

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,  
Assistant Secretary Legislative Affairs.

September 22, 2009 (Transmittal No. DDTC 126-09)

Hon. Nancy Pelosi, Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$50,000,000 or more.

The transaction described in the attached certification involves the transfer of defense articles, technical data, and defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,  
Assistant Secretary Legislative Affairs.

Dated: October 14, 2009.

**Robert S. Kovac,**

Managing Director, Directorate of Defense Trade Controls, Department of State.

[FR Doc. E9-26819 Filed 11-5-09; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Office of Commercial Space Transportation; Notice of Availability of a Record of Decision (ROD) for Streamlining the Processing of Experimental Permit Applications

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality NEPA implementing regulations (40 CFR parts 1500-1508), and FAA Order 1050.1E, Change 1, the FAA is announcing the availability of the ROD for streamlining the environmental review of experimental permit applications for the launch and/or reentry of reusable suborbital rockets. The Federal action selected in the ROD is the FAA's issuance of experimental permits for the launch and reentry of reusable suborbital rockets from both FAA-licensed and non-licensed launch sites using the *Final Programmatic Environmental Impact Statement for Streamlining the Processing of Experimental Permit Applications* (PEIS), to the maximum extent feasible, as the basis for determining the environmental consequences of issuing the permits.

The ROD provides a description of the Proposed Action, which was FAA's Preferred Alternative and the environmentally preferable alternative, and the No Action Alternative. It includes a discussion of environmental impacts associated with the Proposed Action for each resource area, as analyzed in the PEIS. The ROD does not propose site-specific mitigation measures. Rather, launch operators would be expected to implement site-specific mitigation measures that are consistent with those currently employed by the eight launch facilities addressed in the PEIS. Additional site-specific mitigation measures could be developed and presented in the site-specific NEPA documents that would tier from the PEIS.

The PEIS serves as the primary reference and basis for preparation of the ROD. The FAA prepared the PEIS with cooperation from the National Aeronautics and Space Administration (NASA) and the U.S. Air Force. The PEIS documents the analysis of the environmental consequences associated with the above referenced Proposed Action and No Action Alternative.

The FAA has posted the ROD and PEIS on the FAA Web site at: [http://www.faa.gov/about/office\\_ast/headquarters\\_offices\\_ast/environmental/review/documents\\_completed/](http://www.faa.gov/about/office_ast/headquarters_offices_ast/environmental/review/documents_completed/).

Based on the potential environmental impacts identified in the PEIS, applicable regulatory requirements, public and agency comments, and the FAA's responsibilities to support the continued growth and expansion of the U.S. space transportation industry, the FAA has decided to implement the Proposed Action (Preferred Alternative) as presented in the PEIS.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Czelusniak, Environmental Specialist, FAA/AST-100, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-5924; or e-mail [Daniel.Czelusniak@faa.gov](mailto:Daniel.Czelusniak@faa.gov).

Issued in Washington, DC on October 15, 2009.

**Michael McElligott,**

Manager, Space Systems Development Division.

[FR Doc. E9-26781 Filed 11-5-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 693]

#### Oral Argument

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of oral argument.

**SUMMARY:** By a decision served on November 3, 2009, the Board announced that it will hold oral arguments in two cases: STB Finance Docket No. 35225, *San Benito Railroad LLC-Acquisition Exemption-Certain Assets of Union Pacific Railroad Company (San Benito RR)*; and STB Docket No. 42114, *US Magnesium, L.L.C. v. Union Pacific Railroad Company (USM v. UP)*.

**Dates/Location:** The oral arguments will take place on Monday, November 23, 2009, at 9:30 a.m., in the Board's hearing room at the Board's headquarters located at 395 E Street, SW., Washington, DC. By November 19, 2009, the parties should submit to the Board the name of the counsel who will be presenting argument, the party counsel will be representing, and the requested time reserved for rebuttal if the party is the movant or complainant.

**FOR FURTHER INFORMATION CONTACT:** Valerie Quinn, (202) 245-0382.

Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** In STB Finance Docket No. 35225, San Benito Railroad LLC (San Benito), a noncarrier, has filed a verified notice of exemption to acquire from Union Pacific Railroad Company (UP) certain railroad assets, including approximately 12.43 miles of rail line extending between approximately milepost 0.7 (near Hollister, CA) and approximately milepost 12.50 (near Carnadero, CA) in San Benito County. San Benito simultaneously filed a motion to dismiss the notice of exemption. San Benito seeks a determination from the Board that it would not become a common carrier and that the Board would not have jurisdiction over the proposed acquisition because the parties have structured the transaction pursuant to the terms and conditions of the Interstate Commerce Commission's decision in *State of Maine-Acq. and Op. Exempt.*, 8 I.C.C. 2d 935 (1991) (*State of Maine*), and subsequent Board decisions addressing *State of Maine*.

The Brotherhood of Maintenance of Way Employees Division/IBT and the Brotherhood of Railroad Signalmen (collectively "Unions") filed a response in opposition to San Benito's motion to dismiss. The Unions argue that *State of Maine* was wrongly decided and must be overturned because it is contrary to the Interstate Commerce Act. The Board will hear argument on the motion to dismiss the notice of exemption.

In STB Docket No. 42114, US Magnesium, L.L.C. (USM), has filed a complaint challenging the reasonableness of rates charged by Union Pacific Railroad Company (UP) for the movement of chlorine by tank car from: (1) Rowley, UT, to Eloy, AZ; and (2) Rowley to Sahuarita, AZ. USM seeks relief pursuant to the simplified procedures set forth in *Simplified Standards for Rail Rate Cases*, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007). USM has elected to utilize the Three-Benchmark method, under which the total available rate relief is limited to \$1 million over a 5-year period. UP has answered the complaint and both parties have submitted their evidence. The Board will hold an oral argument on this rate complaint.

The STB requests that all persons attending the hearing use the Patriots Plaza Building's main entrance at 395 E Street, SW. (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved

seating, except for those scheduled to present oral arguments. The building will be open to the public at 7 a.m., and participants are encouraged to arrive early. There is no public parking in the building. The oral arguments will be open for public observation, but only counsel for the parties will be permitted to present argument. A video broadcast of the oral argument will be available via the Board's Web site at <http://www.stb.dot.gov>, under "Information Center"/"Webcast"/"Live Video" on the home page.

Additional information is contained in the Board's decision. A copy of the Board's decision is available for inspection or copying at the Board's Public Docket Room, Room 131, 395 E Street, SW., Washington, DC 20423-0001, and is posted on the Board's Web site, <http://www.stb.dot.gov>.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: November 3, 2009.

By the Board, Anne K. Quinlan, Acting Secretary.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. E9-26799 Filed 11-5-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket ID. FMCSA-2009-0206]

#### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 27 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions are effective November 6, 2009. The exemptions expire on November 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366-4001,

[fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://Docketsinfo.dot.gov>.

##### Background

On August 26, 2009, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (74 FR 43217). That notice listed 27 applicants' case histories. The 27 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 27 applications on their merits and made a determination to grant exemptions to all of them.