

effective on December 5, 2007. Preliminary review of the submitted material indicates 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 June 1, 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 Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174.

Columbus Regional Airport Authority, Port Columbus International Airport, 4600 International Gateway, Columbus, Ohio 43219.

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

Dated: December 5, 2007.

Issued in Romulus, Michigan.

**Matthew J. Thys,**

Manager, Detroit Airports District Office, Great Lakes Region.

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Action on Proposed Highway in California

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

**ACTION:** Notice of Limitation on Claims.

**SUMMARY:** This notice announces that Federal actions taken by the California Department of Transportation

(Department) pursuant to its assigned responsibilities under 23 U.S.C. 327, as well as actions by other Federal agencies, are final within the meaning of 23 U.S.C. 139(j)(1). The actions relate to a proposed Highway 49 Widening at La Barr Meadows (Post Miles 9.7 to 11.2), from Ponderosa Way to North of Lode Line Way near Grass Valley in Nevada County, State of California. This action grants approval for the project.

**DATES:** By this notice, FHWA, on behalf of the Department, is advising the public of final actions subject to 23 U.S.C. 139(j)(1). These actions have been taken by the Department pursuant to its assigned responsibilities under 23 U.S.C. 327, as well as by other Federal agencies. 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 June 17, 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:**

Winder Bajwa, Project Manager, California Department of Transportation, 703 B Street, Marysville, CA 95901; Weekdays 8 a.m. to 4 p.m. (Pacific time); telephone (530) 741-4432; e-mail: [Winder\\_Bajwa@dot.ca.gov](mailto:Winder_Bajwa@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Department, and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of California. The Highway 49 Widening at La Barr Meadows Project would improve operations and safety of State Route 49 in Nevada County, California. This would be accomplished by widening the existing roadway from two to four lanes with a continuous median/left turn lane, constructing a signalized intersection at La Barr Meadows Road and State Route 49, constructing frontage roads, and removing existing at-grade intersections. The actions by the Department and other Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/ Finding of No significant Impact (FONSI) for the project, approved by the Department on October 1, 2007. The EA/FONSI and other project records are available by contacting the Department at the address provided above. The EA/FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist3/departments/envinternet/hwy49labarr/labarr> or viewed at the Nevada County Public

Library—Grass Valley (Royce) Branch, 207 Mill Street, Grass Valley, CA 95945.

This notice applies to the Department and other 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 the following Federal environmental statutes and Executive orders:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [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 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)-470(ll)]; 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]; The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

7. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992(k).

8. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; 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]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

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: December 11, 2007.

**Nancy Bobb,**

*Director, State Programs, Sacramento, California.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-0030; Notice 2]

#### Graco Children's Products, Inc.; Grant of Petition for Decision of Inconsequential Noncompliance

Graco Children's Products, Inc. (Graco) has determined that certain child restraint systems that it recently manufactured do not comply with labeling requirements pertaining to stating the National Highway Traffic Safety Administration's (NHTSA) Vehicle Safety Hotline (Hotline) number and Graco's Web site registration address in paragraph S5.5.2(m) of 49 CFR 571.213, Federal Motor Vehicle Safety Standard (FMVSS) No. 213, *Child Restraint Systems*. On October 26, 2007, Graco filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* identifying several million child restraint systems manufactured between June 21, 2006 and October 26, 2007 that do not comply with the paragraph of FMVSS No. 213 cited above. On November 30, 2007, Graco filed an amended report pursuant to 49 CFR Part 573 that corrected the time frame for the noncompliant child restraints identified in the October 26, 2007 report. Graco now has determined that all child restraint systems that it manufactured between November 28, 2005 and October 29, 2007, and certain child

restraint systems that it manufactured between September 1, 2006 and October 29, 2007, do not comply with the paragraph of FMVSS No. 213 cited above. Affected are over eight million child restraint systems.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Graco has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 10-day public comment period, on November 8, 2007 in the **Federal Register** (72 FR 63231). Although the text of that notice clearly indicated that only 10 days would be permitted for comments, the notice as published showed a comment closing date of December 10, 2007. On November 16, 2007, a correction notice (72 FR 64708) was published showing the correct comment closing date, which was November 19, 2007. No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then pull down the "Search for Dockets" menu tab and follow the online search instructions to locate docket number "NHTSA-2007-0030."

For further information on this decision, contact Mr. Zachary R. Fraser, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5754, facsimile (202) 366-7002.

Paragraph S5.5.2(m) of 49 CFR 571.213 requires that a child restraint system be permanently labeled with:

(m) One of the following statements, inserting an address and a U.S. telephone number. If a manufacturer opts to provide a Web site on the registration card as permitted in Figure 9a of this section, the manufacturer must include the statement in part (ii):

(i) "Child restraints could be recalled for safety reasons. You must register this restraint to be reached in a recall. Send your name, address, e-mail address if available (preceding four words are optional) and the restraint's model number and manufacturing date to (insert address) or call (insert a U.S. telephone number). For recall information, call the U.S. Government's Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153), or go to <http://www.NHTSA.gov>."

(ii) "Child restraints could be recalled for safety reasons. You must register this restraint to be reached in a recall. Send your name, address, e-mail address if available [preceding four words are optional], and the restraint's model number and manufacturing date to (insert address) or call (insert a U.S. telephone number) or register online at

(insert Web site for electronic registration form). For recall information, call the U.S. Government's Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153), or go to <http://www.NHTSA.gov>."

There are comparable requirements beyond these labeling requirements. See S5.6.1.7 of 49 CFR 571.213 concerning printed instructions.

Graco explained that all subject child restraint systems failed to comply with the above requirements because labels attached to them did not include Graco's Web site address for electronic registration, which is required when the manufacturer chooses to provide a Web site on the registration card. In addition, some models of these restraint systems also had labels that included an incorrect NHTSA Hotline telephone number. Graco stated that it has corrected the problem that caused these errors so that they will not be repeated in future production.

Graco stated that although the Hotline number printed on the labels is incorrect (i.e., the labels show a NHTSA Hotline telephone number that the agency once used but had relinquished its rights to), Graco has procured the former Hotline number and is prepared to have all calls to that outdated number automatically routed to the correct number (i.e., the current NHTSA Hotline number) for a period of 7 years.

Graco additionally stated that although its electronic registration Web site address is not on the restraint systems, its toll-free telephone number appears in at least two places on all the restraint systems. Also, full contact information, including the Graco's company Web site address, appears in the owner's manual of every child restraint system manufactured by Graco.

Graco stated that neither the incorrect NHTSA Hotline number nor the absence of Graco's Web site address have any effect on the crashworthiness of the restraint systems. Therefore, Graco stated that these noncompliances are inconsequential to motor vehicle safety.

In addition, Graco proposed two measures as "an interim solution to bring infant and child seats produced with the incorrect label into substantial compliance." First, Graco reiterated its proposal to have calls to the incorrect NHTSA Hotline number automatically rerouted to the correct number, which has been made possible by Graco's obtaining the rights to the old number. Graco also proposed to send a broadcast e-mail to certain consumers about the importance of registration of their child restraint systems. The e-mail would include a direct link to Graco's online registration Web site and be sent to approximately 570,000 consumers who