

Dated: September 14, 2010.

**Willem H. Brakel,**

*Director, Office of Environmental Policy,  
Department of State.*

[FR Doc. 2010-23425 Filed 9-17-10; 8:45 am]

**BILLING CODE 4710-09-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35407]

#### **GNP Rly, Inc.—Acquisition and Operation Exemption—Redmond Spur and Woodinville Subdivision**

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

**ACTION:** Notice of exemption, request for comments.

**SUMMARY:** On August 24, 2010, GNP Rly, Inc. (GNP), a Class III rail carrier, filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10902 to acquire and resume rail service over 2 segments of railbanked railroad right-of-way (ROW) totaling 9.1 miles, consisting of: (1) A ROW extending from milepost 0.0, at Woodinville, Wash., to approximately milepost 7.30 at Redmond, Wash. (Redmond Spur); and (2) a ROW extending from milepost 23.8 to milepost 22.0, at or near Woodinville (Woodinville Subdivision).<sup>1</sup> The petition for exemption was filed concurrently with GNP's petition to vacate in part the NITUs issued for the Redmond Spur and a longer segment of the Woodinville Subdivision (extending from milepost 23.8 to milepost 11.25). Those NITUs permitted railbanking/interim trail use negotiations under the Trails Act, 16 U.S.C. 1247(d). The Board seeks comments from interested persons on GNP's request to resume rail service and partially vacate the NITUs.

**DATES:** Written comments must be filed with the Board by October 20, 2010. Replies must be filed by November 19, 2010.

**ADDRESSES:** Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person

submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. FD 35407, 395 E Street, SW., Washington, DC 20423-0001.

In addition, send one copy of any comments to: (1) John Heffner, 1750 K Street, NW., Suite 200, Washington, DC 20006; (2) Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Avenue, NW., Suite 800, Washington, DC 20036; (3) Craig Watson, Port of Seattle, Pier 69, P.O. Box 1209, Seattle, WA 98111; and (4) Kristy Clark, BNSF Railway Company, 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131.

**FOR FURTHER INFORMATION CONTACT:** Julia Farr at 202-245-0359. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On August 24, 2010, GNP filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10902 to acquire the "residual common carrier rights and obligations," including the right to reinstate rail service over the Redmond Spur and a portion of the Woodinville Subdivision. These segments are currently subject to an interim trail use agreement between BNSF Railway Company (BNSF) and King County, a political subdivision of the State of Washington. The Port of Seattle (Port) owns the real estate associated with the lines, which it acquired from BNSF.<sup>2</sup> In *King County, Wash.—Acquisition Exemption—BNSF Railway Company*, FD 35148 (STB served Sept. 18, 2009), the Board granted the request by King County for exemption from 49 U.S.C. 10901 to acquire BNSF's rights and obligations, including the right to reinstate rail service in the future.

GNP's petition presents this issue: Under what circumstances will the Board grant a carrier's request to vacate a NITU to permit reactivation of rail service, when the petitioning carrier does not own or have any other interest in the ROW? An interim trail use arrangement is subject to being cut off at any time by the reinstatement of service. Here, the abandoning railroad (BNSF) has transferred its rights and obligations, including the right to reinstate rail service, to King County (the trail sponsor), and a different carrier, GNP, seeks to reinstate service.

GNP states that 2 customers have requested service: Drywall Distributors, a supplier of drywall products, which

anticipates receiving 40 carloads per year; and Building Specialties, a distributor of building products, located in the industrial park formerly served by BNSF, which also anticipates receiving 40 carloads per year. GNP includes a statement in support of its petition from Wallace/Knutsen L.L.C., owner of the industrial park located on the Redmond Spur. In anticipation of reactivation of rail service on the Redmond Spur, Wallace/Knutsen L.L.C. has leased to GNP an unused rail spur that crosses the industrial park and connects to the Redmond Spur.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 15, 2011.

Decided: September 14, 2010.

By the Board.

