

150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formerly received the noise compatibility program for Baton Rouge Metropolitan Airport, also effective on July 30, 2007. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 25, 2008.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Planning and Programming Branch, Room 697, 2601 Meacham Boulevard, Fort Worth, TX 76137-4298 and Mr. Anthony Marino, 9430 Jackie Cochran Dr., Suite 300, Baton Rouge, LA 70807.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

**Kelvin L. Solco,**

*Manager, Airports Division.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Limitation on Claims For the Big Bear Bridge Replacement Project, San Bernardino National Forest, California

**AGENCY:** U.S. Department of Transportation, Federal Highway Administration (FHWA).

**SUMMARY:** This notice announces the actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). These actions relate to a proposed bridge replacement project in the San Bernardino National Forest, California. The federal actions grant approvals and authorize funding for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. (l)(1). A claim seeking judicial review of the Federal agency actions on the bridge replacement project will be barred unless a claim is filed on February 4, 2008. If the Federal law that authorizes judicial review of a claim provides a time period less than 180 days for filing such claim, then that shorter time period still applies.

#### FOR FURTHER INFORMATION CONTACT:

David Cohen, Environmental Protection Specialist, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814, weekdays between 9 a.m. and 5 p.m. (Pacific Time), telephone (916) 498-5868, e-mail: [David.Cohen@dot.gov](mailto:David.Cohen@dot.gov); Tay Dam, Project Development Engineer, Federal Highway Administration, 888 S. Figueroa, Suite 1850, Los Angeles, CA 90017, telephone (213) 202-3954, e-mail: [Tay.Dam@dot.gov](mailto:Tay.Dam@dot.gov); Mr. Boniface Udotor, Senior Environmental Planner, Caltrans District 8, 464 West 4th Street, San Bernardino, CA 92401, telephone (909) 388-1387, e-mail: [Boniface\\_Udotor@dot.ca.gov](mailto:Boniface_Udotor@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following bridge replacement project in the State of California: The Big Bear Lake Bridge on State Route 18 in the San Bernardino National Forest. This project will provide a structurally sound and operationally efficient transportation facility which will blend into and add value to its environmental setting. The project will also realign the approach roadways to the bridge and signalize the intersection between State Route 18 and State Route 38. The existing bridge will

be removed from the top of the dam to facilitate the Big Bear Municipal Water District's planned spillway and outlet works improvements.

The actions by the Federal agencies and the laws under which such actions were taken are described in the Final Environmental Impact Statement for the project, approved on March 30, 2007, and in other documents in the administrative record. The FEIS, the Record of Decision, and other project records are available by contacting the FHWA or Caltrans at the addresses provided above. The environmental document is also published on-line at <http://www.dot.ca.gov/dist8/pdf/bigbear-FEIS-R.pdf>.

This notice applies to all final decisions of Federal agencies as of the issuance date of this notice, and all laws under which such actions were taken, including but not limited to:

1. *General:* The 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:* The Section 4(f) of the U.S. Department of Transportation Act of 1966 [49 U.S.C. 303; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319]

4. *Wildlife:* The Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], 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 Impacts:* 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:* Clean Water Act [33 U.S.C. 1251-1377]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Flood Disaster Protection Act [42 U.S.C. 4001-4128]

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Resource Conservation and Recovery Act (RCRA) [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 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 activity.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: July 30, 2007.

**Maisner Khaled,**

*Director, Project Development & Environment, Federal Highway Administration, California Division.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-27995; Notice 2]

#### Decision That Nonconforming 1994 and 1996 Left-Hand and Right-Hand Drive Jeep Cherokee Multipurpose Passenger Vehicles Are Eligible for Importation

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

**ACTION:** Notice of decision by the National Highway Traffic Safety Administration (NHTSA) that nonconforming 1994 and 1996 left-hand drive (LHD) and right-hand drive (RHD) Jeep Cherokee multipurpose passenger vehicles (MPVs) are eligible for importation.

**SUMMARY:** This document announces a decision by NHTSA that certain 1994 and 1996 LHD and RHD Jeep Cherokee MPVs 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 (the U.S.-certified version of the 1994 and 1995 LHD and RHD Jeep Cherokee MPVs), and (2) they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective [insert date of letter notifying RI that petition has been granted].

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 90-007) petitioned NHTSA to decide whether 1994 and 1996 LHD and RHD Jeep Cherokee MPVs are eligible for importation into the United States. In its petition, G&K compared these nonconforming vehicles to substantially similar U.S.-certified 1994 and 1996 LHD and RHD models. NHTSA published notice of the petition on April 26, 2007 (72 FR 20915) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. Comments were received in response to the notice of the petition from Nippon Security, Inc., doing

business as Yokohama Trading LLC, Yokohama Motors Ltd., and Yokohama Trading of Japan (collectively "Yokohama Trading").

NHTSA's analysis of the petition and Yokohama Trading's comments are set forth below, with regard to each of the issues raised in those comments.

#### *Whether the Vehicles Are in Fact Nonconforming.*

**Yokohama Trading's Contention:** Yokohama Trading disputed G&K's characterization of the subject vehicles as nonconforming by contending that:

The vehicles already bear valid U.S. vehicle identification numbers (VINs), are certified as complying with U.S. Environmental Protection Agency (EPA) standards, and meet the safety requirements of the FMVSS and therefore should not be considered "non-conforming," but returned U.S. goods for importation purposes and allowed in the country without modifications.

Vehicles intended for use by U.S. Postal carriers are EXEMPT from the FMVSS under the Federal Motor Carrier Safety Regulations at 49 CFR 390.3(f).

The vehicles are in fact conforming vehicles so long as their use is restricted to U.S. Postal Service (USPS) Rural Route Carriers as they are exempt from full compliance with FMVSS guidelines, notwithstanding the fact that, except for a few inconsequential features, they meet those guidelines.

**NHTSA's Response:** The assignment of a U.S.-complaint VIN to a vehicle does not signify that the vehicle complies with all applicable FMVSS. Instead, as provided in NHTSA's certification regulations at 49 CFR part 567, the vehicle must bear a label, permanently affixed by its original manufacturer, certifying that the vehicle complies with all applicable FMVSS in effect on the vehicle's date of manufacture. The vehicles that are the subject of the petition were manufactured by Chrysler Corporation for sale in markets outside the United States such as Japan, and consequently were labeled "For Export Only." As such, they cannot be regarded for importation purposes as conforming motor vehicles.

The regulations cited by Yokohama Trading, 49 CFR part 390 Federal Motor Carrier Safety Regulations, are regulations issued by the Federal Motor Carrier Safety Administration (FMCSA), an agency within DOT that is separate from NHTSA, for the purpose of regulating commercial motor vehicles and their operation in the United States. Section 390.3(f) of those regulations provides that the Federal Motor Carrier Safety Regulations do not apply, among other things, to transportation