

Region IX—California, Arizona, Nevada, Hawaii, American Samoa, Guam—Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 1650, San Francisco, CA 94105–1926, Phone: (415) 744–3133, Fax: (415) 744–2726, Regional Tribal Liaison: Eric Eidlin.

Region X—Washington, Oregon, Idaho, Alaska—Richard Krochalis, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174–1002, Phone: (206) 220–7954, Fax: (206) 220–7959, Regional Tribal Liaison: Bill Ramos.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on NC 119 Relocation—Mebane, Alamance County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitations on claims for Judicial Review of Actions by FHWA and other Federal Agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(1)(1). The actions relate to a proposed highway project, the NC 119 Relocation from I–85/40 to south of SR 1918 (Mrs. White Lane)—Mebane, Alamance County, North Carolina. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139 (1)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before June 16, 2010. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Clarence W. Coleman, P. E., Preconstruction and Environmental Director, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina, 27601–1418; Telephone: (919) 747–7014; e-mail: clarence.coleman@dot.gov. FHWA North Carolina Division Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). You may also contact Gregory J. Thorpe, PhD, Project Development and Environmental Analysis Branch Manager, North Carolina Department of Transportation

(NCDOT), 1 South Wilmington Street (Delivery), 1548 Mail Service Center, Raleigh, North Carolina 27699–1548; Telephone (919) 733–3141, gthorpe@dot.state.nc.us. NCDOT—Project Development and Environmental Analysis Branch Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency action subject to 23 U.S.C. 139 (1)(1) by issuing licenses, permits, and approvals for the following highway project in the State of North Carolina: NC 119 Relocation, Federal-aid Project No. STP–119(1), Alamance County, North Carolina. This project identified a need to address capacity constraints and connectivity deficiencies along the existing NC 119 in Mebane, North Carolina. The proposed action will improve 5.6 miles of NC 119 from I–85/40 to south of SR 1918 (Mrs. White Lane). Beginning at I–85/40, the selected alternative (Alternative 9) constructs a six-lane, median divided facility before transitioning to a four-lane, median divided typical section in the vicinity of Fieldstone Drive. The project includes a grade separation over the North Carolina Railroad and US 70, which lies adjacent to the railroad. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on June 11, 2009, in the FHWA Record of Decision (ROD) issued on December 8, 2009, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or NCDOT at the addresses provided above. The FHWA FEIS and ROD can be viewed at the NCDOT—Project Development and Environmental Analysis Branch, 1 South Wilmington Street, Raleigh, North Carolina; NCDOT—Division 7 Alamance County Resident Engineer Office, 115 East Crescent Square Drive, Graham, North Carolina; Mebane Public Library, 101 South 1st Street, North Carolina; City of Mebane Planning & Zoning Department, 106 East Washington Street, Mebane, North Carolina; Alamance-Burlington School System, 1712 Vaughn Road, Burlington, North Carolina; and Alamance County Planning Department, 217 College Street, Suite C, Graham, North Carolina.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 USC 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 USC 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with

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]

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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.¹ 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.²

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

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).³

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]

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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).¹

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.

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

¹ 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.

² 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).

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