

Miles 3.8 to 5.3), in Contra Costa County, State of California. These actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, 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 the highway project will be barred unless the claim is filed on or before January 11, 2011. 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 Caltrans: Melanie Brent, Chief, Office of Environmental Analysis, District 4, 111 Grand Avenue, Oakland, 9 a.m. to 4 p.m., 510-286-5231, melanie_brent@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that Caltrans, pursuant to its assigned responsibilities under 23 U.S.C. 327, and certain Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by approving the I-80/San Pablo Dam Road Interchange project in the State of California. The project will reconstruct the I-80/San Pablo Dam Road overcrossing structure, replacing it with a 6-lane bridge that is skewed to the north to separate the Amador Street and eastbound I-80 on-ramp intersections at San Pablo Dam Road. The bridge design will allow for left turns from westbound San Pablo Dam Road onto Amador Street, it will increase the height of the bridge over I-80 to achieve vertical clearance standards that are not currently met, and will minimize encroachment into an unstable slope east of the interchange. The El Portal Drive westbound on-ramp will be closed, and a new westbound on-ramp built at the location of the I-80/El Portal Drive overcrossing. A westbound auxiliary lane will be added between the new El Portal Drive on-ramp and the westbound San Pablo Dam Road off-ramp. The McBryde Avenue off-ramp will be closed, and replaced with a new westbound frontage road that will extend from the San Pablo Dam Road interchange to McBryde Avenue. Bicycle lanes will be provided on the shoulders of the San Pablo Dam Road Overcrossing of I-80. Pedestrian sidewalks will be provided on both sides of the San Pablo Dam Road overcrossing, and along Amador Street within the limits of project construction near San Pablo Dam Road. An existing pedestrian overcrossing of I-80 at Riverside Avenue will be replaced with a new structure that extends across both

the freeway and Amador Street, providing a safer crossing for Riverside Elementary School children and other pedestrians. The length of the project is 1.47 miles and the purpose is to improve traffic operations and bicycle/pedestrian access. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Initial Study with Negative Declaration/Environmental Assessment for the project, approved on February 25, 2010 in the FHWA Finding of No Significant Impact (FONSI) issued on February 25, 2010, and in other documents in the FHWA project records. The Initial Study with Negative Declaration/Environmental Assessment, FONSI, and other project records are available by contacting Caltrans at the address provided above. The FHWA FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist4/envdocs.htm>.

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. 7401-7671(q)].
3. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
4. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, 42 U.S.C. Chapter 61 [Pub. L. 91-646] [Pub. L. 100-17].
5. Water: Clean Water Act [33 U.S.C. 1342]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)].
6. Noise: Noise Control Act of 1972 [42 U.S.C. 4901 *et seq.*].
7. 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. 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: July 9, 2010.

Cindy Vigue,

Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2010-17240 Filed 7-14-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Idaho

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, US-95 Garwood to Sagle Environmental Study in Bonner and Kootenai Counties in the State of Idaho, FHWA-ID-EIS-06-F Federal-Aid project number NH-5110(141), Idaho Transportation Department Key Number 9779.

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 the highway project will be barred unless the claim is filed on or prior to January 11, 2011. 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: Mr. Peter J. Hartman, Division Administrator, Federal Highway Administration, 3050 Lake Harbor Lane, Suite 126, Boise, Idaho 83703; telephone: (208) 334-9180; e-mail: Idaho.FHWA@dot.gov. The FHWA Idaho Division Office's normal business hours are 7 a.m. to 4:30 p.m. (Mountain Standard Time). For ITD: Ms. Sue Sullivan, Environmental Section Manager, Idaho Transportation Department, 3311 W. State St., Boise, ID 83703-1129, telephone: (208) 334-8203; e-mail: sue.sullivan@itd.idaho.gov. Normal business hours are 8 a.m. to 5 p.m. (Mountain Standard Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project in the State of Idaho: US-95 Garwood to Sagle Environmental Study, in Bonner and Kootenai Counties. The project will be

approximately 31.5 miles long extending from Garwood (MP 438.24) to Sagle (MP 469.75) and will upgrade the existing predominantly two-lane highway to a fully controlled access, four-lane divided freeway with interchanges and frontage roads. The Draft Environmental Impact Statement (DEIS), Final Environmental Impact Statement (FEIS), Record of Decision (ROD) and published information regarding this project are posted and updated on the Idaho Transportation Department (ITD) Web site at <http://itd.idaho.gov/projects/d1>. Select "U.S. 95, Garwood to Sagle Environmental Study."

