

Liberty International Airport (EWR). This action also declines to grant a waiver of the requirement to use slots at Reagan Washington National Airport. This waiver is effective from October 28, 2012 through November 2, 2012.

DATES: Effective November 15, 2012.

FOR FURTHER INFORMATION CONTACT: Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-7143; email: rob.hawks@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2012, Hurricane Sandy made landfall in southern New Jersey. Combined with another weather front, Hurricane Sandy transitioned to an extratropical storm that caused widespread power outages, severe flooding, and severe disruption of transportation systems in the northeastern and mid-Atlantic United States. This disruption included airport closures and mass cancellation of scheduled flights.

The degree of disruption and cancellations varied by airport across the region, and flight disruptions occurred at slot-controlled and non-slot-controlled airports. JFK and EWR were effectively closed on October 29 and 30 and had limited operational capacity on October 31. LGA was effectively closed from October 29 through October 31 and had limited operational capacity on November 1. DCA was effectively closed on October 29 and 30 and had reduced operational capacity on October 31. Recovery of normal operations took several days after the storm.

FAA Analysis

Under the FAA's High Density Rule at DCA and Orders limiting operations at LGA, JFK, and EWR, slots must be used at least 80 percent of the time. These rules are expected to accommodate routine weather and other cancellations under all but the most unusual circumstances. Slots not meeting the minimum usage requirement will be withdrawn or not receive historic precedence for the following scheduling season, depending on the airport.¹ The FAA may grant a waiver from the minimum usage requirement in highly unusual and unpredictable conditions that are beyond the control of the carrier and affect carrier operations for a period of five or more consecutive days (for LGA, JFK, and EWR) or of nine or more

consecutive days (for DCA). However, the FAA does not routinely grant general waivers to the usage requirement except under the most unusual circumstances.

The FAA has granted waivers of the slot usage requirement in circumstances similar to those of Hurricane Sandy. The FAA generally considers the days of the weather event as well as a couple additional days to resume normal operations. For example, in February 2010, the FAA granted a general waiver because unusual snowstorms closed slot-controlled airports for multiple days and also caused mass cancellations resulting from reduced airport capacity.

For LGA, JFK, and EWR, the FAA has determined the unusual circumstances created by Hurricane Sandy meet the criteria for a limited waiver of the minimum slot usage requirement. Accordingly, the FAA will treat as used any slot or Operating Authorization held by a carrier from October 28 through November 2, 2012.

For DCA, the FAA has determined that overall operational disruption did not last for the required nine or more consecutive days. Operational data show normal operations largely had resumed by November 1, 2012.

Although the FAA has determined that a general waiver of the usage requirement is inappropriate for DCA, it acknowledges that some carriers operate flights between DCA and airports in the NYC area or northeastern U.S. affected by the storm. These circumstances may have created a unique hardship for those carriers justifying waiver relief. To assess that hardship and determine whether relief is warranted, the FAA requests that affected carriers submit an individual request for limited waiver. However, a carrier must demonstrate operational disruptions of scheduled flights that lasted nine or more consecutive days to be eligible for waiver relief.

FAA Decision

In consideration of the foregoing, the FAA GRANTS a limited waiver of the usage requirement for LGA, JFK, and EWR for the period from October 28 through November 2, 2012.

Issued in Washington, DC, on November 7, 2012.

Rebecca B. MacPherson,

Assistant Chief Counsel for International Law, Legislation, and Regulations.

[FR Doc. 2012-27844 Filed 11-14-12; 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 Army Corps of Engineers (USACE), DoD.

SUMMARY: This notice announces actions taken by the FHWA and the USACE that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to proposed highway projects 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 of final agency actions 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 actions that are covered by this notice will be barred unless the claim is filed on or before April 14, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 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; email: 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 USACE: Mr. Greg Mckay, Chief, North Section Regulatory Branch, Louisville District, United States Army Corps of Engineers, P.O. Box 59, Louisville, KY 40201-0059; telephone: (502) 315-6685; email: gregory.a.mckay@usace.army.mil. Normal business hours are 8 a.m. to 5 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; email: 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 and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway project in the State of Indiana listed below. The

¹ 14 CFR 93.227 (DCA); 74 FR 51648 (Oct. 7, 2009) (EWR); 74 FR 51650 (Oct. 7, 2009) (JFK); 77 FR 30585 (May 23, 2012) (LGA).

actions by the Federal agencies on the project, and the laws under which such actions were taken, are described in the Record of Decision (ROD), Reevaluation Documents to the final environmental impact statements (FEIS) issued in connection with the project, Section 404 Discharge of Dredged or Fill Material Permit, and in other documents in the FHWA administrative record for the project. The ROD and other documents from the FHWA administrative record files for the listed project are available by contacting the FHWA or the Indiana Department of Transportation (INDOT) at the addresses provided above. Project information may also be available through the INDOT I-69 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. This notice applies to all Federal agency decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to: 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]. 8. Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 402, Section 401, Section 319). 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 have been filed by January 17, 2012, to avoid being barred under 23 U.S.C. 139(l).

