

unassigned, the FAA will determine whether any of the available Operating Authorizations should be reallocated. If so, the FAA will conduct a lottery using the provisions specified under 14 CFR 93.225. The FAA may retime an Operating Authorization prior to reallocation in order to address operational needs. When the final Order expires, any Operating Authorizations reassigned under this paragraph, except those assigned to new entrants or limited incumbents, will revert to the FAA for reallocation according to the reallocation mechanism prescribed in the final rule that succeeds the final Order.

8. If the FAA determines that a reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the air carrier from which it was taken, provided that the air carrier continues to operate scheduled service at LaGuardia.

9. The FAA will enforce the final Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). An air carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, would be liable for a civil penalty of up to \$25,000 for every day that it violates the limits set forth in the final Order. An air carrier that is a small business as defined in the Small Business Act would be liable for a civil penalty of up to \$10,000 for every day that it violates the limits set forth in the final Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of the final Order.

#### *B. Unscheduled Operations:*<sup>4</sup>

With respect to unscheduled flight operations at LaGuardia:

<sup>4</sup> Unscheduled operations are operations other than those regularly conducted by an air carrier between LaGuardia and another service point. Unscheduled operations include general aviation, public aircraft, military, charter, ferry, and positioning flights. Helicopter operations are excluded from the reservation requirement. Reservations for unscheduled flights operating under visual flight rules (VFR) are granted when the aircraft receives clearance from air traffic control to land or depart LaGuardia. Reservations for

1. The final Order applies to all operators of unscheduled flights, except helicopter operations, at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The final Order takes effect on January 1, 2007, and will expire at the first change of scheduling season occurring no less than 90 days after the issuance of a final rule regulating congestion at LaGuardia.

3. No person can operate an aircraft other than a helicopter to or from LaGuardia unless the operator has received, for that unscheduled operations, a reservation that is assigned by the David J. Hurley Air Traffic Control System Command Center's Airport Reservation Office (ARO). Additional information on procedures for obtaining a reservation will be available via the Internet at <http://www.fly.faa.gov/ecvrs>.

4. Six (6) reservations are available per hour for unscheduled operations at LaGuardia. The ARO will assign reservations on a 30-minute basis.

5. The ARO receives and processes all reservation requests. Reservations are assigned on a "first-come, first-served" basis, determined as of the time that the ARO receives the request. A cancellation of any reservation that will not be used as assigned is required.

6. Filing a request for a reservation does not constitute the filing of an instrument flight rules (IFR) flight plan, as separately required by regulation. After the reservation is obtained, an IFR flight plan can be filed. The IFR flight plan must include the reservation number in the "remarks" section.

7. Air Traffic Control will accommodate declared emergencies without regard to reservations. Non-emergency flights in direct support of national security, law enforcement, military aircraft operations, or public-use aircraft operations will be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate reservation for such flights are available via the Internet at <http://www.fly.faa.gov/ECVRS>.

8. Notwithstanding the limits in paragraph 4, if the Air Traffic Organization determines that air traffic control, weather, and capacity conditions are favorable and significant delay is not likely, the FAA can accommodate additional reservations

unscheduled VFR flights are not included in the limits for unscheduled operators.

over a specific period. Unused Operating Authorizations can also be temporarily made available for unscheduled operations. Reservations for additional operations would be obtained through the ARO.

9. Reservations cannot be bought, sold, or leased.

Issued in Washington, DC, on November 2, 2007.

**Kerry B. Long**

*Chief Counsel, Federal Aviation Administration.*

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**BILLING CODE 4910-13-M**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **Notice of Final Federal Agency Actions on Proposed Highways in Texas**

**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 various proposed highway projects in the State of Texas. Those actions grant licenses, permits, and approvals for the projects.

**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 any of the listed highway projects will be barred unless the claim is filed on or before May 6, 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:** Salvador Deocampo, District Engineer, Texas Division, Federal Highway Administration, 826 Federal Building, Room 826, 300 E. 8th Street, Austin, Texas 78701, 8 a.m. to 5 p.m. Monday through Friday, 512-536-5950, [salvador.deocampo@fhwa.dot.gov](mailto:salvador.deocampo@fhwa.dot.gov). Ms. Dianna Noble, P.E., Director Environmental Affairs Division, Texas Department of Transportation, 118 E. Riverside, Austin, Texas 78704; 512-416-2734; e-mail: [dnoble@dot.state.tx.us](mailto:dnoble@dot.state.tx.us). Texas Department of Transportation normal business hours are 8 a.m. to 5 p.m. (central time) Monday through Friday.

