

collected. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87 on: March 26, 2015.

**G. Kelly Regal,**

*Associate Administrator for Office of Research and Information Technology and Chief Information Officer.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0004, Notice 2]

#### Decision That Nonconforming 2012 McLaren MP4-12C 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 2012 McLaren MP4-12C 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 importation into and sale in the United States that were certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 2012 McLaren MP4-12C PC), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision became effective on March 26, 2015.

**ADDRESSES:** For further information contact George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

#### 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**.

J.K. Technologies, LLC, of Baltimore, Maryland ("JK") (Registered Importer# RI-90-006), petitioned NHTSA to decide whether 2012 McLaren MP4-12C PCs are eligible for importation into the United States. NHTSA published a notice of the petition on March 3, 2014 (79 FR 11869) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

#### Comments

On March 27, 2014, NHTSA received a request from McLaren Automotive Inc. (McLaren), the vehicle's original manufacturer, to extend the comment period by two weeks. NHTSA approved this request to allow McLaren additional time to respond to the issues presented in the petition.

McLaren submitted its comments on April 15, 2014. In its comments, McLaren stated that while it agreed that the U.S. and the non-U.S. versions of the vehicle are "substantially similar" within the meaning of section 30141(a)(1)(A)(i), it strongly disputed JK's assertions that the non-U.S. version could be readily altered to comply with all applicable FMVSS. McLaren elaborated by presenting detailed reasons for its assertions with respect to specific FMVSS.

On May 21, 2014, NHTSA forwarded McLaren's comments to JK and asked that it respond by June 4, 2014. By letter dated June 10, 2014, JK requested a 45 day extension in order to gather engineering data to adequately address the concerns raised by McLaren. NHTSA approved JK's request for this extension and JK responded on July 29, 2014.

A summary of McLaren's comments, JK's responses, and the conclusions that NHTSA has reached with regard to the issues raised by the parties is set forth below.

#### Comments and Conclusions

NHTSA has reviewed the petition, McLaren's comments and JK's responses to those comments, and has concluded that the vehicles covered by the petition are capable of being readily altered to comply with all applicable FMVSS. However, NHTSA has also decided that an RI who imports or modifies one of these vehicles must include in the statement of conformity and associated documents (referred to as a "conformity package") it submits to NHTSA under 49 CFR 592.6(d) specific proof to confirm that the vehicle was manufactured to conform to, or was successfully altered to conform to, each of the following standards:

*FMVSS No. 101, Controls and displays;* McLaren commented that the necessary reprogramming to achieve conformity to the standard can only be performed with a tool available only to authorized McLaren dealers that can only be operated by an authorized McLaren entity using a recognized username and password. McLaren claimed that the tool is not offered for sale to non-McLaren affiliated entities.

JK responded that the reprogramming equipment it used to modify the vehicle to the standard is available in Europe and that it validated the programs and encryption codes on a U.S. version of the vehicle.

NHTSA has decided that a description of how the programming changes were completed and how compliance with the standard was verified must be included in each conformity package. Photographs, printouts, and/or screenshots, as practicable, must also be submitted as proof that the reprogramming was carried out.

*FMVSS No. 108, Lamps, reflective devices, and associated equipment;* McLaren commented that in addition to the modifications described in the petition, "a completely new US vehicle [wiring] harness would be required." Moreover, as it contended with regard to FMVSS No. 101, McLaren asserted that reprogramming "can only be performed using an approved McLaren tool" which the manufacturer claimed is "only available to authorized McLaren dealers" and "can only be used by an authorized McLaren entity with the use of a username and password."

JK responded that it has "a USA version vehicle for these programs and encryption codes," and that it will replace or add wiring harnesses as necessary.

NHTSA has decided that a description of how the programming changes were completed and how

compliance was verified must accompany each conformity package. Photographs, printouts, and/or screenshots, as practicable, must also be submitted as proof that the reprogramming was carried out.

*FMVSS No. 111, Rearview mirrors;* McLaren commented that in addition to the modifications noted in the petition, the driver's outside rearview mirror would need to be replaced with a compliant mirror.

NHTSA has decided that proof, including photographs, must be submitted with each conformity package to show that the vehicle was either originally equipped with, or was altered through the addition of, a driver's side rearview mirror that allows the vehicle to meet the applicable requirements of FMVSS No. 111.