The project subject to this notice is Section 4 of the I-69 highway project from Evansville to Indianapolis, which extends from U.S. 231 (near Crane Naval Surface Warfare Center) to near the intersection of State Road 37 and Victor Pike Road. Notice is hereby given that, subsequent to the earlier FHWA notice, the FHWA has taken final agency actions within the meaning of 23 U.S.C. 139(l)(1) by approving five (5) Reevaluations of the Tier 2, Section 4 Record of Decision issued on September 8, 2011. Section 4 of the I-69 project extends from U.S. 231 just north of the Crane Naval Surface Warfare Center to S.R. 37 south of the City of Bloomington. Section 4 is a new alignment, fully access-controlled highway. As approved in the Tier 1 ROD, the corridor is generally 2000-foot wide. 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/section-4-feis>. The ROD also approved the locations of the interchanges, grade separations, and access roads (which include new roads, road relocations, and realignments). On September 29, 2011, the FHWA published a "Notice of Limitation on Claims for Judicial Review of Actions by FHWA and United States Fish and Wildlife Service (USFWS), DOI" in the **Federal Register** at (76 FR 60583–01) for the Section 4, 26.7 mile segment of I-69 in the Counties of Greene and Monroe. A claim seeking judicial review of the Tier 2, Section 4 decisions must have been filed by March 27, 2012, to avoid being barred under 23 U.S.C. 139(l). The five (5) Reevaluations of the Tier 2, Section 4 ROD include: (1) The November 4, 2011 Reevaluation, which was prepared to evaluate the impacts of additional temporary right-of-way areas (including temporary right-of-way required to accommodate demolition activities for building removal) made necessary based on final design that were not analyzed in the Tier 2 Section 4 ROD or FEIS

(approved July 13, 2011); (2) the June 12, 2012 Reevaluation, which was prepared to evaluate the effects of additional right-of-way and improvements (including right-of-way required to decrease bank slopes in an area of inadequate soil conditions) made necessary based on final design that were not analyzed in the Tier 2 Section 4 ROD or FEIS (approved July 13, 2011); (3) the July 11, 2012 Reevaluation, which was prepared to evaluate the impacts of additional right-of-way areas (including temporary right-of-way required to accommodate demolition activities for building removal and filling the remaining portion of an impacted pond) made necessary based on final design that were not analyzed in the Tier 2 Section 4 ROD or FEIS (approved July 13, 2011); (4) the July 31, 2012 Reevaluation, which was prepared to evaluate the impacts of additional right-of-way areas (including temporary right-of-way required to accommodate demolition activities for building removal, temporary right-of-way required for construction of a private drive, and permanent right-of-way required for construction of a cul de sac.) made necessary based on final design that were not analyzed in the Tier 2 Section 4 ROD or FEIS (approved July 13, 2011); and (5) the October 11, 2012 Reevaluation, which was prepared to evaluate the impacts of additional right-of-way areas (including temporary right-of-way and permanent right-of-way required for construction a modified interchange) made necessary based on final design that was not analyzed in the Tier 2 Section 4 ROD or FEIS (approved July 13, 2011). The analysis in each of the Reevaluations supports the FHWA's conclusions that none of the changes examined will have impacts sufficient to require preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS) for Section 4, and therefore that the Tier 2 Section 4 FEIS and ROD remain valid. The detailed analysis of the reevaluation documents along with the federal decision of minimal impact can be found on the project Web site at <http://www.i69indyevn.org/reevaluation-documents/>.

In addition, notice is hereby given that, subsequent to the earlier FHWA notice, the USACE has taken final agency actions within the meaning of 23 U.S.C. 139(l)(1) by issuing permits and approvals for the highway project. The actions by the USACE, related final actions by other Federal agencies, and the laws under which such actions were

taken, are described in the USACE decisions and its project records, referenced as Department of the Army (DA) Permit, Number LRL–2011–0041–djd. That information is available by contacting the USACE at the address provided above.

On September 22, 2011, INDOT filed an application with the USACE for authorization under Section 404 of the Clean Water Act, 33 U.S.C. 1344, to construct the 26.7 mile Section 4 I–69 project. On October 1, 2012, the USACE took final action in issuing the Department of the Army (DA) Permit for the Section 4 I–69 project, Number LRL–2011–0041–djd, as described in the USACE decision and its administrative record for the project. As part of the Section 4 project, which begins at the northern terminus of the Section 3 project in Greene County and terminates at S.R. 37 and Victor Pike Road in Monroe County, there are 18 crossings of water resources requiring individual permits from the USACE, including streams, open water and emergent, scrub-shrub and forested wetlands. Subject to the permit conditions, INDOT is permitted to discharge 34,154 cubic yards of fill material below the Ordinary Highway Water Mark of 88,462 linear feet of stream channels, and to discharge 190,215 cubic yards of fill material into 9.42 acres of open water and emergent, scrub-shrub, and forested wetlands in constructing these 18 crossings.

The actions by the Federal agencies on the project, and the laws under which such actions were taken, are described in the Reevaluation documents, the Department of the Army (DA) Permit (LRL–2011–0041–djd), and in other documents in the FHWA administrative record for the project. The ROD and other documents from the FHWA administrative record files for the Section 4 projects are available by contacting FHWA, USACE or INDOT at the addresses provided above. Project information may also be available through the INDOT I–69 Project Web site at <http://www.i69indyevn.org/>.

(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)

Richard Marquis,

Acting Division Administrator, Indianapolis, Indiana.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2008–0266]

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 November 9, 2012. Comments must be received on or before December 17, 2012.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [FMCSA–1998–3637; 2000–7006; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2008–0266], 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.

Instructions: 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 Federal Docket Management System (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 DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, 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:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 11 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 11 applications for renewal on their