

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

[Docket No. FD 35141]

**U S Rail Corporation—Construction and Operation Exemption—Brookhaven Rail Terminal**

On August 7, 2008, U S Rail Corporation (U S Rail), an existing class III short line common carrier in Toledo, OH, filed a petition for exemption with the Surface Transportation Board (Board) under 49 U.S.C. 10502 seeking authority to construct and operate approximately 18,000 feet (3.4 miles) of new rail line at a 28-acre site (the Brookhaven Rail Terminal or BRT) located in the Town of Brookhaven, Suffolk County, NY. In addition to the construction and operation of the approximately 18,000 feet of rail line, U S Rail also proposes to construct various facilities on the BRT site. These facilities include a rail switch (which would allow the new rail line to connect with the existing Long Island Rail Road (LIRR mainline), 200 feet of lead track, and crushed stone aggregate (aggregate) handling and storage facilities consisting of an aggregate storage area, an intermodal freight storage area, and a transload area with truck scales.

The proposed rail line would allow U S Rail to provide an efficient means for delivering aggregate via rail from sources in upper New York State to its primary customer, the Sills Group, located on Long Island, NY. If approved, the project would reduce the Sills Group's reliance on truck transport of aggregate through the New York City metropolitan region and allow Sills Group to deliver up to 500,000 tons of aggregate annually for use in road and building construction on Long Island. The Sills Group would use 250,000 tons of the aggregate for its construction facilities on Long Island (the Scatt Materials plant and the Empire Asphalt plant) and would make the remaining 250,000 tons of aggregate available to currently unidentified customers.

Rail operations would consist of an average of six trains per week; three inbound trains, each consisting of approximately 40 to 50 railcars of aggregate delivered to the BRT, and three outbound trains per week consisting of 40 to 50 empty railcars. New York & Atlantic Railway would deliver the aggregate to the BRT over the LIRR, which would hand the rail cars to U S Rail for rail movements on the BRT site.

SEA is seeking public review and comment during a 15-day comment period, which is shorter than the time

SEA usually affords for review and comment of its Environmental Assessments. SEA believes that 15 days for review and comment is appropriate here because the Town of Brookhaven's Division of Environmental Protection has already conducted an environmental review of the BRT site, the site is an industrial area and is already highly disturbed, and the Town of Brookhaven and U S Rail have entered into a Stipulation of Settlement regarding this proposal. Please send comments on this Draft EA postmarked no later than August 10, 2010 to: Troy Brady, Environmental Protection Specialist, Surface Transportation Board, Section of Environmental Analysis, Suite 1100, 395 E Street, SW., Washington, DC 20423-0001, *Attn:* Docket No. 35141.

Comments may be filed electronically on the Board's website, <http://www.stb.dot.gov> by clicking on the "E-Filing" link. Please refer to Finance Docket No. 35141 in correspondence, including e-filing, addressed to the Board. If you have questions regarding this Draft EA, please contact Troy Brady by phone at (202) 245-0301, by fax at (202) 245-0454, or by e-mail at [troy.brady@stb.dot.gov](mailto:troy.brady@stb.dot.gov).

Decided: July 21, 2010.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2010-18243 Filed 7-23-10; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in Washington**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA.

**SUMMARY:** This notice announces actions taken by FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the SR 502 Corridor Widening Project, in the State of Washington. Those actions grant approval for the project. The project will widen the existing two-lane roadway to four travel lanes with a median for a 5-mile segment of SR 502 between NE 15th Avenue and NE 102nd Avenue in Clark County, Washington. Specific actions include acquiring additional right-of-way, signaling three intersections, upgrading one existing signalized

intersection, constructing new travel lanes, constructing a median with a median treatment, constructing pedestrian and bicycle facilities, replacing four culverts, removing and placing fill, removing vegetation, and providing stormwater treatment for both new impervious surfaces and some existing surfaces. The project also includes extensive mitigation and restoration actions which are compatible with land use plans.

**DATES:** By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed within 180 days of publication of this **Federal Register** notice. 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:** Yamilee Volcy, Area Engineer, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, WA 98501; telephone: (360) 753-9552; and e-mail: [Yamilee.Volcy@dot.gov](mailto:Yamilee.Volcy@dot.gov). The FHWA Washington Division's Area Engineer's regular office hours are between 6 a.m. and 4 p.m. (Pacific Time). You may also contact Barbara Aberle, Project Environmental Manager, WSDOT Southwest Region Office, 11018 NE 51st Circle, Vancouver, WA 98682; telephone: (360) 905-2186; and e-mail: [AberleB@wa.wsdot.gov](mailto:AberleB@wa.wsdot.gov). The WSDOT Southwest Region Office regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency actions by issuing approval for the following highway project: SR 502 Corridor Widening Project. The purpose of the project is to improve safety and mobility along the SR 502 corridor between NE 15th Avenue and NE 102nd Avenue, and to improve regional connectivity between Battle Ground, north Clark County, and Interstate 5 (I-5). The project is located in Clark County, Washington. The actions by FHWA on this project, and the laws under which such actions were taken, are described in the March 2010 Final Environmental Impact Statement (EIS), June 2010 Record of Decision (ROD), and in other documents in the FHWA administrative record for the project. The EIS, ROD, and other documents in the FHWA administrative record are available by contacting FHWA or the Washington State Department of Transportation at the addresses provided above. The EIS and ROD can