*FMVSS No. 114 Theft protection and rollaway prevention;* As was the case with FMVSS Nos. 101 and 108, McLaren contended that reprogramming "can only be performed using an approved McLaren tool" which is "only available to authorized McLaren dealers" and "can only be used by an authorized McLaren entity with the use of a username and password."

JK responded that it has "a USA version vehicle for these programs and encryption codes."

NHTSA has decided that a description of how the programming changes were completed and how compliance was verified must accompany each conformity package. Additionally, photographs, printouts, and/or screenshots, as practicable, must be submitted as proof that the reprogramming was carried out.

*FMVSS No. 138, Tire pressure monitoring systems;* McLaren contended that tire pressure monitoring systems (TPMS) are not standard equipment on all European 12C vehicles and that substantial work would be required to bring vehicles into compliance with the standard. McLaren asserted that because of the extent and complexity of the required changes, vehicles not originally equipped with TPMS cannot be "readily altered" in order to bring them into compliance with the standard. According to McLaren, even if the vehicle is already equipped with the TPMS hardware, "a reconfiguration using an approved McLaren dealership tool would be required to bring the TPMS functionality into compliance with FMVSS No. 138." McLaren reiterated that this tool is "only available to authorized McLaren dealers" and "can only be used by an authorized McLaren entity with the use of a username and password".

JK responded that it has "a USA version vehicle for these programs and encryption codes."

NHTSA has decided that a description of how any applicable programming changes were completed and how compliance was verified must accompany each conformity package. Additionally, photographs, printouts, and/or screenshots, as practicable, must be submitted as proof that the reprogramming was carried out.

*FMVSS No. 205, Glazing materials;* McLaren commented that contrary to the claim in the petition, non-U.S. vehicles do not comply with this standard because they are "fitted with AS3 glass in the rear of the vehicle (behind the B-Pillar). Such AS3 glass does not comply with the light transmittance requirements of FMVSS No. 205. It would be difficult to replace that AS3 glass with the AS2 glass required by FMVSS No. 205; in some cases the entire engine would have to be removed to make the modification."

JK responded that each vehicle will be inspected and that any non-compliant glass will be replaced. JK contended that the non-U.S. certified vehicle it inspected was already equipped with compliant glass.

NHTSA has decided that photographic evidence of the required markings to demonstrate that the glazing complies with the standard must be submitted with each conformity package.

*FMVSS No. 208, Occupant Protection;* McLaren challenged the petition's assertion that the non-U.S. certified vehicles are originally manufactured to meet all requirements of this standard, noting in particular that European model vehicles are not equipped with "advanced air bags," as that term is used in the United States. McLaren contended that the occupant restraint software system used in U.S. vehicles is specific to those vehicles and that only vehicles with a designated U.S. vehicle identification number (VIN) can be programmed with that software. For that reason, McLaren claimed the necessary reconfiguration of the system would be impossible, since a European 12C vehicle's VIN would not be recognized, and the software upload would be prevented.

JK responded that it "will change and/or add all the US model systems to the European vehicles modified under this petition." JK noted that these parts include knee airbags, wiring harnesses, and sensors, and claimed that "the programming of the ECU is a modification that JK is very familiar with." JK also stated that it has "the necessary equipment to load the correct

US McLaren MP4-12C advanced airbag programs into the European MP4-12C and retain the European VIN."

NHTSA has decided that each conformity package must include a detailed description of the occupant protection system in place on the vehicle at the time was delivered to the RI, and a similarly detailed description of the occupant protection system in place after the vehicle is altered, including photographs of all required labeling. The description must also include parts assembly diagrams and associated part numbers for all components that were removed from or installed on the vehicle, a description of how the programming changes were completed, and a description of how compliance was verified. Additionally, photographs (e.g., monitor print screen captures) or report printouts, as practicable, must be submitted as proof that the reprogramming was carried out.

*FMVSS No. 225, Child restraint anchorage systems;* McLaren disputed the petition's claim that U.S. and non-U.S.-certified vehicles are identical with regard to this standard. The manufacturer contended that European vehicles lack a top tether anchor plate and further observed that installation of the anchor plate requires drilling into the fuel cell bulkhead.

JK responded that the upper anchorages will be added in the exact position designated by McLaren and that it has all of the engineering drawings for the U.S. model MP4-12C for these tethers.

