

Potential criminal penalties include fines of up to \$500,000 and/or ten years in jail. In a recent enforcement case, PHMSA assessed a total civil penalty of \$360,000 for multiple violations of the HMR relating to the improper shipment of used batteries for recycling or disposal. To date, FAA has closed over 75 investigations concerning battery violations observed in air transport and has collected over \$1,000,000 in civil penalties.

More detailed information on the requirements in the HMR governing the shipment of batteries and additional guidance are available on DOT's Hazmat Safety Web site: <http://www.phmsa.dot.gov/hazmat>. The HMR are also accessible through our Web site, and answers to specific questions may be obtained from the Hazardous Materials Information Center at 1-800-467-4922 (in Washington, DC, call 202-366-4488).

Issued in Washington, DC, on September 29, 2009.

**Theodore L. Willke,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. E9-24184 Filed 10-6-09; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on United States Highway 281 in Texas

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, United States Highway 281 (US 281), beginning at Redland Road and heading north to north of Marshall Road in Bexar County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the 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 on or before April 5, 2010. 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:** Mr. Salvador Deocampo, District Engineer, Federal Highway Administration, 300 E. 8th Street, Rm. 826, Austin, Texas 78701; telephone: (512) 536-5950; e-mail: [salvador.deocampo@fhwa.dot.gov](mailto:salvador.deocampo@fhwa.dot.gov). The FHWA Texas Division Office's normal business hours are 7:45 a.m. to 4:15 p.m. You may also contact Ms. Dianna Noble, Texas Department of Transportation, 125 E. 11th Street, Austin, Texas 78701; telephone: (512) 416-2734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: US 281, beginning at Redland Road and heading north to north of Marshall Road in Bexar County in the State of Texas. The project will be approximately 3.1 miles long and will construct "Super Street" intersections (also known as restricted crossing U-turn (RCUT) intersections) at the intersections of US 281 and Encino Rio (modified RCUT), Evans Road, Stone Oak Parkway and Marshall Road. The "Super Street" intersection prohibits cross-street traffic from going straight through or turning left at the divided highway intersection. Cross-street traffic must turn right and then access a U-turn to proceed in the desired direction. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Categorical Exclusion (CE) for the project, dated September 2009, and in other documents in the FHWA project records. The CE and other documents in the FHWA project records file are available by contacting the FHWA or the Texas Department of Transportation at the addresses provided above. This notice applies to all Federal agency decisions 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 (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, 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].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], 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.]; Archeological

Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319).

8. 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. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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: September 30, 2009.

**Salvador Deocampo,**

*District Engineer, Austin, Texas.*

[FR Doc. E9-24154 Filed 10-6-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Funding Availability and Solicitation of Applications for Grants Under the Railroad Rehabilitation and Repair Grant Program

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

**ACTION:** Notice of funding availability; solicitation of applications.

**SUMMARY:** Under this Notice, the FRA encourages interested State departments of transportation to submit applications for grants to repair and rehabilitate Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in areas for which the President declared a major disaster after January 1, 2008, under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974.

**DATES:** FRA will begin accepting grant applications 10 days after publication of this Notice of Funding Availability in

the **Federal Register**. Applications may be submitted until close of business December 20, 2009.

**ADDRESSES:** Applications for grants under this Program must be submitted electronically to "Grants.gov" at <http://www.grants.gov>. Grants.Gov allows organizations to find and apply electronically for competitive grant opportunities from all Federal grant-making agencies. Any State wishing to submit an application pursuant to this notice should immediately initiate the process of registering with Grants.Gov. Please confirm all Grants.gov submissions by sending an e-mail to [freightrail@dot.gov](mailto:freightrail@dot.gov).

For application materials that an applicant is unable to submit via Grants.Gov (such as oversized engineering drawings), applicants may submit an original and two (2) copies to the Federal Railroad Administration at the following address: Federal Railroad Administration, Attention: Alice Alexander, Office of Railroad Development, 1200 New Jersey Avenue, SE., Mail Stop 20, Washington, DC 20590, by close of business December 20, 2009.

Due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are encouraged to use other means to assure timely receipt of materials.

**FOR FURTHER INFORMATION CONTACT:** Alice Alexander, Office of Railroad Development, Federal Railroad Administration, 1200 New Jersey Avenue, SE., W36-410, Washington, DC 20590; *Phone:* (202) 493-6363; *Fax:* (202) 493-6333.

**SUPPLEMENTARY INFORMATION:** The collection of information associated with the Railroad Rehabilitation and Repair grant program was approved previously by the Office of Management and Budget under OMB No. 2130-0580. The FRA is seeking renewed approval from OMB for this collection of information, which currently expires on October 31, 2009.

