DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Route 624 Bridge Replacement Project in Virginia

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(f)(1). The actions relate to the replacement of the Route 624, Morgan Ford Low Water Bridge over the Shenandoah River. The project would involve constructing a new structure and approaches to carry two travel lanes. The actions taken by FHWA, and the laws under which such actions were taken, are described in the Categorical Exclusion (CE). The CE was approved on February 2, 2015. These documents and other project records are available by contacting FHWA or the Virginia Department of Transportation at the phone numbers and 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:

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

Authority: 23 U.S.C 139(f)(1).

FOR FURTHER INFORMATION CONTACT: Mr. Mack Frost, Planning and Environmental Specialist, Federal Highway Administration, 400 North 8th Street, Richmond, Virginia, 23219; telephone: (804) 775–3352; email: Mack.frost@dot.gov. The FHWA Virginia Division Office’s normal business hours are 7:00 a.m. to 5:00 p.m. (Eastern Time). For the Virginia Department of Transportation: Mr. Robert Jones, 811 Commerce Road, Staunton, VA 24401; email: Rw.jones@vdot.virginia.gov; telephone: (540) 332–9101.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(f)(1) by issuing licenses, permits, and approvals for the following project in the State of Virginia: Replacement of the Route 624, Morgan Ford Low Water Bridge over the Shenandoah River. The project would involve constructing a new structure and approaches to carry two travel lanes. The actions taken by FHWA, and the laws under which such actions were taken, are described in the Categorical Exclusion (CE). The CE was approved on February 2, 2015. These documents and other project records are available by contacting FHWA or the Virginia Department of Transportation at the phone numbers and 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:

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

Authority: 23 U.S.C 139(f)(1).
Decision That Nonconforming 2006–2010 BMW M3 Passenger Cars Are Eligible for Importation

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

ACTION: Grant of petition.

SUMMARY: This document announces a decision by the National Highway Traffic Safety Administration that certain 2006–2010 BMW M3 passenger cars (PCs) 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 they are substantially similar to vehicles originally manufactured for sale in the United States that were certified by their manufacturer as complying with all applicable FMVSS (the U.S. certified version of the 2006–2010 BMW M3 PC), and they are capable of being readily altered to conform to the standards.

DATES: This decision became effective on July 13, 2015.


SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified as required under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS. Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

US Specs, of Havre de Grace, Maryland (Registered Importer 03–321), petitioned NHTSA to decide whether 2006–2010 BMW M3 PCs are eligible for importation into the United States. NHTSA published a notice of the petition on December 28, 2012 (77 FR 76598) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

Comments

On January 28, 2013, J.K. Technologies, LLC (JK), another Registered Importer, submitted comments on the petition. In its comments, JK expressed the belief that the petition contained several omissions and errors. On May 20, 2013, US Specs responded, in part, to JK’s comments by submitting to NHTSA a revised listing of parts associated with FMVSS No. 208 compliance. On October 21, 2013, NHTSA informed US Specs by letter that the parts listing it submitted appeared to only partially address the comments made by JK. The agency offered US Specs the opportunity to further address JK’s comments. On December 2, 2013 US Specs submitted further comments and parts information to NHTSA. A summary of JK’s comments, US Specs’ responses, and the conclusions that NHTSA has reached with regard to the issues raised by those parties is set forth below.

Comments, Conclusions and Conditions

JK commented that the software alterations necessary to conform the vehicles to FMVSS No. 114 Theft Protection and Rollaway Prevention may also require replacement of the CAS (theft prevention electronic control unit or “ECU”) hardware because some versions of the European CAS units will not accept U.S.-model programming. US Specs responded: “Each vehicle will need to be inspected on a case-by-case basis to see that they contain US parts. The US parts will be installed if not already so equipped. The Digital Motor Electronics and Car Access System control unit will be replaced and programmed as necessary.” JK also commented that US Specs did not include in its description of modifications needed to conform the vehicles to FMVSS No. 208 Occupant Crash Protection the need to replace the following components with U.S.-model components: Driver’s airbag, front acceleration sensors (including front body wiring harness and mounting hardware), front door sensors (including center body wiring harness and mounting hardware), and rear seat belts. JK also commented that the system ECU’s will have to be reprogrammed and may require replacement.

US Specs responded by submitting additional parts lists and diagrams and by stating: “Each vehicle will need to be inspected on a case-by-case basis to see if they contain the US-model parts. The US-model parts will be installed if a vehicle is not already so equipped. The Digital Motor Electronics and Car Access System control units will also be replaced and reprogrammed as necessary.”