

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic 1/2" x 0.008 steel fiber with ultimate tensile strength of 290ksi for experimental use in Ultra High Performance Concrete (UHPC) in the State of Iowa.

**DATES:** The effective date of the waiver is September 30, 2011.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 8 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

**Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic 1/2" x 0.008 steel fiber with ultimate tensile strength of 290ksi for experimental use in UHPC in Iowa.

In accordance with Division A, section 123 of the "Consolidated Appropriations Act, 2010" (Pub. L. 111-117), the FHWA published a notice of intent to issue a waiver on its Web site for 1/2" x 0.008 steel fiber with ultimate tensile strength of 290ksi for experimental use in UHPC in Iowa (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=62>) on August 23rd. The FHWA received seven comments in response to the publication. All seven commenters opposed the waiver request but did not

provide information about domestic manufacturers. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for 1/2" x 0.008 steel fiber with ultimate tensile strength of 290ksi for experimental use in UHPC in Iowa. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of 1/2" x 0.008 steel fiber with ultimate tensile strength of 290ksi for experimental use in UHPC in Iowa.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Iowa waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410)

Issued on: September 20, 2011.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2011-25004 Filed 9-28-11; 8:45 am]

**BILLING CODE 4910-22-P**

**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(l)(1). The actions relate to a proposed highway project for a 26.7 mile segment of I-69, in the Counties of Greene and Monroe, State of Indiana and grant licenses, permits, and approvals for the 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(l)(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 March 27, 2012. 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: Ms. Michelle Allen, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, Indianapolis, IN 46204-1576; *telephone:* (317) 226-7344; *e-mail:* [Michelle.Allen@dot.gov](mailto:Michelle.Allen@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](mailto: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](mailto: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 2 Final Environmental Impact Statement (FEIS) for section 4 of the I-69 highway project from Evansville to Indianapolis and issued a Record of Decision (ROD) for section 4 on September 8, 2011. Section 4 of the I-69 project extends from U.S. 231 (near Crane Naval Surface Warfare Center) to the intersection of Victor Pike Road and State Road 37 (south of Bloomington). Section 4 is a new alignment, fully access-controlled highway. As approved in the Tier 1 ROD, the corridor is generally 2,000 feet wide. The corridor width varies at three locations within Section 4. The corridor widens to approximately 5,400 feet along the Greene-Monroe County Line from just north of CR 1260E/CR 190S (Hobbieville Road) in Greene County to just north of Carter Road in Monroe County. The Section 4 corridor narrows to approximately 1,200 feet in width at two locations in Monroe County, near Evans Lane and also in the vicinity of Rockport Road and Lodge Road. The ROD selected Refined Preferred Alternative 2 for section 4, as described in the *I-69 Evansville to Indianapolis, Indiana, Tier 2 Final Environmental Impact Statement, Crane NSWC to Bloomington, Indiana (FEIS)*, available at [http://www.i69indyevn.org/section4\\_FEIS.html](http://www.i69indyevn.org/section4_FEIS.html). The ROD also approved the locations of the

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]

**BILLING CODE 4910-EX-P**

## 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