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**Barbara J. Hairston,**

*Supervisory Docket Officer, Docket Operations, Alternate Federal Register Liaison.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending April 6, 2007

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2007-27815.

*Date Filed:* April 4, 2007.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* April 25, 2007.

*Description:* Application of Exec Air Inc. of Naples Db. ExecAir requesting authority to conduct scheduled passenger operations as a commuter air carrier.

**Barbara J. Hairston,**

*Supervisory Docket Officer, Docket Operations, Alternate Federal Register Liaison.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in Indiana

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and United States Fish and Wildlife Service (USFWS), DOI.

**SUMMARY:** This notice announces actions taken by the FHWA and the USFWS

that are final within the meaning of 23 U.S.C. § 139(I)(1). The actions relate to a proposed highway project, I-69, Evansville to Indianapolis, Indiana, in the Counties of Vanderburgh, Warrick, Gibson, Pike, Daviess, Greene, Monroe, Morgan, Johnson and Marion, State of Indiana. The Federal actions, taken as a result of a tiered environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321-4351 (NEPA), and implementing regulations on tiering, 40 CFR 1502.20, 40 CFR 1508.28, and 23 CFR Part 771, determined certain issues relating to the proposed project. Those decisions will be used by Federal agencies in subsequent proceedings, including decisions whether to grant licenses, permits, and approvals for the highway project. The decisions also may be relied upon by State and local agencies in proceedings on the proposed project.

**DATES:** By this notice, the FHWA is advising the public that the FHWA and the USFWS have made decisions that are subject to 23 U.S.C. 139(I)(1) and are final within the meaning of that law. A claim seeking judicial review of those Federal agency decisions on the proposed highway project will be barred unless the claim is filed on or before October 15, 2007. 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 the shorter time period applies.

**FOR FURTHER INFORMATION CONTACT:** For the FHWA: Mr. Anthony DeSimone, P.E., Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, Indianapolis, IN 46204-1576; telephone: (317) 226-5307; e-mail:

*Anthony.DeSimone@fhwa.dot.gov*. The FHWA Indiana Division Office's normal business hours are 7:30 a.m. to 4 p.m., e.t. For the USFWS: Mr. Scott Pruitt, Field Supervisor, Bloomington Field Office, USFWS, 620 South Walker Street, Bloomington, IN 47403-2121; telephone: 812-334-4261; e-mail: *Scott\_Pruitt@fws.gov*. Normal business hours for the USFWS Bloomington Field Office are: 8 a.m. to 4:30 p.m., e.t. You may also contact Mr. Thomas Seeman, Project Manager, Indiana Department of Transportation (INDOT), 100 North Senate Avenue, Indianapolis, IN 46204; telephone: (317) 232-5336; e-mail: *TSeeman@indot.IN.gov*. Normal business hours for the Indiana Department of Transportation are: 8 a.m. to 4:30 p.m., e.t.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA has approved a Tier 1 Final Environmental Impact Statement (FEIS) and issued a

Record of Decision (ROD) in connection with a proposed highway project in the State of Indiana: I-69 from Evansville to Indianapolis, in Vanderburgh, Warrick, Gibson, Pike, Daviess, Greene, Monroe, Morgan, Johnson and Marion Counties. The project will be an approximately 142 mile long Interstate highway. It will begin at the I-64/I-164 interchange just north of Evansville, Indiana and end at I-465 in Indianapolis, to the west of the I-465/SR 37 interchange. The proposed freeway will be on both new and existing alignment.

Decisions in the FHWA Tier 1 ROD that have final approval include, but are not limited to, the following:

1. Purpose and need for the project (see section 3.1).
2. Range of alternatives for analysis (see sections 3.3 and 3.4).
3. Selection of the Interstate highway build alternative and highway corridor for the project. The selected alternative, referred to in the FEIS as Alternative 3C, involves completing I-69 as an Interstate highway from Evansville to Indianapolis via Oakland City, Washington, Crane Naval Surface Warfare Center, Bloomington, and Martinsville (see section 2.1). This alternative includes the use of parts of the existing alignment of SR 37 to reach I-465 and the route variation known as WE2 in the area of Washington, Indiana. The ultimate alignment of the highway within the corridor, and the location and number of interchanges and rest areas will be evaluated in the Tier 2 National Environmental Policy Act (NEPA) proceedings.
4. Elimination of other alternatives from consideration in Tier 2 NEPA proceedings. The alternatives that will not be considered any further include, but are not limited to, those identified in the Tier 1 FEIS as the "no build" alternative, and alternatives 1, 2A, 2B, 2C, 3A, 3B, 4A, 4B, 5A, and 5B. Also eliminated were a number of hybrids and variations on these alternatives, including the "Mann Road Variation" for reaching I-465 and variations WW1, WW2, and WE1 in the area of Washington, Indiana. Detailed information about the alternatives considered in Tier 1, and about the Federal decisions that eliminate alternatives other than Alternative 3C from further consideration, is available in section 3 of the Tier 1 ROD and the Tier 1 FEIS sections cited therein.
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 (see section 2.3).