

("EDS Pipeline"), located to the east-southeast of the other pipeline. Kinder Morgan shall be the sole owner of the pipeline commonly referred to as the Cochin Pipeline, located to the west-northwest of the EDS Pipeline. Each party shall be solely responsible for the maintenance of their pipeline and any liability associated with that pipeline. All easements, licenses, leases and permits associated with the Pipelines, except for any Presidential permits issued by the Department, and all real property formerly owned in fee by Dome Pipeline, shall be owned jointly by Dome Petroleum and Kinder Morgan as tenants in common. If approved by the Department, separate individual Presidential permits will be issued to Dome Petroleum and Kinder Morgan for their respective pipelines.

According to the application, Dome Petroleum and Kinder Morgan have, in written correspondence to the Department of State, committed to abide by the relevant terms and conditions of the permit previously issued by the Department to Dome Pipeline. Further, Dome Petroleum and Kinder Morgan have indicated in that correspondence that there have been no substantial changes in the operations of the EDS and Cochin pipelines from those originally authorized by the Department and further stated that the future operation of the pipelines will remain essentially unchanged from that previously permitted. Therefore, in accordance with 22 CFR 161.7(b)(3) and the Department's Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation (70 FR 30990, May 31, 2005), the Department of State does not intend to conduct an environmental review of the application unless information is brought to its attention that the transfer potentially would have a significant impact on the quality of the human environment.

As required by E.O. 13337, the Department of State is circulating this application to concerned federal agencies for comment.

**DATES:** Interested parties are invited to submit, in duplicate, comments relative to this proposal on or before March 12, 2009 to J. Brian Duggan, Office of International Energy and Commodities Policy, Department of State, Washington, DC 20520. The application and related documents that are part of the record to be considered by the Department of State in connection with this application are available for inspection in the Office of International

Energy and Commodities Policy during normal business hours.

**FOR FURTHER INFORMATION CONTACT:**

J. Brian Duggan, Office of International Energy and Commodity Policy (EB/ESC/IEC/EPC), Department of State, Washington, DC 20520; or by telephone at (202) 647-1291; or by e-mail at [DugganJB@state.gov](mailto:DugganJB@state.gov).

Dated: January 30, 2009.

**Stephen J. Gallogly,**

*Director, Office of International Energy and Commodity Policy, Department of State.*

[FR Doc. E9-2769 Filed 2-9-09; 8:45 am]

**BILLING CODE 4710-07-P**

**TENNESSEE VALLEY AUTHORITY**

**Sunshine Act**

**AGENCY HOLDING THE MEETING:** Tennessee Valley Authority (Meeting No. 09-01).

**TIME AND DATE:** 9 a.m. (EST), February 12, 2009, TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

**STATUS:** Open.

**Agenda**

*Old Business*

Approval of minutes of December 11, 2008, Board Meeting.

*New Business*

1. Chairman's Report
2. Kingston Report
3. President's Report
4. Report of the Finance, Strategy, Rates, and Administration Committee
  - A. Retention of Net Power Proceeds
  - B. Modification of Financial Trading Program
  - C. Compensation
5. Report of the Operations, Environment, and Safety Committee
  - A. AREVA Settlement
  - B. Contracts for greater than 100 MW of Firm Power
6. Report of the Community Relations and Energy Efficiency Committee
  - A. Honeycomb Campground New Lease
7. Report of the Audit, Governance, and Ethics Committee
  - A. Delegation of authority to resolve claims
  - B. Selection of Board Chairman
8. Information Item
  - A. Authorization to Resolve Claims

*For more information:* Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. People who plan to attend the meeting and have special needs should call (865) 632-6000. Anyone who wishes to comment on any of the agenda in writing may send their

comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: February 5, 2009.

**Maureen H. Dunn,**

*General Counsel and Secretary.*

[FR Doc. E9-2883 Filed 2-6-09; 12:00 pm]

**BILLING CODE 8120-08-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 Other Federal Agencies.

**SUMMARY:** This notice announces action taken by the FHWA and Other Federal Agencies that are final within the meaning of 23 U.S.C. § 139(l)(1). This action is the Record of Decision issued by FHWA for the U.S. 31 Hamilton County Project in the State of Indiana.

**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 August 10, 2009. 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. Lawrence Heil, P.E., Air Quality/Environmental Specialist, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, 46204; *telephone:* (317) 226-7480; *e-mail:* [Larry.Heil@fhwa.dot.gov](mailto:Larry.Heil@fhwa.dot.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA has taken final agency action subject to 23 U.S.C. 139(l)(1) by approving the Record of Decision for the following highway project in the State of Indiana: U.S. 31 Hamilton County Project, in Marion and Hamilton Counties. The Selected Alternative provides for an upgrade of existing U.S. 31 to an access-controlled, six-lane freeway between I-465 North Leg and State Road (SR) 38, with the southern terminus of the project extending to 96th Street (approximately 13.1 miles long). The proposed freeway will be substantially within the existing U.S. 31 Corridor, with interchanges and

grade separations at key cross-streets. The actions by FHWA are described in the Final Environmental Impact Statement (FEIS) for the project, approved on December 1, 2008 and in the FHWA Record of Decision (ROD) issued on January 30, 2009, and in other documents in the project record. The FEIS, ROD, and other documents in the FHWA project file are available by contacting the FHWA at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the project Web site at: <http://us31hamiltoncounty.in.gov/> or viewed at public libraries in the project area.

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 and Water Conservation Fund* (LWCF), 16 U.S.C. 4601–4604; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), [23 U.S.C. 319]; National Forest Management Act (NFMA) of 1976 [16 U.S.C. 1600–1614].
4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], 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)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. *Wetlands and Water Resources*: Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

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. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 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: February 2, 2009.

**Robert F. Tally Jr.,**

*Division Administrator, Indianapolis, Indiana.*

[FR Doc. E9–2646 Filed 2–9–09; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2000–7363; FMCSA–2002–13411]**

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 11 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective March 4, 2009. Comments must be received on or before March 12, 2009.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–

2000–7363; FMCSA–2002–13411, using any of the following methods.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**