

contingent on reductions offered by another carrier or carriers.

After completion of the individual carrier sessions, the Administrator will revise the list of flights to reflect the individual discussions with the carriers. The carriers will again be given this list which will not identify flights by carrier. If the Administrator believes that severely congested time periods still exist, he may set revised targets and repeat the individual sessions with carriers.

If the Administrator determines that identifying carrier-specific targets is necessary to facilitate voluntary flight reductions and schedule modifications, he may advise each carrier separately and confidentially of flight reduction targets specific to that carrier, which information will *not* be given to any other carrier or carriers. The Administrator may also make a general assurance with respect to the overall proportionality of the flight reductions being sought by the FAA from carriers serving JFK.

The Administrator will develop and approve a proposed flight reduction plan and schedule reduction, which will be published in the **Federal Register** as a final order.

Importantly, the procedures do not provide for any meetings among the carriers without the FAA present. The procedures will not allow any discussion or negotiation among carriers about flight reductions, prices charged, or markets served. During the course of the meetings, carriers will not be told schedule reductions or modifications other carriers are offering or being asked to offer.

For these reasons, the Department is not presently inclined to initiate antitrust enforcement action against any carrier that participates in the FAA's flight reduction meeting and conducts itself in the manner described in your September 21 letter. This expresses the Department's current enforcement intention regarding the carriers' participation in the flight reductions meeting. The Department reserves the right to bring an enforcement action against any conduct that violated the antitrust laws.

Yours sincerely,

Thomas O. Barnett

Issued in Washington, DC, on October 16, 2007.

**Kerry B. Long,**  
Chief Counsel.

[FR Doc. 07-5177 Filed 10-16-07; 4:31 pm]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Calvert and St. Mary's Counties, Maryland

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

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed roadway widening and bridge replacement project in Calvert and St. Mary's Counties, Maryland. The purpose of the EIS is to provide information and analyses for decisions on the project in accordance with the policies and purposes of the National Environmental Policy Act.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel W. Johnson, Environmental Program Manager, Federal Highway Administration, City Crescent Building, 10 South Howard Street, Suite 2450, Telephone (410) 779-7154.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Maryland State Highway Administration, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Coast Guard, and Maryland Department of the Environment will prepare an environmental impact statement (EIS) to improve MD 4 from MD 2 to MD 235 in Calvert and St. Mary's Counties, a distance of approximately 2.91 miles.

Improvements to the corridor are necessary to improve existing capacity and traffic operations, and to increase vehicular, pedestrian and bicycle safety along MD 4, while supporting existing and planned development in the area. Improvements to the bridge are necessary due to inadequate shoulder widths, major traffic delays and/or closures currently occur along the Thomas Johnson Memorial Bridge during crashes and maintenance activities. In addition, the crash rate on MD 4 from FDR Boulevard to MD 235, as well as the rear end collision rate across the Thomas Johnson Memorial Bridge, is greater than the statewide average.

Alternatives under consideration include taking no action and widening existing MD 4 to a four lane divided highway, with various options for bridge improvements and/or reconstruction.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local

agencies, and to private organizations and citizens and citizen groups who have previously expressed or are known to have an interest in this proposal. It is anticipated that a Public Hearing will be held in the Fall of 2009. The draft EIS will be available for public and agency review and comment prior to a Public Hearing. Public notice will be given of the availability of the Draft EIS for review and of the time and place of this hearing. A Scoping Meeting was held in May of 2007, and two Open House Workshops will be held in October 2007 to solicit opinions and ideas on proposed improvements from local citizens.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning these proposed actions and EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Issued on: October 10, 2007.

**Daniel W. Johnson,**

*Environmental Program Leader, Baltimore, Maryland.*

[FR Doc. 07-5190 Filed 10-19-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highways in Washington

**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 actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, SR 167 Extension Project Puyallup to SR 509 in Pierce County, Washington. Those actions 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). 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 April 21, 2008. 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:**

Bryan Dillon, Area Engineer, Federal Highway Administration Washington Division, 711 South Capitol Way, Suite 501, Olympia, WA 98501. Office hours are 8 a.m. to 4 p.m. Pacific Time, (360) 753-9556, [Bryan.Dillon@fhwa.dot.gov](mailto:Bryan.Dillon@fhwa.dot.gov). You may also contact Steve Fuchs, SR 167 Project Manager, Washington State Department of Transportation (WSDOT), 1011 10th Avenue SE., Olympia, WA 98501. Office hours are 8 a.m. to 5 p.m. Pacific Time, (360) 709-8100, [fuchss@wsdot.wa.gov](mailto:fuchss@wsdot.wa.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing a Record of Decision (ROD) and approvals for the following highway project in the State of Washington. When completed, the SR 167 Extension project will replace the existing arterial route that follows River Road with six miles of new freeway north of the Puyallup River. This will complete the existing SR 167 from State Route 161 in Puyallup to Interstate 5 in Fife, with a connection to State Route 509 near the Port of Tacoma. When construction funding is secured, the project will be built in stages as money becomes available. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the November 2006 Final Environmental Impact Statement (FEIS) and the October 2, 2007 ROD, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record are available by contacting the FHWA or WSDOT at the addresses provided above. The FEIS and ROD can also be viewed and downloaded from the project Web site at <http://www.wsdot.wa.gov/Projects/SR167/TacomaToEdgewood/> or viewed at public libraries in the project area. Since federal funding is not currently available for this project, an FHWA project number has not been established.

This notice applies to all Federal agency decisions on the listed projects 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 [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, as amended [42 U.S.C. 7401-7671(q)].

3. *Land:* 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].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

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.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archaeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act [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 [7 U.S.C. 4201-4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act [16 U.S.C. 1451-1465]; Land and Water Conservation Fund [16 U.S.C. 4601-4604]; Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; 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. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 [PL 99-499]; Resource Conservation and Recovery Act [42 U.S.C. 6901-6992(k)].

9. *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: October 5, 2007.

**Bryan Dillon,**

*Area Engineer, Olympia, Washington.*

[FR Doc. E7-20694 Filed 10-19-07; 8:45 am]

**BILLING CODE 4910-RY-P y**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-0007]

#### Notice of Receipt of Petition for Decision That Nonconforming 1988 Ducati 851 Motorcycles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1988 Ducati 851 motorcycles are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1988 Ducati 851 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is November 21, 2007.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online 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,