

on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on December 16, 2008.

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FAA Information Collection Clearance
Officer, IT Enterprises Business Services
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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Washington

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 FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed I-405, SR 169 to I-90, Renton to Bellevue Project (the Project) located in Renton, Newcastle, Bellevue and King County in the State of Washington. These actions grant licenses, permits, and approvals for the Project.

DATES: By this notice, 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 June 22, 2009. 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:

Peter A. Jilek, Urban Area Engineer, Federal Highway Administration, 711 S. Capitol Way #501, Olympia, Washington, 98501; telephone: (360) 753-9480; and e-mail:

pete.jilek@dot.gov. The FHWA Washington Division's Urban Area Engineer's regular office hours are between 7 a.m. and 4 p.m. (Pacific Time). You may also contact William Jordan, I-405 Environmental Manager, Washington State Department of Transportation, 600-108th Avenue NE., Suite 405, Bellevue, Washington 98004; telephone: (425) 456-8547; and e-mail: william.jordan@i405.wsdot.wa.gov. The I-405 Corridor Program's regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Washington: I-405, SR 169 to I-90, Renton to Bellevue Project. The Project extends approximately eight miles along I-405 (milepost 3.8 to milepost 11.9) from SR 169 north to the northern on- and off-ramps of the I-90 interchange. The Project includes two new southbound general-purpose (GP) lanes on I-405 throughout the project length; two new northbound GP lanes from SR 169 to 112th Avenue SE, with one new GP lane continuing north to I-90; a new auxiliary lane from 112th Avenue SE to Coal Creek Parkway; realignment of eight interchanges; a new in-line bus rapid transit station near 112th Avenue SE; a new high-occupancy vehicle direct-access ramp at N 8th Street; changes to several local roadways; and stormwater management facilities.

These actions by the Federal agencies, and the laws under which such actions were taken, are described in the March 2006 Environmental Assessment (EA) and in the November 20, 2008 Finding of No Significant Impact (FONSI) and Programmatic Section 4(f) Evaluation, and in other documents in the FHWA administrative record. The EA, FONSI, and other documents in the FHWA administrative record are available by contacting FHWA or WSDOT at the addresses provided above. The EA can be viewed and downloaded from the project Web site at: <http://www.wsdot.wa.gov/projects/i405/rentontobellevue> or viewed at public libraries in the project area. Since Federal funding is not currently available for this project, an FHWA project number has not been established.

This notice applies to all Federal agency decisions on the project 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 [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act, as amended [42 U.S.C. 7401-7671(q)].
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 [16 U.S.C. 1531-1544]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-

667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

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 Resources Protection Act of 1977 [16 U.S.C. 470(aa)-111]; Archaeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001-3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201-4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act [16 U.S.C. 1451-1465]; Land and Water Conservation Fund [16 U.S.C. 4601-4604]; Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; TEA-21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 [PL 99-499]; Resource Conservation and Recovery Act [42 U.S.C. 6901-6992(k)].

9. *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(l)(1).

Issued on: December 17, 2008.

Peter A. Jilek,

Urban Area Engineer, Olympia, Washington.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0058; Notice 2]

Decision That Certain Nonconforming 1994 and 1995 Land Rover Defender 90 Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of decision by the National Highway Traffic Safety Administration (NHTSA) that certain nonconforming 1994 and 1995 Land Rover Defender 90 multipurpose passenger vehicles are eligible for importation.

SUMMARY: This document announces a decision by NHTSA that a certain limited range of 1994 and 1995 Land Rover Defender 90 multipurpose passenger vehicles (MPVs) 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 (the U.S.-certified version of the 1994 and 1995 Land Rover Defender 90 MPVs), and (2) they are capable of being readily altered to conform to the standards.

DATES: This decision is effective December 16, 2008.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

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 sale in the United States, certified 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.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

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**.

Export Auto Sales, Inc., of Chicopee, Massachusetts (Export Auto) (Registered Importer 01-284) petitioned NHTSA to decide whether all nonconforming 1994 and 1995 Land Rover Defender 90 MPVs are eligible for importation into the United States. In its petition, Export Auto compared these nonconforming vehicles to substantially similar U.S.-certified 1994 and 1995 Land Rover Defender 90 MPVs. NHTSA published notice of the petition on March 31, 2008 (73 FR 16961) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. Comments were received in response to the notice of the petition from Skytop Rover Co. (Skytop) of Philadelphia, Pennsylvania (Registered Importer 06-343) and Ford Motor Company (Ford) of Dearborn, Michigan as agent for Land Rover.

Skytop's and Ford's comments

Skytop expressed concern that Export Auto's petition does not address several key modifications that Skytop considered necessary for the vehicles to meet various safety standards. Skytop first contends that there were two distinct versions of a cage assembly mounted on both the interior and the exterior of the U.S.-certified models sold in the United States. One version was for the pickup (open back) model and a different version was for the station wagon hardtop (closed-in back) model. Skytop asserted that the U.S.-model cages are necessary for the vehicles to conform to FMVSS No. 216 *Roof Crush Resistance*.

Skytop's second contention is that the petition does not adequately address all modifications necessary to bring the vehicles into compliance with FMVSS No. 301 *Fuel System Integrity*. Specifically, Skytop states that structural modifications to the chassis as well as the addition of a rear step assembly and associated support brackets are required for the vehicles to conform to FMVSS No. 301.

Skytop's third contention is that the rear step assembly is also required for the vehicles to conform to the bumper crash requirements of 49 CFR Part 581 *Bumper Standard*.

Skytop's fourth contention is that the seat belt assembly anchorages do not conform to FMVSS No. 210 *Seat Belt Assembly Anchorages* because the part numbers for those components, as found on the nonconforming vehicles, differ from those on the U.S.-certified model.

Skytop's fifth contention is that the nonconforming vehicles do not meet the requirements of FMVSS No. 114 *Theft Protection* because no seat belt audible warning system is present.

Ford's comments detailed the differences between the U.S.-model vehicles and the nonconforming vehicles that effect compliance with the FMVSS. Ford's comments are summarized below under the heading of each standard the company addressed:

FMVSS No. 101 *Controls and Displays*: The instrument cluster-mounted telltails and speedometer unit of measure in the nonconforming vehicles may not comply with FMVSS No. 101.

FMVSS No. 106 *Brake Hoses*: The brake hoses on Nonconforming vehicles do not have DOT markings.

FMVSS No. 108 *Lamps, Reflective Devices, and Associated Equipment*: Nonconforming vehicles' front lamps and side marker lamps do not conform to FMVSS No. 108. All lamps mounted on the rear of the vehicles may not conform to FMVSS No. 108.

FMVSS No. 110 *Tire Selection and Rims*: Nonconforming vehicles do not have a tire information placard.

FMVSS No. 111 *Rearview Mirrors*: None of the mirrors on nonconforming vehicles conform to FMVSS No. 111. Also, the sun visors on the nonconforming vehicles are not compatible with the U.S.-model interior rearview mirror.

FMVSS No. 114 *Theft Protection*: Nonconforming vehicles do not have the required key warning system. Nonconforming vehicles with automatic transmissions also do not have the required rollaway prevention device.

FMVSS No. 116 *Motor Vehicle Brake Fluids*: Nonconforming vehicles do not have labeling that conforms to FMVSS No. 116.

FMVSS No. 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*: Tires on nonconforming vehicles may not conform to the requirements of FMVSS no. 119.