

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.