

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Availability of a Final Environmental Impact Report/ Environmental Impact Statement, a Final Section 4(f) Evaluation, and a Draft General Conformity Determination for the California High-Speed Train System Merced to Fresno Section**

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

**ACTION:** Notice.

**SUMMARY:** FRA is issuing this notice to advise the public that FRA is issuing a Final Environmental Impact Statement (EIS) and Final 4(f) Evaluation for the California High-Speed Train (HST) System Merced to Fresno Section (Project). FRA is also making a Draft General Conformity Determination for the Project available for public review and comment. FRA is the lead Federal agency and the California High-Speed Rail Authority (Authority) is the lead state agency for the environmental review process. The agencies have prepared the Final EIS consistent with federal law and also to serve as an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. The U.S. Army Corps of Engineers (USACE) and the Bureau of Reclamation (BOR) served as Cooperating Agencies for the preparation of the EIS.

**DATES:** The Final EIS and Final Section 4(f) Evaluation are being made available to the public for a 30-day waiting period according to 40 CFR 1506.10 prior to final FRA action. The waiting period commences on the date the U.S. Environmental Protection Agency's notice of availability is published in the **Federal Register**. Written comments on the Draft Conformity Determination for the California HST Project Merced to Fresno Section may be sent by May 29, 2012, to Mr. David Valenstein at the contact address below.

**ADDRESSES:** Copies of the Final EIS, Final Section 4(f) Evaluation, and Draft General Conformity Determination are available online at the FRA's Web site: <http://www.fra.dot.gov> and the Authority's Web site: <http://www.cahighspeedrail.ca.gov> and the Authority's offices at 770 L Street, Suite 800, Sacramento, CA; they are also available for viewing at the following locations in or near the Project area:

- Fresno County Public Library, Central Branch, 2420 Mariposa Street, Fresno, CA 93721
- Madera County Library, 121 North G Street, Madera, CA 93637
- Chowchilla Branch Library (Merced County Library), 300 Kings Avenue, Chowchilla, CA 93610
- Merced Community Senior Center, 755 West 15th Street, Merced, CA 95340
- Merced County Library, 2100 O Street, Merced, CA 95340
- Galilee Missionary Baptist Church, 22941 Fairmead Boulevard, Chowchilla, CA 93610
- Le Grand Branch Library, 12949 Le Grand Road, Le Grand, CA 95333
- Lao Family Community (Executive Summary in Hmong), 855 W 15th Street, Merced, CA 95340-5801
- Madera Ranchos Branch Library, 37167 Avenue 12, Suite 4C, Madera, CA 95636
- Merced County Los Manos Branch Library, 1312 South Seventh Street, Los Banos, CA 93635
- Atwater Branch Library, 1600 Third Street, Atwater, CA 95301-3607

**FOR FURTHER INFORMATION CONTACT:** Mr. David Valenstein, Chief, Environment and Systems Planning Division, Office of Railroad Policy and Development, Federal Railroad Administration, U.S., Department of Transportation, 1200 New Jersey Avenue SE., MS-20, Washington, DC 20590 (telephone: 202-493-6368).

**SUPPLEMENTARY INFORMATION:** Once completed, the California HST system will provide intercity, high-speed passenger rail service on more than 800 miles of tracks throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. It will use state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology, including contemporary safety, signaling, and automated train-control systems, with trains capable of operating up to 220 miles per hour (mph) over a fully graded-separated, dedicated double track alignment. The HST System is comprised of multiple sections, one of which is the Merced to Fresno section analyzed in the Final EIS.

The Final EIS describes the potential environmental impacts, both adverse and beneficial, of the Project, identifies appropriate measures to mitigate adverse impacts, and identifies the agencies' preferred alternative. The approximately 65-mile-long Merced to Fresno Section is an essential part of the

statewide HST System. The Merced to Fresno Section is the location of the connection between the Bay Area and Sacramento branches of the HST System; it will provide Merced and Fresno access to a new transportation mode and will contribute to increased mobility throughout California. This project-level EIS tiers off of the Statewide Program EIS published in 2005 and the Bay area to Central Valley Program EIS published in 2008 and builds on the earlier decisions and Program EISs.

In August 2011, FRA issued a Draft EIS and circulated the document for a 60-day public and agency review and comment period. The Draft EIS analyzed a No Action Alternative and various Action Alternatives for the construction and operation of the California HST Project Merced to Fresno Section including alignment alternatives and station locations. FRA and the Authority convened three public hearings on the Draft EIS, held in Merced, Madera, and Fresno on September 14, September 15, and September 20, 2011, respectively.

Consistent with the provisions of Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500 *et seq.*), FRA's Procedures for Considering Environmental Impacts (Environmental Procedures) (64 FR 28545, May 26, 1999), the Final EIS evaluates the potential environmental effects associated with Action Alternatives and the No Action Alternative, identifies appropriate mitigation measures to minimize the potential environmental impacts, and identifies a preferred alternative. The FRA, the Authority, and Cooperating Agencies considered the entire record and the potential for environmental impact in selecting the Preferred Alternative. Additionally, the Final EIS includes FRA's Final Section 4(f) Evaluation which provides the supporting analysis to comply with 49 U.S.C. 303 and FRA's Environmental Procedures.

