

assigned to specific development projects.  
*Decision Date:* August 14, 2005.

**FOR FURTHER INFORMATION CONTACT:**  
 Jason Watt, Detroit Airports District  
 Office, (734) 229-2906.

#### AMENDMENTS TO PFC APPROVALS

Amendment No. city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
98-02-C-02-GUC, Gunnison, CO .....	03/15/06	\$183,754	\$179,074	04/01/01	03/01/01
03-04-C-01-PIH, Pocatello, ID .....	04/05/06	456,500	497,218	10/01/07	04/01/08
94-01-C-08-CVG, Covington, KY .....	04/22/06	32,872,000	35,936,000	05/01/96	04/01/96
02-03-C-02-PWM, Portland, ME .....	05/18/06	18,234,688	19,425,419	03/01/13	12/01/13
01-09-C-01-BNA, Nashville, TN .....	05/31/06	26,005,000	4,145,183	10/01/04	04/01/03
03-08-C-01-JAX, Jacksonville, FL .....	06/16/06	68,357,263	73,281,526	11/01/08	01/01/08
96-03-I-02-SUN, Hailey, ID .....	06/19/06	566,335	558,131	06/01/99	06/01/99
99-04-C-01-SUN, Hailey, ID .....	06/19/06	1,085,105	950,746	04/01/05	08/01/04
99-04-C-02-SUN, Hailey, ID .....	06/19/06	950,746	950,746	08/01/04	08/01/04
98-02-C-01-SBN, South Bend, IN .....	06/28/06	1,367,991	1,387,143	06/01/03	11/01/02
95-03-C-03-CLE, Cleveland, OH .....	06/30/06	20,700,642	19,945,762	02/01/97	11/01/96
03-03-C-01-SFO, San Francisco, CA .....	07/11/06	539,107,697	609,107,697	11/01/18	01/01/17
98-03-C-07-CVG, Covington, KY .....	07/24/06	24,833,000	24,852,000	08/01/99	08/01/99
92-01-C-10-SJC, San Jose, CA .....	07/27/06	70,625,368	64,670,368	07/01/96	07/01/96
99-07-C-02-SJC, San Jose, CA .....	07/27/06	12,950,000	12,628,000	01/01/02	07/01/02
01-11-C-02-SJC, San Jose, CA .....	07/27/06	118,161,491	131,055,103	07/01/06	01/01/07
*97-01-C-03-SDF, Louisville, KY .....	07/31/06	90,600,000	90,600,000	04/01/12	09/01/14
01-02-C-04-SDF, Louisville, KY .....	07/31/06	10,012,140	10,012,140	03/01/13	12/01/16
03-03-C-02-SDF, Louisville, KY .....	07/31/06	5,666,800	5,666,800	09/01/13	02/01/18
06-04-C-01-SDF, Louisville, KY .....	07/31/06	1,267,315	1,267,315	10/01/13	05/01/18

**Note:** The amendment denoted by an asterisk (\*) includes a change to the PFC level changed from \$3.00 per enplaned passenger to \$4.50 per enplaned passenger. For Louisville, KY, this change is effective on October 1, 2006:

Issued in Washington, DC, on September 22, 2006.

**Joe Hebert,**

*Manager, Financial Analysis and Passenger Facility Charge Branch.*

[FR Doc. 06-8377 Filed 9-29-06; 8:45 am]

**BILLING CODE 4910-13-M**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Highway Administration

##### Notice of Final Federal Agency Actions on a Proposed U.S. Highway Project in California

**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(1)(1). These actions relate to a proposed highway project on State Route 65 Lincoln Bypass between kilo post 19.3 to 38.3 (post miles 12.0 to 23.8) in Placer County, State of California. These actions grant 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(1)(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 April 2, 2007. 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:** Cesar Perez, Project Development Engineer, Federal Highway Administration, 650 Capitol Mall, #4-100, Sacramento, CA 95814, weekdays between 7 a.m. and 4 p.m., telephone 916-498-5065, [cesar.perez@fhwa.dot.gov](mailto:cesar.perez@fhwa.dot.gov). Karen McWilliams, Senior Environmental Planner, California Department of Transportation, 2389 Gateway Oaks Dr., Sacramento, CA 95833, weekdays between 8 a.m. and 4:30 p.m., (916) 274-0568, [karen.mcwilliams@dot.ca.gov](mailto:karen.mcwilliams@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of California. This project would improve safety and provide congestion relief on State Route 65, Placer County, California. This would be accomplished by constructing a four-lane freeway around the city of Lincoln, in Placer

County, from south of Industrial Avenue to north of Riosa Rd. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement for the project, approved on May 25, 2006, a Record of Decision approved on July 18, 2006, and in other documents in the FHWA administrative record. The Final Environmental Impact Statement and other documents in the FHWA administrative record file are available by contacting the FHWA or the California Department of Transportation at the addresses provided above. The FHWA Final Environmental Impact Statement can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist3/projects/lincoln/>.

