

interchanges, grade separations, and access roads (which include new roads, road relocations, and realignments). The FHWA had previously issued a Tier 1 FEIS and ROD for the entire I-69 project from Evansville to Indianapolis, Indiana. A Notice of Limitation on Claims for Judicial Review of Actions by FHWA and United States Fish and Wildlife Service (USFWS), DOI, was published in the **Federal Register** on April 17, 2007. A claim seeking judicial review of the Tier 1 decisions must have been filed by October 15, 2007, to avoid being barred under 23 U.S.C. 139(l). Decisions in the FHWA Tier 1 ROD that were cited in that **Federal Register** notice included, but were not limited to, the following:

1. Purpose and need for the project.
2. Range of alternatives for analysis.
3. Selection of the Interstate highway build alternative and highway corridor for the project, as Alternative 3C.
4. Elimination of other alternatives from consideration in Tier 2 NEPA proceedings.
5. Process for completing the Tier 2 alternatives analysis and studies for the project, including the designation of six Tier 2 sections and a decision to prepare a separate environmental impact statement for each Tier 2 section.

The Tier 1 ROD and Notice specifically noted that the ultimate alignment of the highway within the corridor, and the location and number of interchanges and rest areas would be evaluated in the Tier 2 NEPA proceedings. Those proceedings for section 4 of the I-69 project from Evansville to Indianapolis have culminated in the September 8, 2011, ROD and this Notice. Interested parties may consult the Tier 2, section 4 ROD and FEIS for details about each of the decisions described above and for information on other issues decided. The Tier 2, section 4 ROD can be viewed and downloaded from the project Web site at <http://www.i69indyevn.org/>. People unable to access the Web site may contact FHWA or INDOT at the addresses listed above. Decisions in the section 4, Tier 2 ROD that have final approval include, but are not limited to, the following: 1. National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]. 2. Endangered Species Act [16 U.S.C. 1531–1544]. 3. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]. 4. Clean Air Act, 42 U.S.C. 7401–7671(q). 5. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]. 6. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]. 7. Bald and Golden Eagle Protection Act [16 U.S.C. 688–688d].

Previous actions taken by the USFWS for the Tier 1, I-69 project, pursuant to the Endangered Species Act, 16 U.S.C. 1531–1544, included its concurrence with the FHWA's determination that the I-69 project was not likely to adversely affect the eastern fanshell mussel (*Cyprogenia stegaria*) and that the project was likely to adversely affect, but not jeopardize, the bald eagle. The USFWS also concluded that the project was not likely to jeopardize the continued existence of the Indiana bat and was not likely to adversely modify the bat's designated Critical Habitat. These USFWS decisions were described in the Programmatic Biological Opinion issued on December 3, 2003, the Revised Programmatic Biological Opinion issued on August 24, 2006, and other documents in the Tier 1 project records. A Notice of Limitation on Claims for Judicial Review of these actions and decisions by the USFWS, DOI, was published in the **Federal Register** on April 17, 2007. The USFWS affirmed its decisions in the Amendment to the Revised Programmatic Biological Opinion issued on May 25, 2011. A Notice of Limitation on Claims for Judicial Review of these actions and decisions by the USFWS, DOI, was published in the **Federal Register** on July 20, 2011. A claim seeking judicial review of the Amendment to the Revised Programmatic Biological Opinion must be filed by January 17, 2012, to avoid being barred under 23 U.S.C. 139(l).

For the Tier 2, section 4, 26.7 mile I-69 project in Greene and Monroe Counties, an individual Biological Opinion was issued on July 6, 2011, that concluded that the section 4 project was not likely to jeopardize the continued existence of the Indiana bat and was not likely to adversely modify the bat's designated Critical Habitat. In addition, the USFWS issued an Incidental Take Statement subject to specified terms and conditions. The USFWS also issued a Bald Eagle Take Exempted Under ESA permit (No. MB218918–0) for the incidental take of the bald eagles for all sections of the I-69 project. The permit was effective as of June 25, 2009, and is subject to the terms and conditions of the Endangered Species Act section 7 incidental take statement and the August 24, 2006, Revised Programmatic Biological Opinion. The biological opinions, Bald Eagle permit no. MB218918–0, and other project records relating to the USFWS actions, taken pursuant to the Endangered Species Act, 16 U.S.C. 1531–1544, are available by contacting the FHWA, INDOT, or USFWS at the addresses provided

above. The Tier 2, section 4, Biological Opinion can be viewed and downloaded from the project Web site at [http://www.i69indyevn.org/wp-content/uploads/Sec4\\_FEIS/Sec4\\_Appendix-JJ2.pdf](http://www.i69indyevn.org/wp-content/uploads/Sec4_FEIS/Sec4_Appendix-JJ2.pdf).