be viewed and downloaded from the project Web site at <http://www.wsdot.wa.gov/Projects/SR502/Widening>. Copies are also available for review at the following locations: FHWA, WSDOT Southwest Region Office, Battle Ground Community Library, Fort Vancouver Regional Library, Ridgefield Community Library, Washington State University Vancouver Library, Woodland Community Library, Clark College Library—Cannell Library, Washington State Library, Battle Ground Chamber of Commerce, and Greater Vancouver Chamber of Commerce. This notice applies to all Federal agency decisions on the project 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 (42 U.S.C. 4321-43471); Federal-Aid Highway Act (23 U.S.C. 109).
2. *Air*: Clean Air Act, as amended (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); Farmland Protection Policy Act (7 U.S.C. 4201–4209).
4. *Wildlife*: Endangered Species Act (16 U.S.C. 1531–1544); Anadromous Fish Conservation Act (16 U.S.C. 757(a)–757(g)); Fish and Wildlife Coordination Act (16 U.S.C. 661–667(d)); Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.*); Migratory Bird Treaty Act (16 U.S.C. 703–712).
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.*); Archaeological Resources Protection Act of 1977 (16 U.S.C. 470(aa)–11); Archaeological and Historic Preservation Act (16 U.S.C. 469–469(c)); Native American Grave Protection and Repatriation Act (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); the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 61).
7. *Wetlands and Water Resources*: Clean Water Act, 33 U.S.C. 1251–1377 (section 404, section 401, section 319); Land and Water Conservation Fund (16 U.S.C. 4601–4604); Safe Drinking Water Act (42 U.S.C. 300(f)–300(j)(6)); 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 (42 U.S.C. 9601–9675); Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99–499); Resource Conservation and Recovery Act (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.

*Final actions taken under*: NEPA Final EIS issuance and Record of Decision by FHWA; Biological Opinion issued by the United States Department of Commerce National Oceanic and Atmospheric Administration—National Marine Fisheries Service on January 14, 2010.

*FHWA NEPA documents*: Final EIS (March 2010) published April 2, 2010 and Record of Decision issued June 24, 2010. These documents are available for viewing on the WSDOT Web site, at the agency offices, or at the libraries and chambers of commerce listed above.

(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(l)(1).

Issued on: July 20, 2010.

**Daniel M. Mathis**,  
Division Administrator, Olympia,  
Washington.

[FR Doc. 2010–18178 Filed 7–23–10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2010–0042]

#### Pipeline Safety: Request for Special Permit

**AGENCY**: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION**: Notice.

**SUMMARY**: Pursuant to the Federal Pipeline Safety Laws, PHMSA is publishing this notice of a special

permit request we have received from Dominion Transmission, Inc., a natural gas pipeline operator, seeking relief from compliance with certain requirements in the Federal Pipeline Safety Regulations. This notice seeks public comments on this request, including comments on any safety or environmental impacts. At the conclusion of the 30-day comment period, PHMSA will evaluate the request and determine whether to grant or deny a special permit.

**DATES**: Submit any comments regarding this special permit request by August 25, 2010.

**ADDRESSES**: Comments should reference the docket number for this specific special permit request and may be submitted in the following ways:

- *E-Gov Web Site*: <http://www.Regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

• *Fax*: 1–202–493–2251.

• *Mail*: Docket Management System: U.S. Department of Transportation (DOT), Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery*: DOT Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions**: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

**Note**: Comments are posted without changes or edits to <http://www.Regulations.gov>, including any personal information provided. There is a privacy statement published on <http://www.Regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

*General*: Dana Register by telephone at 202–366–0490; or, e-mail at [dana.register@dot.gov](mailto:dana.register@dot.gov).

*Technical*: Joshua Johnson by telephone at 816–329–3825; or, e-mail at [joshua.johnson@dot.gov](mailto:joshua.johnson@dot.gov).

**SUPPLEMENTARY INFORMATION**: PHMSA has received this request for a special permit from Dominion Transmission Inc., seeking relief from compliance