such a company is listed [5] and for each of the subsequent two full calendar years.[6] Finally, Nasdaq proposes that a company that emerges from bankruptcy and relists during the same year that it has previously paid an annual fee will not be required to pay a second annual fee for that year.

The Exchange believes that the proposed fee waivers are justified by the unique circumstances faced by companies emerging from bankruptcy. According to the Exchange, these companies typically are not raising any new capital at the time of listing, so the payment of entry and listing fees is more burdensome than for companies that are listing upon an initial public offering. Also, because of the desire in bankruptcy proceedings to ensure that creditors are paid as much as possible, the Exchange believes these companies are much more sensitive to both the initial and continued costs associated with listing. As such, the Exchange believes the proposed fees are reasonable and equitably allocated.

The Exchange has represented that the proposed rule change would not affect its commitment of resources to its regulatory oversight of the listing process or its other regulatory programs. Nasdaq reports that historically it has not listed a large number of companies emerging from bankruptcy in any given year.[7] Moreover, Nasdaq stated that it would still conduct a complete review of these companies for compliance with Nasdaq listing standards in the same manner as any other company applying for listing on Nasdaq. The company must successfully complete that review process and demonstrate compliance with the initial listing requirements prior to being approved for listing.

III. Discussion

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[8] In particular, the Commission finds that the proposal is consistent with Section 6(b)(4) of the Act,[9] which requires that an exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Commission also finds that the proposal is consistent with Section 6(b)(5) of the Act,[10] which requires, *inter alia*, that the rules of a national securities exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, and not designed to permit unfair discrimination between issuers. The Commission has not received any comments on the proposal. This order approves the proposed rule change, as modified by Amendment No 1.

The Commission notes that a company who relists upon emerging from bankruptcy has usually paid either an entry fee to the Exchange or a similar initial listing fee to another national securities exchange at the time of its initial listing. In addition, with respect to the application of the minimum annual listing fee to a company which lists upon emergence from bankruptcy and the waiver of the annual fee for a company that emerges from bankruptcy and relists during the same year that it has previously paid an annual fee, the Commission notes that this fee reduction or waiver is a temporary one, designed to enable recently bankrupt companies to manage the costs associated with listing, consistent with the desire in bankruptcy proceeding to ensure that creditors are paid as much as possible. For these reasons, the Exchange believes that reduction or waiver of the Exchange's fees in these cases is equitable.

The Commission also notes that the Exchange has represented that the waiver of entry fees and the reduction or waiver of annual listing fees in these limited circumstances should not affect its commitment of resources to its regulatory oversight of the listing process or its other regulatory programs.

Further, the proposed fee changes would not have any impact on whether a company is actually eligible to list on the Exchange. The Commission expects, and the Exchange has represented, that a full and independent review of compliance with Nasdaq listing standards will be conducted for any company seeking to take advantage of the proposed fee changes, in the same manner as for any company that applies for listing on the Exchange.

In light of these arguments, the Commission agrees that the proposed waiver and fee cap, which are retroactively effective to April 13, 2007, the date of the filing of the proposed rule change, do not constitute an inequitable allocation of reasonable dues, fees, and other charges, do not permit unfair discrimination between issuers, and are generally consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (File No. SR—NASDAQ–2007–042), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–17669 Filed 9–6–07; 8:45 am]

BILLING CODE 8010–01–P

[5] Nasdaq prorates the annual fee for the year a company lists, based on the month in which the company lists.

[6] All domestic companies on the NASDAQ Capital Market pay the same annual fee.

[7] Nasdaq listed four companies upon their emergence from bankruptcy from January 1, 2006, through March 31, 2007.

[8] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5928]

Culturally Significant Objects Imported for Exhibition Determinations: ''Reflecting Antiquity: Modern Glass Inspired by Ancient Rome''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Reflecting Antiquity: Modern Glass Inspired by Ancient Rome,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the J. Paul Getty Museum at the Getty Villa, Malibu, California, from on or about October 18, 2007, until on or about January 14, 2008, Corning Museum of Glass, Corning, New York, from on or about February 15, 2008, until on or about May 27, 2008 and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is

ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202) 453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 31, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–17697 Filed 9–6–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: El Paso County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The Federal Highway Administration is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed Loop 375 César Chávez Highway (Border Highway West Extension) in El Paso, Texas, to include the Texas, New Mexico, and Ciudad Juárez, Chihuahua México border region. The proposed project is part of an alternate route to provide congestion relief for Interstate 10 (I–10), an east-west facility north of the proposed project. The project is a key element in the Gateway 2030 Metropolitan Transportation Plan (MTP) prepared by the El Paso Metropolitan Planning Organization (MPO).