FRA is also issuing a Draft General Conformity Determination for public and agency comment. The Draft General Conformity Determination has been prepared pursuant to 40 CFR part 93, subpart B, which establishes the process for complying with the general conformity requirements of the Clean Air Act. Consistent with those regulations, FRA is making the Draft Conformity Determination available for public review and comment. Analysis of the Project's potential emissions found that construction period emissions

would exceed the General Conformity *de minimis* threshold for Nitrogen Dioxide (NOx) and volatile organic compounds (VOC), a precursor for ozone. However, operation of the Project would result in an overall reduction of regional emissions of all applicable air pollutants and would not cause a localized exceedance of an air quality standard. Conformance of the Project will be accomplished through a Voluntary Emissions Reduction Agreement which will offset the NOx and VOC emissions consistent with applicable regulatory requirements.

Issued in Washington, DC, on April 12, 2012.

**Joseph C. Szabo,**  
Administrator.

[FR Doc. 2012-9491 Filed 4-19-12; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Office of Hazardous Materials Safety; Actions on Special Permit Applications

**AGENCY:** Pipeline And Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of actions on Special Permit Applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, Subpart B), notice is hereby given of the actions on special permits applications in

(February to March 2012). The mode of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the sections cited were those in effect at the time certain special permits were issued.

Dated: Issued in Washington, DC, on April 13, 2012.

**Donald Burger,**  
Chief, Special Permits and Approvals Branch.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMIT GRANTED</b>			
8826-M .....	Phoenix Air Group, Inc. Cartersville, GA.	49 CFR 172.101; 172.204(c)(3); 173.27; 175.30(a)(1); 175.320(b).	To modify the special to reflect the current statutes and regulations changes.
14909-M .....	Lake Clark Air, Inc. Port Alsworth, AK.	49 CFR 173.304(f) .....	To reissue the special permit originally issued on an emergency basis authorizing the transportation in commerce of compressed oxygen without rigid outer packaging when no other means of transportation exist.
10656-M .....	Conference of Radiation Control Program Directors, Inc. Frankfort, KY.	49 CFR 172.203(d); Part 172, Subparts C, D, E, F, G.	To modify the special permit add 49 CFR Part 172 Subpart I as it pertains to security plans to the list of regulations exempted in paragraph 4.
11406-M .....	Conference of Radiation Control Program Directors, Inc. Frankfort, KY.	49 CFR Part 172, Subparts, C, D, E, F, G, H; Part 173, Subparts B, I; 173.22(a)(1); Part 174, Subpart K; 177.842.	To modify the special permit add 49 CFR Part 172 Subpart I as it pertains to security plans to the list of regulations exempted in paragraph 4.
11670-M .....	Schlumberger Oilfield UK Plc Dyce, Aberdeen Scotland, Ab.	49 CFR 178.36 .....	To modify the exemption to authorize the use of a newly designed non-DOT specification oil well sampling cylinder for the transportation of Division 2.1 materials.
14193-M .....	Honeywell International, Inc. Morristown, NJ.	49 CFR 173.313 .....	To reissue the exemption originally issued on an emergency basis for the transportation of non-DOT specification IMO Type 5 portable tanks, mounted in an ISO frame, containing certain Division 2.2 and 2.3 materials.
10646-M .....	Schlumberger Technologies Corporation Sugar Land, TX.	49 CFR 173.302 .....	To modify the special permit to authorize an additional material in the construction of non-DOT specification cylinders.
14457-M .....	Amtrol Alfa Metalomecanica SA Portugal.	49 CFR 173.304a(a)(1) .....	To modify the special permit to extend the external visual inspection to every five (5) years.
14808-M .....	Amtrol, Inc. West Warwick, RI	49 CFR 178.51(b), (f)(1) and (2) and (g).	To modify the special permit to authorize a longer time between requalification testing.
15036-M .....	UTLX Manufacturing, Incorporated Alexandria, LA.	49 CFR 173.31(e)(2)(ii), 173.244(a)(2), 173.314, 179.100, 179.101, 179.102-3, 179.15(b) and 179.16.	To modify the special permit to authorize the manufacture, marking, sale and use of three additional non-DOT specification tank cars for transportation of chlorine and certain other materials toxic by inhalation.
14940-M .....	Crown Aerosol Packaging Philadelphia, PA.	49 CFR 173.306 .....	To modify the special permit to authorize rail freight and cargo vessel as additional modes of transportation
13381-M .....	Carleton Technologies, Pressure Technology Division Westminster, MD.	49 CFR 173.302(a)(1), 173.304(a), 175.3 and 180.205.	To modify the special permit to authorize an extended testing time period for cylinders which are past their retest date but are not empty.
14616-M .....	Chlorine Service Company Kingwood, TX.	49 CFR 178.245-1(a) .....	To modify the special permit to correct pressure ranges to bring it in line with other special permits issued.
11215-M .....	Orbital Sciences Corporation Mojave, CA.	49 CFR Part 172, Subparts C, D; 172.101, Special Provision 109.	To modify the special permit to add a Class 9 material.