**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 projects in the State of Texas that are listed below. The actions by the Federal agencies on the projects, and the laws under which such actions were taken, are described in the documented environmental assessments (EAs), issued in connection with the projects, and in other documents in the FHWA project record for the project. The EA and other documents from the FHWA project record files for the listed projects are available by contacting the FHWA or TxDOT at the addresses provided above.

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:

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

II. *Air*: Clean Air Act (CAA), 42 U.S.C. 7401–7671(q).

III. *Land*: Section 4(f) of the Department of Transportation Act of 1966 (4f) [49 U.S.C. 303].

IV. *Wildlife*: Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and Section 1536], Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712].

V. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended (106) [16 U.S.C. 570(f) *et seq.*]; Archeological Resources Protection Act of 1977 (ARPA) [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act (AHPA) [16 U.S.C. 469–469(c)].

VI. *Social and Economic*: Civil Rights Act of 1964 (Civil Rights) [42 U.S.C. 2000(d)–2000(d)(1)].

VII. *Wetlands and Water Resources*: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 402, Section 319); Rivers and Harbors Act of 1899 (RHA), 33 U.S.C. 401–406.)

VIII. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11514 Protection and Enhancement of Environmental Quality.

The projects subject to this notice are:

1. State Highway (SH) 121 from FM 423 to US 75 in the county of Collin. Project Reference Number: TxDOT CSJ: 0364–03–066, etc. Project Type: The project will be for reconstruction and tolling of approximately fifteen and one half (15.5) miles of a 6 lane (3 in each direction) controlled access road with toll-free three lane frontage roads in each direction. *Project Length*: Approximately fifteen and one half (15.5) miles. General Purpose: The project will improve system linkage and

mobility in the area in response to current and future traffic demand needs and development along SH 121. The actions by the Federal agencies on the project, and the laws under which such actions were taken, are described in the documented environmental assessment (EA), issued in connection with the project, and in other documents in the FHWA project record for the project. The EA and other documents from the FHWA project record files for the listed projects are available by contacting the FHWA or TxDOT at the addresses provided above and can be viewed and downloaded from the following Web site: <http://www.KeepItMovingDallas.com>.

*Final agency actions taken under*: NEPA, FAHA, CAA, section 106, ESA, MBTA, ARPA, AHPA, Civil Rights Act, section 404 (USACE NWP14), section 401, section 402, E.O. 11990, and E.O. 11514. NEPA Documents: Actual EA/FONSI was determined on November 22, 1991 and was found to still be valid on October 17, 2002, April 14, 2006, and October 12, 2007.

2. *Project Location*: State Highway (SH) 121 interchange at US 75 in the county of Collin. Project Reference Number: TxDOT CSJ: 0364–04–040. Project Type: The project will be reconstruction and tolling of a 6 and 8 lane (3 and 4 in each direction) controlled access road with three lane frontage roads in each direction and construction of direct connectors between both mainlanes of SH 121 and US75.

*Project Length*: Approximately two and eight tenths (2.8) miles. General Purpose: The project will improve system linkage and mobility in the area in response to current and future traffic demand needs and development along SH 121. Final agency actions taken under: NEPA, FAHA, CAA, ESA, MBTA, ARPA, AHPA, Civil Rights Act, section 402, E.O. 11990, and E.O. 11514. NEPA Document: EA/FONSI issued April 20, 2006 and was found to still be valid October 12, 2007. Document available at: <http://www.KeepItMovingDallas.com>.

(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: November 1, 2007.

**Salvador Deocampo**,  
District Engineer.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2007–0022]

#### Notice of Receipt of Petition for Decision That Nonconforming 2005 Volkswagen Golf Passenger Cars are Eligible for Importation

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

**ACTION**: Notice of receipt of petition for decision that nonconforming 2005 Volkswagen Golf passenger cars are eligible for importation.

**SUMMARY**: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2005 Volkswagen Golf passenger cars 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 December 10, 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, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax*: 202–493–2251.

**Instructions**: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments