

Road south to the northwest corner of the central business district loop in downtown Kansas City, in the Counties of Jackson and Clay, State of Missouri. 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(j)(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 August 7, 2007. 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:** For FHWA: Ms. Peggy Casey, Environmental Projects Engineer, FHWA Missouri Division Office, 3220 West Edgewood, Suite H, Jefferson City, MO 65109, Telephone: (573) 638-2620, Office Hours 7:30 a.m. to 4:30 p.m. Central Standard Time, e-mail: [peggy.casey@fhwa.dot.gov](mailto:peggy.casey@fhwa.dot.gov). For Missouri Department of Transportation: Mr. Kevin Keith, Chief Engineer, Missouri Department of Transportation, P.O. Box 270, Jefferson City, MO 65102, Telephone: (573) 751-2803, Office Hours 7:30 a.m. to 4 p.m. Central Standard Time, e-mail: [kevin.keith@modot.mo.gov](mailto:kevin.keith@modot.mo.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(j)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Missouri. The project's selected alternative consists of reconstructing and widening the existing I-29/I-35 corridor roadway from the northern terminus approximately 0.5 miles north of Missouri Route 210/Armour Road to the southern terminus, a connection with the existing CBD freeway loop that encompasses downtown Kansas City. Included is the rehabilitation of the existing Paseo Bridge crossing which currently carries I-29/I-35/U.S. Route 71 over the Missouri River and constructing a new companion bridge or replacing the existing bridge with an entirely new structure or structures. This includes modifying the corridor's connection to the CBD loop and the connection of the Broadway Extension (U.S. Route 169) with the downtown street and freeway loop system. The northern side of the CBD loop designated as I-35/I-70/U.S. Routes 24/40 is included in the selected alternative. The actions by the Federal agencies, and the laws under which such actions were taken, are described

in the Final Environmental Impact Statement (FEIS) for the project (FHWA-MO-EIS-06-01-F), approved on November 8, 2006; in the FHWA Record of Decision (ROD) issued on January 12, 2007; and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting FHWA or the Missouri Department of Transportation at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site [http://www.modot.mo.gov/kansascity/major\\_projects/I-29,I-35%20EIS%20Location%20Study.htm](http://www.modot.mo.gov/kansascity/major_projects/I-29,I-35%20EIS%20Location%20Study.htm); the FEIS can be viewed at public libraries in the project area.

This notice applies to all 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:

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. 7401-7671q.
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, 12 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; Archaeological Resource Protection Act of 1977, 16 U.S.C. 470(aa)-470(ll); Archaeological and Historic Preservation Act, 16 U.S.C. 469-469(c); Native American Grave Protection and Repatriation Act (NAGPRA), 23 U.S.C. 3001-3013.
6. *Social and Economic:* Civil Rights Act of 1964, 42 U.S.C. 200(d)(1); American Indian Religious Freedom Act, 42 U.S.C. 1966; Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201-4209.
7. *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; 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.

8. *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(j)(1).

Issued on: February 1, 2007.

**Peggy J. Casey,**  
Environmental Project Engineer, Jefferson City.

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Availability of Grant Program Funds for Commercial Vehicle Information Systems and Networks Program

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice.

**SUMMARY:** FMCSA announces the availability of Commercial Vehicle Information Systems and Networks (CVISN) grant funding as authorized by Section 4126 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This is a discretionary grant program that provides funding for States to deploy, operate, and maintain elements of their CVISN program, including commercial vehicle, commercial driver, and carrier-specific information systems and networks. The agency in each State designated as the primary agency responsible for the development, implementation, and maintenance of the CVISN-related systems is eligible to apply for grant funding. To apply for funding, applicants must register with the grants.gov Web site ([http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp)) and submit an application in accordance with instructions provided. Applications for

grant funding must be submitted electronically to FMCSA through the grants.gov Web site.

Section 4126 of SAFETEA-LU distinguishes between two types of CVISN projects: Core and Expanded. To be eligible for funding of Core CVISN deployment project(s), a State must have its most current Core CVISN Program Plan and Top-Level Design approved by FMCSA and the proposed project(s) should be consistent with its approved Core CVISN Program Plan and Top-Level Design.

A State may also apply for funds to prepare an Expanded CVISN Program Plan and Top-Level Design if FMCSA acknowledged the staff as having completed Core CVISN deployment. In order to be eligible for funding of any Expanded CVISN deployment project(s), a State must have its most current Expanded CVISN Program Plan and Top-Level Design approved by FMCSA and any proposed Expanded CVISN project(s) should be consistent with its Expanded CVISN Program Plan and Top-Level Design.

