W) and receive incidental trackage rights. Pursuant to the Lease Agreement and other agreements, M&NJ will lease the following rail lines from NSR: (1) The Hudson Secondary located between mileposts LX 2.1 and LX 20.6 (18.5 miles in length); (2) the Walden Secondary located between mileposts DJ5.0-DJ 10.5 and WI 29.1-WI 32.9 (9.3 miles in length); (3) the Maybrook Industrial Track located between mileposts RT 1.3 and RT 7.5 (6.2 miles in length); (4) the Greycourt Industrial Track located between mileposts IL 52.5 and IL 53.4 (1.0 mile in length); and (5) the EL Connection Track located between mileposts QK 0.0 and QK 0.8

(0.8 mile in length). In conjunction with the lease of these lines, NSR is: (1) Granting M&NJ incidental overhead trackage rights over NSR's rail line located between mileposts JS 67.50 and 63.14 (4.36 miles in length); (2) subleasing to M&NJ NSR's lease operations over the connecting track owned by the NYS&W located between milepost JS 63.14, at Hudson Jct., NY, and milepost LX 2.1, at Hudson Jct. (approximately .35-miles in length); and (3) partially assigning to M&NJ all of NSR's rights under the NYS&W Trackage Rights Agreement for NYS&W's continued trackage rights operations over the Hudson Secondary track between Hudson Jct. and Warwick, NY. The Lease Agreement will expire on December 31, 2020. As required at 49 CFR 1150.43(h), M&NJ has disclosed that the Lease Agreement contains a provision that would provide for a "Lease Credit" whereby M&NJ may reduce its annual lease payments by receiving a credit for each car interchanged with NSR. M&NJ notes that NSR initially proposed a fixed rental payment with no option to reduce the rent, but M&NJ insisted on a lease credit option to provide an opportunity for M&NJ to earn a lower rental payment so it would be able to invest in improvements on the lease lines to increase traffic levels. According to M&NJ, the affected interchange point is Campbell Hall, NY.

M&NJ certifies that the projected annual revenues as a result of the proposed transaction will not result in M&NJ becoming a Class II or Class I rail carrier, and that its projected annual revenues will not exceed \$5 million.

M&NJ states that it expects to consummate the transaction on or shortly after October 1, 2010, which is subsequent to the effective date of the exemption (30 days after the exemption was filed).

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 transaction. Petitions for stay must be filed not later than September 23, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35412, 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 Karl Morell, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.