The actions by the FHWA, and the laws under which such actions were taken, are described in the FEIS for the project approved on March 26, 2010. FHWA issued a Record of Decision (ROD) on July 2, 2010. The DEIS, FEIS, and other project records are available by contacting the FHWA or the Idaho Transportation Department at the addresses provided above.

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:

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]; Public Hearing [23 U.S.C. 128]. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [23 U.S.C. 139]

Air and Noise: Clean Air Act [42 U.S.C. 7401–7671(q)]; Intermodal Surface Transportation Efficiency Act of 1991, Congestion Mitigation and Air Quality Improvement Program (Sec 1008 U.S.C. 149); Noise Standards: [23 U.S.C. 109(i) (Pub. L. 91–605) (Pub. L. 93–87)].

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]; Bald and Golden Eagle Protection Act of 1940 [16 U.S.C. 668–668d]

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 of 1974 [16 U.S.C. 469–469(c)].

Land: Section 4(f) of The Department of Transportation Act: [23 CFR 774]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; Solid Waste Disposal Act, as amended by the

Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901, *et seq.*]

Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Uniform Relocation Assistance and Real Property Acquisition Act of 1970 [42 U.S.C. 4601 *et seq.*, Pub. L. 91–646] as amended by the Uniform Relocation Act Amendments of 1987 (Pub. L. 100–17).

Wetlands and Water Resources: Clean Water Act [33 U.S.C.]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Compensatory Mitigation for Losses of Aquatic Resources 2008 [40 CFR 230].

Executive Orders: E.O. 11988 Floodplain Management. E.O. 11990 Protection of Wetlands; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; 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).

Peter J. Hartman,

Division Administrator, FHWA—Idaho Division.

[FR Doc. 2010–17223 Filed 7–14–10; 8:45 am]

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UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Request for public comment.

SUMMARY: On April 29, 2010, the Commission submitted to the Congress amendments to the sentencing guidelines and official commentary, which become effective on November 1, 2010, unless Congress acts to the contrary. Such amendments and the reasons for amendment subsequently were published in the **Federal Register**, 75 FR 27388 (May 14, 2010). One of the amendments, specifically Amendment 5 pertaining to the use of recency as a factor in the calculation of the criminal history score, has the effect of lowering guideline ranges. The Commission requests comment regarding whether that amendment should be included in

subsection (c) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) as an amendment that may be applied retroactively to previously sentenced defendants.

DATES: Public comment should be received on or before September 13, 2010.

ADDRESSES: Send comments to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs-Retroactivity Public Comment.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, 202–502–4597.

SUPPLEMENTARY INFORMATION: Section 3582(c)(2) of title 18, United States Code, provides that “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.”

The Commission lists in § 1B1.10(c) the specific guideline amendments that the court may apply retroactively under 18 U.S.C. 3582(c)(2). The background commentary to § 1B1.10 lists the purpose of the amendment, the magnitude of the change in the guideline range made by the amendment, and the difficulty of applying the amendment retroactively to determine an amended guideline range under § 1B1.10(b) as among the factors the Commission considers in selecting the amendments included in § 1B1.10(c). To the extent practicable, public comment should address each of these factors.

The text of the amendments referenced in this notice also may be accessed through the Commission’s Web site at <http://www.ussc.gov>.

Authority: 28 U.S.C. 994(a), (o), (u); USSC Rules of Practice and Procedure 4.1, 4.3.

William K. Sessions III,
Chair.

[FR Doc. 2010–17291 Filed 7–14–10; 8:45 am]

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