There is approximately \$5,000,000 remaining in the Railroad Rehabilitation and Repair Grant Program (Catalog of Federal Domestic Assistance (CFDA) Program Number 20.314) which was originally supported with up to \$20,000,000 of Federal funds provided to FRA as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110-329, September 30, 2008.) Following the November 6, 2008, Notice of Funding Availability (NOFA), applications were received and evaluated according to criteria described in the notice. On May 27, 2009, the FRA

selected 12 projects totaling approximately \$15 million under this program. FRA will start accepting applications after publishing this NOFA in the **Federal Register** for the approximately \$5,000,000 remaining.

Funds provided under this Program may constitute no more than 80 percent of the total cost of a selected project, with the remaining cost funded from other non-Federal sources. FRA anticipates awarding grants to multiple eligible participants. Eligible projects include repairs and rehabilitation to Class II and Class III railroad infrastructure damaged by hurricanes, floods, and natural disasters that are located in counties that have been identified in a Disaster Declaration for Public Assistance issued by the President between January 1, 2008 and October 7, 2009. (<http://www.fema.gov/news/disasters.fema#sev1>).

Class II and Class III railroad infrastructure eligible for repair and rehabilitation consists of railroad rights-of-way, bridges, signals and other infrastructure which are part of the general railroad system of transportation and primarily used by railroads to move freight traffic. Section 24312 (Labor Standards) of Title 49, United States Code, applies to grantees assisted under this Program. The grantees must exhaust all other Federal and State resources prior to seeking assistance under this Program. FRA anticipates that no further public notification will be made with respect to soliciting grant applications and selecting grantees under this Program.

**Purpose:** Since 2008, the President has made 113 major disaster declarations related to hurricanes, floods, and other natural disasters. Funds provided under this Program will assist Class II and Class III railroads rebound from these disasters declared in 2008 and October 7, 2009.

**Authority:** The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110-329, September 30, 2008).

**Funding:** The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (the Act) provided \$20,000,000, to remain available until expended. The Act directs the Secretary of Transportation to competitively award grants covering up to 80 percent of project costs, with the remaining project costs provided in non-Federal cash, equipment, or supplies. Further, the Act allows the Secretary to retain up to one-half of 1 percent of the funds to fund the oversight by FRA of the design and implementation of projects funded by

these grants. The funding provided for these grants will be made available to the grantee(s) on a reimbursable basis. It is anticipated that the available funding could support projects proposed by multiple applicants. FRA may choose to award a grant or grants in any amount within the limit of the available funds.

Following the November 6, 2008, NOFA, applications were received and evaluated according to criteria described in the notice. On May 27, 2009, the FRA selected 12 projects totaling approximately \$15 million under this program. FRA will start accepting applications after publishing this NOFA in the **Federal Register** for the approximately \$5 million remaining in this program.

**Schedule for Rehabilitation and Repair Grant Program:** FRA will begin accepting grant applications within ten days after the publication of the NOFA in the **Federal Register**. All applications must be received by the close of business December 20, 2009 deadline.

**Eligible Participants:** The department of transportation of any eligible State may apply for funding under this notice, provided that the applicant State has an eligible project and has exhausted all other Federal and State resources prior to seeking assistance under this Program.

**Eligible Projects:** To be eligible for funding under this Program, a project must include the rehabilitation and repair of Class II or Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in counties for which the President declared a major disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 between January 1, 2008, and October 7, 2009. Rehabilitation or repairs must be made to rights-of-way, bridges, signals, and other infrastructure which are part of the general railroad system of transportation. In addition, the railroad infrastructure replaced or rehabilitated must be primarily used to move freight traffic.

**Funding Period:** Funds will be available under this program only for the reimbursement of costs incurred after a major disaster declaration in calendar year 2008 and 2009 until the publication of this NOFA in the counties covered by such a declaration.

**Selection Criteria:** FRA will consider the following selection factors in evaluating applications for grants under this Program:

1. The inability of the Class II or Class III railroad to fund the project without Federal grant funding.

2. The effects on rail operations, specifically the movement of freight, of the proposed rehabilitation or repair.

3. The likelihood of continued railroad operations on the track that is proposed to be repaired or rehabilitated for more than three years after project work is complete.

