

agencies and Native American tribes that may have such an interest. Any Federal or non-Federal agency or Native American tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify at the earliest opportunity the Community Outreach Coordinator identified above under **ADDRESSES**.

The EIS will be prepared in accordance with NEPA and its implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500–1508) and with the FTA/Federal Highway Administration regulations “Environmental Impact and Related Procedures” (23 CFR part 771). Related environmental procedures to be addressed during the NEPA process, include, but are not limited to the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93); the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR part 800); Section 4(f) of the Department of Transportation Act (23 CFR part 774); and Executive Order 12898 on environmental justice.

Issued on: December 17, 2010.

**Leslie T. Rogers,**

*Regional Administrator, Region IX, Federal Transit Administration.*

[FR Doc. 2010–32337 Filed 12–23–10; 8:45 am]

**BILLING CODE 4910–57–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35450]

#### **City of Maplewood, MN.—Acquisition Exemption—Right To Restore Rail Service Over a Railbanked Right-of-Way in Ramsey County, MN.**

The City of Maplewood, Minn. (the City), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from BNSF Railway Company (BNSF) the right to restore rail service over a rail banked right-of-way, a distance of .67 miles, extending from milepost 7.19 to milepost 6.52 (the line),<sup>1</sup> in Ramsey County, Minn.

In the notice of exemption in *BNSF Railway Company—Abandonment Exemption—in Ramsay County, Minn.*, AB 6 (Sub.-No. 429X) (STB served Aug. 10, 2005), BNSF was authorized to

abandon the line. Subsequent to that notice, BNSF and the City reached an agreement for rail banking the line. The agreement included a provision that, in exchange for payment of value, BNSF would convey to the City BNSF’s right to restore service over the line’s right-of-way.

Subsequently, in a quitclaim deed dated September 26, 2005, BNSF conveyed the line to the City along with BNSF’s right to restore service over the right-of-way. The City explains that it did not know, at the time, that Board authorization was necessary for the City to acquire the right to restore rail service. The City now, after the fact, invokes the Board’s authorization for that acquisition through a notice of exemption. The City states that it or an operator contracted by the City would operate over the line if service is restored.

In *King County, Wash.—Acquisition Exemption—BNSF Railway Company*, FD 35148, slip op. at 3–4 (STB served Sept. 18, 2009) (*King County*), the Board granted an individual exemption authorizing the conveyance of the right to restore rail service on a line to a county, explaining that the right to reactivate a rail banked line is not an exclusive right and would not preclude any other service provider from seeking Board authorization to restore rail service over the rail banked line if the county did not do so. In *King County*, slip op. at 4 n.5, both the county acquiring the right and the rail carrier selling that right “made clear that [the rail carrier did] not wish to retain any rights related to the segments.” Likewise, here the notice indicates that BNSF did not wish to retain rights related to the line because, by quitclaim deed, BNSF conveyed to the City both the right-of-way itself and the right to restore service over the right-of-way.

The transaction is expected to be consummated on or after January 8, 2010 (30 days after the exemption was filed).

The City certifies that its projected annual revenues from the acquisition involved in this proceeding do not exceed those that would qualify it as a Class III carrier.

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 to stay must be filed no later than December 30, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35450, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604.

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

Decided: December 20, 2010.

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

**Andrea Pope-Matheson,**  
*Clearance Clerk.*

[FR Doc. 2010–32297 Filed 12–23–10; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### **Surety Companies Acceptable on Federal Bonds: Termination—Penn Millers Insurance Company**

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 5 to the Treasury Department Circular 570; 2010 Revision, published July 1, 2010, at 75 FR 38192.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874–6850.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Certificate of Authority issued by the Treasury to the above-named company under 31 U.S.C. 9305 to qualify as an acceptable surety on Federal bonds is terminated immediately. Federal bond-approving officials should annotate their reference copies of the Treasury Department Circular 570 (“Circular”), 2010 Revision, to reflect this change.

With respect to any bonds currently in force with this company, bond-approving officers may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from this company, and bonds that are continuous in nature should not be renewed.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570>.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch,

<sup>1</sup> The line is between milepost 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and milepost 6.52, a point approximately 50 feet north of Beam Avenue in the City.

3700 East-West Highway, Room 6F01,  
Hyattsville, MD 20782.

Dated: December 14, 2010.

**Laura Carrico,**

*Director, Financial Accounting and Services  
Division, Financial Management Service.*

[FR Doc. 2010-32299 Filed 12-23-10; 8:45 am]

**BILLING CODE 4810-35-M**

## DEPARTMENT OF VETERANS AFFAIRS

### Health Outcomes Not Associated With Exposure to Certain Herbicide Agents; Veterans and Agent Orange: Update 2008

**ACTION:** Notice.

**SUMMARY:** As required by law, the Department of Veterans Affairs (VA) hereby gives notice that the Secretary of Veterans Affairs, under the authority of the Agent Orange Act of 1991, Public Law 102-4 (codified in relevant part at 38 U.S.C. 1116), has determined that a presumption of service connection is not warranted based on exposure to herbicides used in the Republic of Vietnam during the Vietnam Era for any of the diseases, illnesses, or health effects identified in the July 24, 2009, National Academy of Sciences (NAS) report entitled "Veterans and Agent Orange: Update 2008" (Update 2008), except for hairy cell leukemia (HCL) and other chronic b-cell leukemias, Parkinson's disease, and ischemic heart disease. In this regard, the Secretary of Veterans Affairs determined, based upon the NAS report, that there is a positive association between exposure to herbicides and the subsequent development of HCL and other chronic b-cell leukemias, Parkinson's disease, and ischemic heart disease. The Secretary recently published a notice of proposed rulemaking to implement this decision. See 75 FR 14391 (Mar. 25, 2010).

The determination to not establish a presumption of service connection, based on exposure to herbicides used in the Republic of Vietnam during the Vietnam era for any other of the diseases, illnesses, or health effects identified in the July 24, 2009, NAS report, does not in any way preclude VA from granting service connection for these diseases, including those specifically discussed in this notice, nor does it change any existing rights or procedures.

The Secretary's determinations regarding individual diseases are based on all available evidence in the 2008 report of the NAS and prior NAS reports. This notice generally states

specific information only with respect to significant additional studies that were first reviewed by NAS in its 2008 report. Information regarding additional relevant studies is stated in VA's prior notices following earlier NAS reports, and generally will not be repeated here.

#### **FOR FURTHER INFORMATION CONTACT:**

Gerald Johnson, Regulations Staff (211D), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 461-9727. (This is not a toll-free number.)

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Statutory Requirements**

Section 3 of the Agent Orange Act of 1991, Public Law 102-4, 105 Stat. 11, directed the Secretary to seek to enter into an agreement with the NAS to review and evaluate the available scientific evidence regarding associations between exposure to herbicides used in support of military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

Congress mandated that NAS determine, to the extent possible: (1) Whether there is a statistical association between the suspected diseases and herbicide exposure, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association; (2) the increased risk of disease among individuals exposed to herbicide agents during service in the Republic of Vietnam during the Vietnam era; and (3) whether a plausible biological mechanism or other evidence of a causal relationship exists between herbicide exposure and the health outcome. Section 3 of Public Law 102-4 also requires that NAS submit reports on its activities every 2 years (as measured from the date of the first report) for a 10-year period. The Veterans Education and Benefits Expansion Act of 2001, Public Law 107-103, extended this period until October 1, 2014.

Section 2 of Public Law 102-4, codified in pertinent part at 38 U.S.C. 1116(b) and (c), provides that whenever the Secretary determines, based on sound medical and scientific evidence, that a positive association (i.e., the credible evidence for the association is equal to or outweighs the credible evidence against the association) exists between exposure of humans to an herbicide agent (i.e., a chemical in an herbicide used in support of the United

States and allied military operations in the Republic of Vietnam during the Vietnam era) and a disease, the Secretary will publish regulations establishing presumptive service connection for that disease. If the Secretary determines that a presumption of service connection is not warranted, he is to publish a notice of that determination, including an explanation of the scientific basis for that determination. The Secretary's determination must be based on consideration of the NAS reports and all other sound medical and scientific information and analysis available to the Secretary.

Section 2 of the Agent Orange Act of 1991 provided that the Secretary's authority and duties under that section would expire 10 years after the first day of the fiscal year in which NAS transmitted its first report to VA. The first NAS report was transmitted to VA in July 1993, during the fiscal year that began on October 1, 1992. Accordingly, VA's authority under section 2 of the Agent Orange Act of 1991 expired on September 30, 2002. In December 2001, however, Congress enacted the Veterans Education and Benefits Expansion Act of 2001, Public Law 107-103. Section 201(d) of that Act extended VA's authority under 38 U.S.C. 1116(b)-(d) through September 30, 2015.

Although 38 U.S.C. 1116 does not define "credible," it does instruct the Secretary to "take into consideration whether the results [of any study] are statistically significant, are capable of replication, and withstand peer review." The Secretary reviews studies that report a positive relative risk and studies that report a negative relative risk of a particular health outcome. He then determines whether the weight of evidence supports a finding that there is or is not a positive association between herbicide exposure and the subsequent health outcome. The Secretary does this by taking into account the statistical significance, capability of replication, and whether that study will withstand peer review. Because of differences in statistical significance, confidence levels, control for confounding factors, bias, and other pertinent characteristics, some studies are more credible than others. The Secretary gives weight to more credible studies in evaluating the overall evidence concerning specific health outcomes.

##### **II. Prior NAS Reports**

The Secretary's determination that there is not a positive association between herbicide exposure and the diseases addressed in this notice is based upon the NAS's 2008 review and