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].

2. *Air:* Clean Air Act 42 U.S.C. 7401-7671(q).

3. *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].

4. *Historic and Cultural Resources:* Section 106 of the National Historic

Preservation Act of 1966, as amended [16 U.S.C. 470(aa) 11]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

5. *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 (FPPA) [7 U.S.C. 4201–4209]; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

6. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

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. 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 his program.)

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

Issued on: September 26, 2006.

**Maiser Khaled,**

*Director, Project Development & Environment, Sacramento, California.*

[FR Doc. E6–16205 Filed 9–29–06; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2006–25903; Notice 1]

#### BMW of North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

BMW of North America, LLC (BMW) has determined that certain vehicles that it produced in 2005 and 2006 do not comply with S4.5.1(b)(3) and S4.5.1(e)(3) of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, “Occupant crash protection.” BMW has filed an appropriate report

pursuant to 49 CFR part 573, “Defect and Noncompliance Reports.”

Pursuant to 49 U.S.C. 30118(d) and 30120(h), BMW has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of BMW’s petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 27,975 model year 2006 BMW X5 vehicles produced between September 1, 2005 and June 28, 2006. The affected vehicles were produced according to FMVSS No. 208 S14, the advanced air bag requirements including air bag suppression and telltale. However, the affected vehicles were not equipped with the corresponding warning labels, specifically the FMVSS No. 208 S4.5.1(b)(3) sun visor label identified in Figure 11, and the S4.5.1(e)(3) removable label on dash identified in Figure 12. Instead, the affected vehicles were equipped with the “pre-advanced” air bag warning labels, specifically the FMVSS No. 208 S4.5.1(b)(1) sun visor label identified in Figure 6a, and the S4.5.1(e)(1) removable label on dash identified in Figure 7. This is shown as follows:

#### SUN VISOR LABEL

Required label: S4.5.1(b)(3) Figure 11	Noncompliant label: S4.5.1(b)(1) fig. 6a
<p>WARNING EVEN WITH ADVANCED AIR BAGS .....</p> <p>Children can be killed or seriously injured by the air bag .....</p> <p>The back seat is the safest place for children .....</p> <p>Never put a rear-facing child seat in front .....</p> <p>Always use seat belts and child restraints .....</p> <p>See owner’s manual for more information about air bags .....</p>	<p>WARNING DEATH or SERIOUS INJURY can occur.</p> <p>Children 12 and under can be killed by the air bag.</p> <p>The BACK SEAT is the SAFEST place for children.</p> <p>NEVER put a rear-facing child seat in front.</p> <p>ALWAYS use SEAT BELTS and CHILD RESTRAINTS.</p> <p>Sit as far back as possible from the air bag.</p>

#### REMOVABLE LABEL ON DASH

Required label: S4.5.1(e)(3) figure 12	Noncompliant label: S4.5.1(e)(2) figure 7
<p>This Vehicle is Equipped with Advanced Air Bags .....</p> <p>Even with Advanced Air Bags.</p> <p>Children can be killed or seriously injured by the air bag .....</p> <p>The back seat is the safest place for children .....</p> <p>Never put a rear-facing child seat in the front.</p> <p>Always use seat belts and child restraints .....</p> <p>See owner’s manual for more information about air bags.</p>	<p>WARNING.</p> <p>Children Can be KILLED or INJURED by Passenger Air Bag.</p> <p>The back seat is the safest place for children 12 and under.</p> <p>Make sure all children use seat belts or child seats.</p>

BMW has corrected the problem that caused these errors so that they will not be repeated in future production.

BMW believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. BMW

states that the labels it actually used are “more stringent” and “more emphatic, which would lead a consumer to act in a more cautious manner, and not in a less safe manner.” BMW says,

The difference in the warning message texts between the labels clearly indicates that

the warning message on the affected vehicles’ labels is stricter when compared to the advanced air bag labels. Therefore, even though the labels are incorrect, they would not result in a decrease in the safety message. Rather, they provide an increased emphasis.