

**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 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 a proposed highway project, SH-75 Timmerman Junction to Ketchum, Project No. STP-F-2392(035), Key No. 3077, in Blaine County, in the State of Idaho. Those actions grant licenses, permits, and approvals for the project.

**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 before March 2, 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:** For FHWA: Mr. Peter Hartman, Division Administrator, Federal Highway Administration, 3050 Lakeharbor Lane Suite 126, Boise, Idaho 83703; telephone (208) 334-1843, e-mail: [Idaho.FHWA@fhwa.dot.gov](mailto:Idaho.FHWA@fhwa.dot.gov). The FHWA Idaho Division Office's normal business hours are 8 a.m. to 4 p.m. (Mountain Time). For ITD: Mr. Mike Scott, Project Manager, Idaho Transportation Department, District 4, 216 S. Date Street, Shoshone, Idaho 83352; telephone: (208) 886-7806; e-mail: [mike.scott@itd.idaho.gov](mailto:mike.scott@itd.idaho.gov). The ITD District 4 normal business hours are 8 a.m. to 5 p.m. (Mountain Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. (l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Idaho: SH-75 from Timmerman Junction (US-20) to Saddle Road in the City of Ketchum. The project will reconstruct and widen approximately 26 miles of SH-75 within the described limits. This reconstruction will widen SH-75 to three, four, or five lanes through the corridor. The project will construct shoulders, curbs, sidewalks, bike lanes, and turn lanes through the

corridor; also traffic signals or roundabouts will be constructed to improve safety and operation of various intersections throughout the corridor. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on March 5, 2008, in the FHWA Record of Decision (ROD) issued on August 13, 2008, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Idaho Transportation Department at the addresses provided above. The FHWA FEIS can be viewed at public libraries in the project area. The ROD can be downloaded from the Idaho Transportation Department Web site at: <http://itd.idaho.gov/Projects/D4/Idaho75TimmermanToKetchum/default.asp>. 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 Environmental Statutes**

National Environmental Policy Act: 42 U.S.C. 4321-4335 (Pub. L. 91-190), (Pub. L. 94-83).

Section 4(f) of The Department of Transportation Act: 23 U.S.C. 138, 49 U.S.C. 303 (Pub. L. 100-17), (Pub. L. 97-449), (Pub. L. 86-670).

Economic, social, and environmental effects: 23 U.S.C. 109(h), (Pub. L. 91-605), 23 U.S.C. 128.

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)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) 23 U.S.C. 324; Americans with Disabilities Act (42 U.S.C. 12101) and related statutes

Executive Order 12898: Environmental Justice

Public hearings: 23 U.S.C. 128

**Health**

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976: 42 U.S.C. 6901, et seq., especially 42 U.S.C. 6961-6964 (Pub. L. 89-272) (Pub. L. 91-512) (Pub. L. 94-580)

**Historical and Archeological Preservation**

Section 106 of the National Historic Preservation Act, as amended: 16 U.S.C. 470f (Pub. L. 89-665) (Pub. L. 91-243) (Pub. L. 93-54) (Pub. L. 94-

422) (Pub. L. 94-458) (Pub. L. 96-199) (Pub. L. 96-244) (Pub. L. 96-515) (Pub. L. 102-575)

Section 110 of the National Historic Preservation Act, as amended: 16 U.S.C. 470H-2 (Pub. L. 96-515)

Archeological and Historic Preservation Act: 16 U.S.C. 469-469C (Pub. L. 93-291) (Moss-Bennett Act)

Archeological Resources Protection Act: 16 U.S.C. 470aa-11 (Pub. L. 96-95)

American Indian Religious Freedom Act: 42 U.S.C. 1996 (Pub. L. 95-341)

Native American Grave Protection and Repatriation Act: (Pub. L. 101-601) 25 U.S.C. 3001 et seq.

**Land and Water Usage**

Executive Order 11988: Floodplain Management, as amended by Executive Order 12148

Federal Water Pollution Control Act (1972), as amended by the Clean Water Act (1977 & 1987): 33 U.S.C. 1251-1376 (Pub. L. 92-500) (Pub. L. 95-217) (Pub. L. 100-4)

Wildflowers 23 U.S.C. 319 (B) (Pub. L. 100-17)

Farmland Protection Policy Act of 1981: 7 U.S.C. 4201-4209 (Pub. L. 97-98) (Pub. L. 99-198)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended: 42 U.S.C. 9601-9657 (Pub. L. 96-510) Superfund Amendments and Reauthorization Act of 1986: (SARA) (Pub. L. 99-499)

Endangered Species Act of 1973, as amended: 16 U.S.C. 1531-1543 (Pub. L. 93-205) (Pub. L. 94-359) (Pub. L. 95-632) (Pub. L. 96-159) (Pub. L. 97-304)

Intermodal Surface Transportation Efficiency Act of 1991 Sec. 1038 Recycled Paving Material: (Pub. L. 102-240)

**Noise**

Standards: 23 U.S.C. 109(i) (Pub. L. 91-605) (Pub. L. 93-87)

**Air Quality**

Clean Air Act (as amended), Transportation Conformity Rule: 23 U.S.C. 109 (j) 42 U.S.C. 7521 (a) (Pub. L. 101-549)

Intermodal Surface Transportation Efficiency Act of 1991. Congestion Mitigation and Air Quality Improvement Program (CMAQ): Sec 1008 23 U.S.C. 149.

(Catalog of the 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: August 27, 2008.

Peter J. Hartman,

Division Administrator, Federal Highway Administration—Boise, Idaho.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0139]

#### Notice of Receipt of Petition for Decision That Nonconforming 2005–2006 Mercedes Benz SLK Class (171 Chassis) Passenger Cars Manufactured Between August 31, 2004 and August 31, 2006 Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31, 2004 and August 31, 2006 are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31, 2004 and August 31, 2006 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 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31, 2004 and August 31, 2006,) and (2) they are capable of being readily altered to conform to the standards.

**DATE:** The closing date for comments on the petition is October 3, 2008.

**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 received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

*How to Read Comments Submitted to the Docket:* You may read the comments received by Docket Management at the address and times given above. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

- (1) Go to the Federal Docket Management System (FDMS) Web page <http://www.regulations.gov>.

- (2) On that page, click on "Advanced Docket Search."

- (3) On the next page select "NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION" from the drop-down menu in the Agency field and enter the Docket ID number shown at the heading of this document.

- (4) After entering that information, click on "submit."

- (5) The next page contains docket summary information for the docket you selected. Click on the comments you wish to see. You may download the comments. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

#### 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 importation into and 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.

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**.

Automobile Concepts, Inc. ("AMC"), of North Miami, Florida (Registered Importer 01-278) has petitioned NHTSA to decide whether nonconforming 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31, 2004 and August 31, 2006 are eligible for importation into the United States. The vehicles which AMC believes are substantially similar are 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31, 2004 and August 31, 2006 that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31, 2004 and August 31, 2006 to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

AMC submitted information with its petition intended to demonstrate that non-U.S. certified 2005–2006 Mercedes Benz SLK class (171 chassis) passenger cars manufactured between August 31,