*Requirements for Grant Applications:* The following points describe the minimum content which will be required in grant applications. These requirements may be satisfied through a narrative statement submitted by the applicant and supported by spreadsheet documents, tables, drawings, and other materials, as appropriate. Each grant application must:

1. Designate a point of contact for the applicant and provide his or her name, title, and contact information, including phone number, mailing address and e-mail address. The point of contact must be an employee of the applicant.

2. Include an explanation of why the project is an eligible project and a thorough discussion of how the project meets all of the selection criteria, as listed below:

a. The inability of the Class II or Class III railroad to fund the project without Federal grant funding.

b. The effects on rail operations, specifically the movement of freight, of the proposed rehabilitation or repair.

c. The likelihood of continued railroad operations on the track that is proposed to be repaired or rehabilitated for more than three years after project work is complete.

3. Identify all funds (including amounts) received from other Federal and/or State disaster relief programs that directly benefited the project(s) for which funds are being sought under this Program, or demonstrate that all such efforts at procuring such funding have failed or been exhausted. This demonstration should include a recitation of specific Federal and State disaster relief programs investigated by the applicant. Among the Federal programs which the applicant might investigate are those administered by the Federal Emergency Management Administration, the Small Business Administration, the Federal Highway Administration, and the U.S. Department of Agriculture.

4. Include the completed forms:

(a) Standard Form 424, "Application for Federal Assistance," Standard Form 424C, "Budget Information for Construction Programs," Standard Form 424D, "Assurances—Construction Programs."

(b) The relevant sections of the most recent audit performed in compliance with OMB Circular A-133, if available.

Information on Circular A-133 can be found at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

(c) Signed copies of FRA's Additional Assurances and certifications, available at <http://www.fra.dot.gov/downloads/admin/assurancesandcertifications.pdf>.

5. Include a detailed description of the scope of work, budget and schedule and ensure that they are consistent. Describe the proposed project's physical location, mile-post limits, and include any drawings, plans, or schematics that have been prepared relating to the proposed project.

If funding requested under this Program is only going to support a portion of the overall rehabilitation and repair of the applicant's project, describe the complete project, and specify in detail which portion will involve Federal funding. In addition, FRA strongly encourages applicants to estimate complete project costs and explain how the Class II and Class III railroad on whose property the project is located will finance the complete project.

6. The budget for the cost of the project should, to the extent possible, be separated into the following categories: (1) Administrative; (2) Engineering fees; (3) Demolition and removal; (4) Construction labor, supervision, and management; (5) Equipment; (6) Materials, by type (e.g. ties, rail, ballast, signals, and switches); (7) Contingencies; and (8) Inspection fees. Costs may be reimbursed as long as expenditures were incurred after the date of the natural disaster.

7. Describe the source and amount of non-Federal funds, broken down by cash, equipment, or supplies.

8. Describe proposed project implementation and include an overview of project management arrangements.

9. For the railroad(s) operating on the infrastructure proposed to be rehabilitated or repaired, describe the frequency of service, axle-load limits, and estimated railroad gross ton miles for the first full year after completion of the project.

10. Provide an overview of all work done to date to rehabilitate and repair damage caused by the natural disaster.

11. Describe the status or progress toward completing any environmental documentation or clearance for the proposed project under the National Environmental Policy Act, the National Historic Preservation Act, section 4(f) of the DOT Act, or other applicable Federal or State environmental impact assessment laws. FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) describes

FRA's process for the assessment of environmental impacts and the preparation and processing of appropriate documents. That document is available online at <http://www.fra.dot.gov/us/content/166>. For projects that may be categorically excluded from detailed environmental review, as discussed in FRA's Procedures Section 4(c), categorical exclusion worksheets are available at: <http://www.fra.dot.gov/us/content/1606>. Applicants are encouraged to contact FRA as early as possible to discuss the environmental review process.

*Format:* Excluding spreadsheets, drawings, and tables, the narrative statement for grant applications may not exceed ten pages in length. With the exclusion of oversized engineering drawings (which may be submitted in hard copy to the FRA at the address indicated above), all application materials should be submitted as attachments through Grants.Gov. Spreadsheets consisting of budget or financial information should be submitted via Grants.Gov as Microsoft Excel (or compatible) documents.

Issued in Washington, DC, on September 30, 2009.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Development.*

[FR Doc. E9-24182 Filed 10-6-09; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Property at the Tacoma Narrows Airport

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

**ACTION:** Notice of Request to Release Airport Property.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release of land at the Tacoma Narrows Airport under the provisions of section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

**DATES:** Comments must be received on or before November 13, 2009.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Ms. Carol Suomi, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Seattle Airports District Office, 1601 Lind Ave SW., Suite 250, Renton, WA 98057.