

SUMMARY: The Federal Railroad Administration (FRA) hereby gives notice that it has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for Emergency Processing under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501 *et seq.*). FRA requests that OMB authorize the collection of information identified below on or before March 15, 2010, for 180 days after the date of approval by OMB. A copy of this ICR, with applicable supporting documentation, may be obtained by calling FRA's Clearance Officers, Mr. Robert Brogan (tel. (202) 493–6292) or Ms. Kimberly Toone (tel. (202) 493–6132). These numbers are not toll-free. A copy of this ICR may also be obtained electronically by contacting Mr. Brogan at Robert.Brogan@dot.gov or by contacting Ms. Toone at Kimberly.Toone@dot.gov. Comments and questions about the ICR identified below should be directed to the Office of Information and Regulatory Affairs (OIRA), Attn: FRA OMB Desk Officer, 725 17th St., NW., Washington, DC 20503. Comments and questions about the ICR identified below may also be transmitted electronically to OIRA at oira_submissions@omb.eop.gov.

DATES: Comments should be submitted as soon as possible upon publication of this notice in the **Federal Register**.

Title: Notice of Funding Availability and Solicitation of Applications for the Positive Train Control (PTC) Grant Program.

OMB Control Number: 2130–New.

Frequency: One-time.

Affected Public: 50 Railroads.

Form(s): SF–269, SF–270, SF–271.

Estimated Total Annual Number of Responses: 250 (Grant Applications and Other Supporting Documents (Paper/Electronic)).

Estimated Total Annual Burden Hours: 13,923 hours.

Abstract: The Rail Safety Technology Program is a newly authorized program under the Rail Safety Improvement Act of 2008 (RSIA) (Pub. L. 110–432; October 16, 2008). The program was directed by Congress and passed into law in the aftermath of a series of major rail accidents that culminated in an accident at Chatsworth, California, in 2008. Twenty-five people were killed and 135 people were injured in the Chatsworth accident. This event turned the Nation's attention to rail safety and the possibility that new technologies, such as PTC, could prevent such accidents in the future. The RSIA ordered installation of PTC by all Class I railroads on any of their mainlines carrying poisonous inhalation hazard

(PIH) materials and by all passenger and commuter railroads on their main lines not later than December 31, 2015.

As part of the RSIA, Congress provided \$50 million to FRA to award, in one or more grants, to eligible projects by passenger and freight rail carriers, railroad suppliers, and State and local Governments. Funds will be awarded to projects that have a public benefit of improved railroad safety and efficiency, with priority given to projects that make PTC technologies interoperable between railroad systems; projects that accelerate the deployment of PTC technology on high-risk corridors, such as those that have high volumes of hazardous material shipments; and for projects over which commuter or passenger trains operate, or that benefit both passenger and freight safety and efficiency.

Funds provided under this grant program may constitute no more than 80 percent of the total cost of a selected project, with the remaining costs funded from other sources. The funding provided under these grants will be made available to grantees on a reimbursement basis. FRA anticipates awarding grants to multiple eligible participants. FRA may choose to award a grant or grants within the available funds in any amount. Funding made available through grants provided under this program, together with funding from other sources that is committed by a grantee as part of a grant agreement, must be sufficient to complete the funded project and achieve the anticipated technology development. FRA will begin accepting grant applications 10 days after publication of the separate agency notice published in the **Federal Register** detailing the terms of the PTC Grant Program Funds Availability. Applications may be submitted until the earlier of December 31, 2010, or the date on which all available funds will have been committed under this program.

FRA is applying to OMB for Emergency Clearance of this proposed information collection because of the highly complex technology involved. Reviewing railroad applications and awarding this funding as quickly as possible is essential to meeting FRA's mission and the RSIA PTC implementation deadline of December 15, 2015. FRA cannot reasonably comply with the normal OMB PRA Clearance procedures because of the time needed by FRA to review PTC grant fund applications and resolve technology issues, and because any delay in PTC implementation will cause FRA to miss the congressional statutory deadline. Also, normal OMB PRA

Clearance procedures cannot be complied with because any delay of PTC implementation is likely to cause considerable public harm in terms of higher numbers of accidents/incidents and corresponding injuries/fatalities on train lines across the country that did not have the enhanced safety provided by PTC technologies on them as intended by Congress. Upon receiving the requested 6-month Emergency Clearance by OMB, FRA will follow the normal PRA procedures to obtain extended approval for this proposed information collection for the customary 3-year period.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on February 22, 2010.

Margaret B. Reid,

Associate Administrator, Office of Financial Management, Federal Railroad Administration.

[FR Doc. 2010–3865 Filed 2–24–10; 8:45 am]

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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(l)(1). The actions relate to a proposed highway project for a 25.73-mile segment of I–69, in the Counties of Daviess and Greene, 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 *August 24, 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 the shorter time period applies.

FOR FURTHER INFORMATION CONTACT: For the FHWA: Ms. Janice Osadczuk, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254,

Indianapolis, IN 46204-1576; telephone: (317) 226-7486; e-mail: Janice.Osadczyk@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 2 Final Environmental Impact Statement (FEIS) for section 3 of the I-69 highway project from Evansville to Indianapolis and issued a Record of Decision (ROD) for section 3 on January 28, 2010. Section 3 of the I-69 project extends from U.S. 50 east of the city of Washington, Indiana to U.S. 231 near the Crane NSWC. Section 3 is a new alignment, fully access-controlled highway. As approved in the Tier 1 ROD, the corridor is generally 2000-foot wide. The corridor width varies at two locations within Section 3. It narrows to 1200-foot wide near First Creek and expands to 6400-foot wide near the Thousand Acre Woods. The ROD selected Refined Preferred Alternative 1 for section 3, as described in the I-69 *Evansville to Indianapolis, Indiana, Tier 2 Final Environmental Impact Statement, Washington to Crane NSWC, Indiana* (FEIS), available at http://www.i69indyevn.org/section3_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 3 of the I-69 project from Evansville to Indianapolis have culminated in the January 28, 2010, ROD and this Notice. Interested parties may consult the Tier 2, section 3 ROD and FEIS for details about each of the decisions described above and for information on other issues decided. The Tier 2, section 3 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 3, 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. For the Tier 2, section 3, 25.73-mile I-69 project in Daviess and Greene Counties, an individual Biological Opinion was issued on October 21, 2009, that concluded that the Section 3 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. In addition, the USFWS 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 3, Biological Opinion can be viewed and downloaded from the project Web site at http://www.deis.i69indyevn.org/FEIS_Sec3/Sec3_Appendix_Y2.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. 2010-3560 Filed 2-24-10; 8:45 am]

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