

*Abandonments and Discontinuances of Service* to discontinue trackage rights over approximately 2.04 miles of rail line owned by the Alameda Beltline Railroad (ABL), running between milepost 0.00 and 2.04, in Alameda County, CA, (the Line).<sup>1</sup> The Line traverses United States Postal Service Zip Code 94501.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (3) no formal complaint filed by a user of BNSF rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 1, 2010, unless stayed pending reconsideration.<sup>2</sup> Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2)<sup>3</sup> must be filed by

<sup>1</sup> One of BNSF's predecessors, The Atchison, Topeka and Santa Fe Railway Company acquired the trackage in 1982. See *The Atchison, Topeka and Santa Fe Railway Company—Trackage Rights Exemption—Over Southern Pacific Transportation Company and Alameda Belt Line*, Finance Docket No. 30073 (ICC served Dec. 28, 1982). BNSF states that ABL is in the process of selling the Line, as well as the remainder of its rail lines to the City of Alameda. See *City of Alameda—Acquisition Exemption—Alameda Beltline Railroad*, STB Finance Docket No. 34798 (STB served Jan. 11, 2006).

<sup>2</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. BNSF has indicated a proposed consummation date of April 27, 2010, but, because the verified notice was filed on March 12, 2010, counsel for BNSF has been notified that the earliest this transaction may be consummated is May 1, 2010.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

April 12, 2010.<sup>4</sup> Petitions to reopen must be filed by April 21, 2010, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Karl Morell, Ball Janik LLP, 1455 F St., NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: March 29, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
*Clearance Clerk.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Office of Commercial Space Transportation; Notice of Availability and Request for Comment on the Draft Supplemental Environmental Assessment (Draft SEA) to the September 2008 Environmental Assessment for Space Florida Launch Site Operator License, Brevard County, FL

**AGENCY:** The Federal Aviation Administration (FAA), lead Federal agency and United States Air Force, cooperating agency

**ACTION:** Notice of availability, notice of public comment period, and request for comment.

**SUMMARY:** In accordance with National Environmental Policy Act regulations 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 and requesting comments on the Draft Supplemental Environmental Assessment (SEA) to the September 2008 Environmental Assessment for Space Florida Launch Site Operator License. The Draft SEA was prepared in response to an application for a Launch Site Operator License from Space

<sup>4</sup> Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

Florida. Under the Proposed Action, the FAA would issue a Launch Site Operator License to Space Florida to operate a commercial space launch site at Launch Complex 36 (LC–36) and LC–46 at Cape Canaveral Air Force Station (CCAFS) in Brevard County, Florida. The license would allow Space Florida to support vertical launches of both solid and liquid propellant launch vehicles from LC–36 and LC–46. LC–46 is the easternmost launch complex at CCAFS, located at the tip of Cape Canaveral, and LC–36 is located in the east-central portion of CCAFS. The Draft SEA addresses the potential environmental impacts of issuing a Launch Site Operator License for the Proposed Action and the No Action Alternative.

The FAA has posted the Draft SEA on the FAA Office of Commercial Space Transportation Web site at [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ast/](http://www.faa.gov/about/office_org/headquarters_offices/ast/). In addition, copies of the Draft SEA were sent to persons and agencies on the distribution list (found in Chapter 8 of the Draft SEA). A paper copy and a CD version of the Draft SEA may be reviewed for comment during regular business hours at the following locations:

Titusville Public Library, 2121 S.

Hopkins Ave., Titusville, FL 32780.

Cocoa Beach Public Library, 550 North Brevard Ave, Cocoa Beach, FL 32931. Cape Canaveral Public Library, 201 Polk Avenue, Cape Canaveral, FL 32920.

Merritt Island Public Library, 1195 North Courtenay Parkway, Merritt Island, FL 32953.

**DATES:** The public comment period for the Draft SEA begins with the issuance of this Notice of Availability. The FAA encourages all interested parties to provide comments concerning the scope and content of the Draft SEA. To ensure that all comments can be addressed in the Final SEA, comments on the draft must be received by the FAA no later than April 27, 2010. Comments should be as specific as possible and address the analysis of potential environmental impacts and the adequacy of the proposed action or merits of alternatives and the mitigation being considered. Reviewers should organize their comments to be meaningful and inform the FAA of their interests and concerns by quoting or providing specific references to the text of the Draft SEA. Matters that could have been raised with specificity during the comment period on the Draft SEA may not be considered if they are raised for the first time later in the decision process. This commenting procedure is intended to ensure that substantive comments and

concerns are made available to the FAA in a timely manner so that the FAA has an opportunity to address them.

**ADDRESSES:** Please submit comments in writing to: FAA Space Florida Supplemental EA, c/o ICF International, 9300 Lee Highway, Fairfax, VA 22031. Comments may also be submitted via e-mail to [SpaceFLSEA@icfi.com](mailto:SpaceFLSEA@icfi.com). For questions or additional information on the Draft SEA, please contact Mr. Daniel Czelusniak, FAA Environmental Specialist, at (202) 267-5924 or [Daniel.Czelusniak@faa.gov](mailto:Daniel.Czelusniak@faa.gov).