**Rachel D. Campbell,**

*Director, Office of Proceedings.*

**Kulunie L. Cannon,**

*Clearance Clerk.*

[FR Doc. 2010-23370 Filed 9-17-10; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### **Environmental Impact Statement; Pinal County, AZ**

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

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed transportation project in Pinal County, Arizona.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth H. Davis, Senior Engineering Manager for Operations, Federal Highway Administration, 4000 N. Central Avenue, Suite 1500, Phoenix, Arizona 85012-1906, Telephone (602) 382-8970, Fax (602) 382-8998, *e-mail*: [Ken.davis@dot.gov](mailto:Ken.davis@dot.gov); or Mary Frye, Environmental Coordinator, Federal Highway Administration, Arizona Division, 4000 N. Central Avenue, Suite 1500, Phoenix, Arizona 85012-1906, Telephone (602) 382-8979, Fax (602) 382-8998, *e-mail*: [Mary.Frye@dot.gov](mailto:Mary.Frye@dot.gov).

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) on a proposed 40-mile-long project along a new route located between US 60 on the north and Interstate 10 (I-10) on the south. The

<sup>1</sup> These segments were the subjects of abandonment proceedings and notices of interim trail use (NITUs) in *BNSF Railway Company—Abandonment Exemption—in King County, Wash.*, AB 6 (Sub-No. 463X) and *BNSF Railway Company—Abandonment Exemption—in King County, Wash.*, AB 6 (Sub-No. 465X).

<sup>2</sup> *The Port of Seattle—Acquis. Exemption—Certain Assets of BNSF Ry.*, FD 35128 (STB served June 20, 2008).

project is considered necessary to achieve a transportation objective identified in Pinal County's 2008 Regionally Significant Routes for Safety and Mobility. The project would address current and future transportation needs in an area that currently exceeds existing road capacity and is expected to continue to worsen with the projected increase in traffic demand associated with regional growth.

The proposed project evaluation will include, but not be limited to, potential impacts to adopted local and regional land use plans, Tribal lands, the existing and proposed Maricopa, Pinal, and Pima County regional transportation network, Central Arizona Project canals, railroads, residential and commercial development, cultural resources, Threatened and Endangered species, jurisdictional waters of the United States, air and noise quality, hazardous materials, and secondary and cumulative impacts. A full range of reasonable alternatives will be evaluated, including taking no action, using alternative transportation modes, making transportation system management improvements, a combination of arterial and freeway improvements, a new freeway, and combinations of these alternatives.

The EIS will conform to the environmental review process established in Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Section 6002 environmental review process requires the following activities: the identification and invitation of cooperating and participating agencies; the development of a coordination plan and management plan; and provision of opportunities for additional agency and public comment on the project's purpose and need, alternatives and methodologies for assessing alternatives. Additionally, the public hearing following the release of the draft EIS will also be provided. Public notice advertisements and direct mailings will notify interested parties of the time and place of public meetings and public hearing. A formal agency scoping meeting is planned between federal, state, city, county, and Tribal stakeholders.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, including the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Department of the Interior Bureau of Reclamation, Federal Emergency Management Agency, U.S.

Department of the Interior Bureau of Land Management, U.S. Department of Agriculture Natural Resources Conservation Service, Federal Aviation Administration, Federal Transit Administration, U.S. Department of Energy Western Area Power Administration, Arizona Game and Fish Department, Arizona State Land Department, Arizona Department of Environmental Quality, Arizona State Parks, Arizona Department of Emergency and Military Affairs, Arizona Department of Public Safety, Arizona Department of Corrections, Arizona Attorney General's Office, Gila River Indian Community, Salt River Pima-Maricopa Indian Community, Ak-Chin Indian Community, Tohono O'odham Nation, Hopi Tribe, Pascua Yaqui Tribe, San Carlos Apache Nation, White Mountain Apache Tribe, Yavapai-Prescott Indian Tribe, Yavapai-Apache Nation, Salt River Project, Phoenix-Mesa Gateway Airport Authority, Town of Florence, City of Coolidge, City of Eloy, City of Queen Creek, Town of Gilbert, City of Mesa, City of Apache Junction, City of Casa Grande, Town of Marana, Pima County, Maricopa Association of Governments, Pima Association of Governments, Pinal County, Central Arizona Project, and Central Arizona Association of Governments. Letters will also be sent to interested parties, including the Union Pacific Railroad, San Carlos Irrigation District and Resolution Copper Mining.

To insure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments, suggestions, or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 10, 2010.

**Kenneth H. Davis,**

*Senior Engineering Manager for Operations, Federal Highway Administration, Arizona Division Office, Phoenix, Arizona.*

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**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2010-41]

#### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before October 12, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2010-0287 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).