**DATES:** FMCSA will initially consider funding for applications submitted by March 31, 2007 by qualified applicants. If additional funding remains available, applications submitted after March 31, 2007 will be considered on a case-by-case basis. A portion of the funds is available for allocation as limited by the Continuing Resolution (Pub. L. 109-383). The remainder of funds will be available when fiscal year 2007 appropriations legislation is passed and signed into law.

**FOR FURTHER INFORMATION CONTACT:** Visit grants.gov. Information on the grant, application process, and additional contact information is available at that Web site.

General information about the CVISN grant is available in The Catalog of Federal Domestic Assistance (CFDA) which can be found on the Internet at <http://www.cfda.gov>. The CFDA number for CVISN is 20.237.

You also may contact Mr. Quon Kwan, Federal Motor Carrier Safety Administration, Office of Research and Analysis, Division of Technology, e-mail: [quon.kwan@dot.gov](mailto:quon.kwan@dot.gov), telephone: 202-385-2389, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: January 31, 2007.

**John H. Hill,**  
Administrator.

[FR Doc. E7-2055 Filed 2-7-07; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Recall Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of a petition for an investigation into alleged defects in Firestone Steeltex tires.

**SUMMARY:** This notice denies a petition submitted to NHTSA under 49 U.S.C. 30162 by the Law Offices of Lisoni & Lisoni of Pasadena, California. The petition requests that the agency open a safety-related defect investigation into alleged defects in Firestone Steeltex tires manufactured from 1999 through 2005 in four Firestone plants located in Joliet, Canada; Aiken, South Carolina; Decatur, Illinois; and Cuernavaca, Mexico. After review of the information submitted by the petitioners and other pertinent information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear warranted.

**FOR FURTHER INFORMATION CONTACT:** Mr. Derek Rinehardt, Safety Defects Engineer, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-3642.

#### SUPPLEMENTARY INFORMATION:

##### Petition Review—DP06-001

###### 1.0 Introduction

On May 1, 2006, the Law Offices of Lisoni & Lisoni (petitioners) submitted a petition requesting that the Office of Defects Investigation (ODI) open an investigation of Firestone Steeltex tires pursuant to 49 U.S.C. 30162, and issue a recall order pursuant to 49 U.S.C. 30118(b), 30119 and 30120. This petition was denominated as DP06-001. Petitioners submitted some additional information on June 23, 2006.

Under 49 U.S.C. 30166, NHTSA has the authority to conduct an investigation to consider whether a motor vehicle or equipment contains a safety-related defect. 49 U.S.C. 30118(b) authorizes NHTSA to make a determination that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety. If NHTSA makes such a determination, NHTSA issues an order directing the manufacturer of the vehicle or equipment to give notification of the defect to the owners, purchasers and dealers and to remedy the defect under 49 U.S.C. 30120. Collectively, the

manufacturer's notice and provision of a remedy under section 30120 are known as a recall.

ODI has an ongoing review process in which it reviews consumer complaints and data submitted by manufacturers in an effort to identify defect trends. If this ongoing review of information were to reveal possible defect trends in Steeltex or any other tires, ODI would open an investigation, as it does on scores of vehicle and equipment issues every year when the available evidence so warrants. In addition, any interested person may, under section 30162, file a petition requesting that NHTSA begin a proceeding to decide whether to issue an order under section 30118.

As a practical matter, the granting of a petition under section 30162 begins an investigation. An investigation may or may not result in a recall. In determining whether to grant or deny a petition under 30162, NHTSA conducts a technical review of the petition. 49 CFR 552.6. The technical review may consist of an analysis of the material submitted together with the information already in the possession of the agency. It may also include the collection of additional information. NHTSA has discretion in deciding which matters are worthy of investigation and possible recall order. In addition to the technical merits of the petition, NHTSA may consider additional factors, such as the allocation of agency resources, agency priorities, and the likelihood of success in litigation that might arise from the order sought by the petitioner. 49 CFR 552.8. As noted above, if NHTSA grants the petition, an investigation is commenced to determine the existence of the defect. 49 CFR 552.9.

Motor vehicle tires are items of equipment subject to a recall order under section 30118 if they contain a defect related to motor vehicle safety. Were NHTSA to issue an order directing the recall of tires under that section, the agency would have the burden of demonstrating the existence of the defect and that the defect is safety-related. One possible indicator of a defective tire is an excessively high rate of failures compared to other, comparable tire lines. However, not every tire failure is the result of a defect in the tire. Tires may fail for a variety of reasons, such as improper maintenance and impact damage from road hazards. Moreover, because not all tires with the same broad label (e.g., "Steeltex") are constructed in exactly the same way or designed for the same function, NHTSA often focuses on whether any specific grouping of similarly constructed tires (e.g., distinguished by tire line, tire size, and/