(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)

**Robert F. Tally Jr.,**  
Division Administrator, Indianapolis,  
Indiana.

[FR Doc. 2011–25003 Filed 9–28–11; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**TIME AND DATE:** October 27, 2011, 12 noon to 3 p.m., Eastern Daylight Time.

**PLACE:** This meeting will take place telephonically. Any interested person may call 877.820.7831, passcode, 908048 to participate in this meeting.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

**FOR FURTHER INFORMATION CONTACT:** Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: September 26, 2011.

**Larry W. Minor,**  
Associate Administrator for Policy.

[FR Doc. 2011–25314 Filed 9–27–11; 4:15 pm]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2006–25862]

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated

August 15, 2011, the Union Pacific Railroad (UP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance extension from certain provisions of the Federal railroad safety regulations contained at 49 CFR 240.117(e)(1)–(4); 49 CFR 240.305(a)(1)–(4) and (6); and 49 CFR 240.307. FRA assigned the petition Docket Number FRA–2006–25862.

The Confidential Close Call Reporting System (C3RS) pilot project for the UP North Platte Service Unit was initially approved by FRA on September 12, 2007. The 5-year time limit is expiring and subject to FRA approval, UP desires to continue the pilot project until November 18, 2014.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave., SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays. If you do not have access to the Internet, please contact FRA's Docket Clerk at 202–493–6030 who will provide necessary information concerning the contents of the petition.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within October 31, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on September 23, 2011.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2011–25064 Filed 9–28–11; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Early Scoping Notice

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Early Scoping for the Southwest Corridor Plan in Metropolitan Portland, OR.

**SUMMARY:** The Federal Transit Administration (FTA) and the Metro (Oregon) regional government issue this early scoping notice to advise other agencies and the public that they intend to explore alternatives for improving transit service between downtown Portland and Sherwood, in Multnomah and Washington counties. The early scoping is occurring within the context of the Council on Environmental Quality's regulations for complying with the National Environmental Policy Act (NEPA). Several alternatives will be examined to explore their potential for implementation of a major transit capital investment under the New Starts funding program including light rail, bus rapid transit, rapid streetcar, high occupancy vehicle lanes, high occupancy toll lanes and a transportation system management (TSM) alternative. Public workshops have been planned and are described below. The FTA Alternatives Analysis (AA) process, as described in 49 U.S.C. 5309 (a) (1), will assess a wide range of public transportation alternatives designed to address the transportation problems within the corridor. This process will involve a more robust and detailed level of alternatives and will ultimately lead to the selection of a locally preferred alternative.

The initial phase of AA will provide adequate information to determine which alternative(s) to pursue for further analysis for implementation and what level of environmental analysis would be necessary for project implementation. In the second phase, the project may solicit [or obtain] additional public, agency, and tribal input to identify the nature and scope of the environmental issues that should be addressed during NEPA review, following appropriate public notice (anticipated in 2013). This NEPA scoping process will vary depending on whether the project requires an environmental assessment or an environmental impact statement. Metro and FTA will notify the public of NEPA scoping after that decision has been made.

Information about upcoming public meetings and about the project's purpose is set forth below.

**DATES:** Six public events will be held to accept comments on the following dates and locations:

SW Corridor Plan/Tigard Open House/Barbur Concept Plan, 6:30 to 8:30 p.m., September 28, 2011, Tigard Library, Tigard.

PSU Farmers' Market, 8:30 a.m. to 2 p.m., October 8, 2011, West Park Avenue and Southwest Montgomery Street, Portland.

King City/Tigard Area Farmers' Market, 9 a.m. to 2 p.m., October 16, 2011, 11831 SW., Pacific Hwy @ Hwy 99 & 217.

24th Annual Great Onion Festival, 9 a.m. to 4 p.m., October 16, 2011, Archer Glen Elementary School, 16155 SW Sunset Blvd. Sherwood.

8th Annual West Coast Giant Pumpkin Regatta, 10 a.m. to 4 p.m., October 22, 2011, Tualatin Commons, Tualatin.

The public meetings will have information and staff available to discuss the project and answer questions, and there will be opportunities for spoken and written comments. Information is also available on the Metro Web site at: <http://www.swcorridorplan.org>. Written scoping comments are requested by October 28, 2011 and can be sent or emailed to the address below, submitted at the public meetings, or provided via the online comment form available at <http://www.swcorridorplan.org>.

Any individual who requires special assistance, such as a sign language interpreter, to participate in a public workshop should contact Jenn Tuerk at (503) 797–1756 or [trans@oregonmetro.gov](mailto:trans@oregonmetro.gov).

*Interagency and Tribal Coordination Meetings:*