The proposed Border Highway West Extension would extend approximately 13.8 miles and would provide a continuous route from I–10 east of State Highway (SH) 20 (Mesa Street) to Sunland Park Drive continuing on Loop 375 to end at Untied States Highway (US) 54.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Davis, District Engineer (South), Federal Highway Administration, Texas Division, 300 East 8th Street, Room 826, Austin, Texas 78701; Telephone (512) 536–5960.

SUPPLEMENTARY INFORMATION: The current facility exists as follows:

- Six-lane expressway from I–10 to Sunland Park.
- Four-lane facility along US 85 from New Mexico Route 273 to US 62 (Paisano Drive).
- Four-lane boulevard from Paisano Drive to Santa Fe Street.
- Four six-lane boulevard transitioning to a six-lane barrier separated controlled access facility from Santa Fe Street to US 54.

The proposed project would add capacity and upgrade the existing facility to a controlled access facility through the addition of two to four through-lanes (one to two lanes in each direction).

The Border Highway West Extension EIS will evaluate build and no-build alternatives. In addition to the build and no-build/no-action alternatives, Transportation System Management (TSM)/Transportation Demand Management (TDM), mass transit, and tolled and non-tolled alternatives will be examined. Also, the EIS will study potential impacts from construction and operation of the proposed roadway including, but not limited to, the following: transportation impacts (construction detours, construction traffic, mobility improvements), air and noise impacts from construction equipment and operation of the facilities, water quality impacts from construction area and roadway storm water runoff, impacts to waters of the United States, impacts to historic and archeological resources, impacts to floodplain, socio-economic resources (including Environmental Justice and Limited English Proficiency population) indirect and cumulative impacts, land use, vegetation, wildlife, impacts to and/or potential displacement of residences and businesses, and aesthetic and visual resources. Anticipated federal permits, pending selection of alternatives and field surveys may include, but are not limited to, the following: Section 106 (National Historic Preservation Act), Section 401/404 (Clean Water Act), and Section 7 (Endangered Species Act). A Project Coordination Plan will be provided in accordance with Public Law 109–59, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Title VI, Section 6002, Efficient Environmental Reviews for Project Decision Making, August 10, 2005, to facilitate and document the lead agencies; structured interaction with the public and other agencies and to inform the public and other agencies of how the coordination will be accomplished. The Project Coordination Plan will promote early and continuous involvement from stakeholders, agencies, and the public as well as described the proposed project, the roles of the agencies and the public, the project need and purpose, schedule, level of detail for alternatives analysis, methodologies to be used in the environmental analysis, and the proposed process for coordination and communication.

This Project Coordination Plan is designed to be part of a flexible and adaptable process. The Plan will be available for public review, inputs, and comments at public meetings, including scoping meetings and hearings held throughout the National Environmental Policy Act (NEPA) evaluation process, and upon request at the TxDOT El Paso District. Pursuant to 23 U.S.C. Chapter 1 Subchapter 1 Section 139 of SAFETEA–LU, cooperating agencies, participating agencies and the public will be given an opportunity for input in the development of the project. Two public scoping meetings, conducted in an open house format, are planned to be held in October 2007. These will be the first in a series of meetings to solicit public comments throughout the planning process on the proposed action as part of the national Environmental Policy Act (NEPA) process.

The scoping meetings will provide opportunities for participating agencies, cooperating agencies, and the public to be involved in defining the need and purpose for the proposed project, and to assist in determining the range of alternatives for consideration in the EIS and alternative evaluation methodologies. Notices of the public scoping meetings will be published in newspapers of general circulation in the project area at least 30 days prior to the meetings, and again approximately 10 days prior to the meetings. In addition to the public scoping meetings, correspondence describing the proposed action and soliciting comments to be considered during the scoping process will be sent to the appropriate federal, state, and local agencies, and to organizations and individuals who have previously expressed or are known to have an interest in the project. Public scoping meetings and public hearings will be held during appropriate phases of the project development process. Public notices will be given stating the date, time and location of each and will be published in English as well as Spanish. The Draft EIS will be available for public and agency review and comment prior to a public hearing.

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 this