NHTSA has decided that a detailed description of the alterations made to achieve conformity with the standard must be included in each conformity package. The description must include sufficient information to validate how the alterations allowed the vehicle to meet the requirements of the standard. This information must include photographic evidence that the modification was carried out, as well as testing and/or engineering analysis reports documenting how the RI has verified that the alterations will allow the vehicle to meet all applicable requirements of the standard.

*FMVSS No. 401 Interior trunk release;* McLaren commented that reprogramming can only be performed using an approved McLaren tool that is only available to authorized McLaren dealers and can only be used by an authorized McLaren entity with the use of a username and password.

JK responded that it has the necessary equipment to load the correct US McLaren programs.

NHTSA has decided that each conformity package must include a

description of how the programming changes were completed and how compliance was verified. Additionally, photographs, printouts, and/or screenshots, as practicable, must be submitted as proof that the reprogramming was carried out.

*49 CFR part 581, Bumper Standard;* McLaren commented that in addition to the modifications set out in the petition, the bumper foam would need to be replaced and a different rear bumper skin would need to be installed in the license plate area.

JK responded that it is aware of all the parts necessary to bring these vehicles into compliance with this standard and it will change all parts of the system to U.S. parts to make the vehicle compliant.

NHTSA has decided that each conformity package must include a detailed description of all modifications made to achieve conformity with the standard. This description must include part numbers for each part replaced and be supported with photographic evidence of the modifications made to achieve conformity.

In addition to the information specified above, each conformity package must include evidence showing how the RI verified that the changes it made in loading or reprogramming vehicle software to achieve conformity with each separate FMVSS, did not also cause the vehicle to fall out of compliance with any other applicable FMVSS.

### Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that MY 2012 McLaren MP4-12C passenger cars that were not originally manufactured to comply with all applicable FMVSS, are substantially similar to 2012 McLaren MP4-12C PCs manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal Motor Vehicle Safety Standards.

### Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-569 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

**Jeffrey M. Giuseppe,**  
*Director, Office of Vehicle Safety Compliance.*  
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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Notice and Request for Comments

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** 30-day notice and request for comments: Application to Open a Billing Account.

**SUMMARY:** As part of its continuing effort to streamline the process to seek feedback from the public on agency service delivery, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3519 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) approval of the collection, Application to Open a Billing Account.

The Board previously published a notice about this collection in the **Federal Register** on January 28, 2015, at 80 FR 4634. That notice allowed for a 60-day public review and comment period. No comments were received.

Comments may now be submitted to OMB concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether this collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility.

#### Description of Collection

**Title:** Application to Open a Billing Account.

**OMB Control Number:** 2140-0006.

**STB Form Number:** STB Form 1032.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Rail carriers, shippers, and others doing business before the STB.

**Number of Respondents:** 5.

**Estimated Time per Response:** Less than .08 hours, based on actual survey of respondents.

**Frequency:** One time per respondent.  
**Total Burden Hours** (annually including all respondents): Less than 0.4 hours.

**Total "Non-hour Burden" Cost:** No "non-hour cost" burdens associated with this collection have been identified.

**Needs and Uses:** The Board is, by statute, responsible for the economic regulation of freight rail carriers and certain other carriers operating in interstate commerce. The Application to Open a Billing Account is a form used by persons doing business before the Board who wish to open an account with the Board to facilitate their payment of filing fees; fees for the search, review, copying, and certification of records; and fees for other services rendered by the Board. An account holder is billed on a monthly basis for payment of accumulated fees. Data provided is also used for debt collection activities. The application form requests information as required by OMB and U.S. Department of Treasury regulations for the collection of fees. This information is not duplicated by any other agency. In accordance with the Privacy Act, 5 U.S.C. 552a, all taxpayer identification and social security numbers are secured and used only for credit management and debt collection activities.

**Retention Period:** The STB retains this information until respondent asks to close account and outstanding debts, if any, are paid in full.

**DATES:** Written comments are due on June 1, 2015.

**ADDRESSES:** Written comments should be identified as "Paperwork Reduction Act Comments, Application to Open an Account for Billing Purposes, OMB Number 2140-0006." These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Chandana Achanta, Surface Transportation Board Desk Officer, by email at [OIRA\\_SUBMISSION@OMB.EOP.GOV](mailto:OIRA_SUBMISSION@OMB.EOP.GOV); by fax at (202) 395-6974; or by mail to Room 10235, 725 17th Street NW., Washington, DC 20503.

**For Further Information or To Obtain a Copy of the STB Form, Contact:** Marcin Skomial, (202) 245-0346. [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c),