#### Additional Information

Under the Proposed Action, the FAA would issue a Launch Site Operator License to Space Florida to operate LC-36 and LC-46 as a commercial space launch site for vertical launches of both solid and liquid propellant launch vehicles. The proposed activities at LC-46 remain consistent with those analyzed in the 2008 EA which analyzed the potential environmental impacts of the FAA issuing a Launch Site Operator License to Space Florida to operate a commercial space launch site at LC-46. The 2008 EA analyzed the operation of several types of vertical launch vehicles from LC-46, including Athena-1 and Athena-2, Minotaur, Taurus, Falcon 1, Alliant Techsystems small launch vehicles, and other Castor® 120-based or Minuteman-derivative booster vehicles. The Proposed Action also includes construction and operation activities to redevelop LC-36 into commercial space launch site. The Draft SEA expands on the analysis provided in the 2008 EA to include an analysis of the potential environmental impacts of the construction and operation activities associated with the redevelopment of LC-36 into a commercial space launch site. Redeveloping LC-36 into a multi-use commercial space launch site involves construction of facilities to launch a Generic Launch Vehicle (GLV), which is a conceptual (or "surrogate") liquid propellant medium class launch vehicle with a solid propellant second stage, and a bipropellant third stage, used for the purposes of the environmental review. Redevelopment activities at LC-36 would include building access roads; erecting a security fence; reconstituting several existing facilities; constructing an elevated launch deck, associated flame ducts, water storage tank, and water deluge containment pool; and installing electrical, communication, and air systems. Redevelopment would occur in phases dictated by costs and schedule, and facility construction or

modifications would take place only on previously disturbed ground. The only alternative to the Proposed Action is the No Action Alternative. Under this alternative the FAA would not issue a Launch Site Operator License to Space Florida for commercial launches from LC-36 and LC-46 at CCAFS.

Resource areas were considered to provide a context for understanding and assessing the potential environmental effects of the Proposed Action, with attention focused on key issues. The resource areas considered in the Draft SEA included air quality; biological resources (terrestrial vegetation and wildlife, marine species, and protected species); compatible land use (land use, light emissions, visual resources, and coastal resources); cultural resources and Section 4(f) properties; hazardous materials, solid waste, and pollution prevention; noise; socioeconomic resources; and water resources (surface water, groundwater, floodplains, and wetlands). Potential cumulative impacts of the Proposed Action are also addressed in the Draft SEA.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Czelusniak, Environmental Specialist, Federal Aviation Administration, 800 Independence Avenue, SW., Suite 331, Washington, DC 20591, by e-mail at [Daniel.Czelusniak@faa.gov](mailto:Daniel.Czelusniak@faa.gov), or by phone at (202) 267-5924.

Issued in Washington, DC on: March 24, 2010.

**Michael McElligott,**

*Manager, Space Systems Development Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### High-Speed Intercity Passenger Rail (HSIPR) Program

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of funding availability.

**SUMMARY:** On January 28, 2010, President Obama announced the first selections for the High-Speed Intercity Passenger Rail (HSIPR) Program. This notice builds on the program framework established by FRA in the June 23, 2009 interim program guidance (74 FR 29900), and details the application requirements and procedures for obtaining the remaining funds available under the Department of Transportation Appropriations Act of 2009 that have

not yet been allocated to projects. This solicitation is only applicable to the remaining FY 2009 funds. FRA has concurrently issued a solicitation for high-speed rail planning activities funded under the Department of Transportation Appropriations Act of 2010, and will release an additional solicitation in the coming months for the construction and corridor program funds provided under the FY 2010 appropriation.

**DATES:** Applications for funding under this solicitation are due no later than 5 p.m. EST, May 19, 2010 and must be submitted via Grants.gov (*see* instructions in Section 3.1). *See* Section 3 for additional information regarding the application process. FRA reserves the right to modify this deadline.

**ADDRESSES:** Supporting materials that cannot be submitted electronically may be mailed or hand delivered to: U.S. Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue, SE., MS-20, Room W38-302, Washington, DC 20590 Att'n. HSIPR Program. Applicants are encouraged to use special courier services to avoid shipping delays. Application forms are available at <http://www.fra.dot.gov/Pages/2243.shtml>.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this notice and the grants program, please contact the FRA HSIPR Program Manager via e-mail at [HSIPR@dot.gov](mailto:HSIPR@dot.gov), or by mail: U.S. Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue, SE., MS-20, Washington, DC 20590 Att'n. HSIPR Program.

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#### Section 1: Financial Assistance Description

##### 1.1 Authority

This financial assistance announcement pertains to remaining FY 2009 appropriations for FRA's High-Speed Intercity Passenger Rail (HSIPR) Program. These funds were authorized and appropriated under the Department of Transportation Appropriations Act,