

Issued on: September 27, 2011.

Martin C. Knopp,

Division Administrator, Tallahassee, FL.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Utah

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(j)(1). The actions relate to a proposed multi-modal project (Provo-Orem Bus Rapid Transit) that addresses roadway and transit infrastructure needs in Utah County, State of Utah. 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(j)(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 April 1, 2012. 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. Edward T. Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, UT 84118. FHWA's regular business hours are Monday through Friday, 7:30 a.m. to 4:30 p.m. MST. For UDOT: Mr. Brandon Weston, 4501 South 2700 West, Salt Lake City, Utah 84119-5998; *Telephone:* (801) 965-4603; *e-mail:* brandonweston@utah.gov. The UDOT's normal business hours are Monday through Friday, 7 a.m. to 4:30 p.m. MST.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions subject to 23 U.S.C. 139(j)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Utah: The Provo-Orem Bus Rapid Transit project number F-R399(83). The project has roadway and transit components. This notice covers the roadway portions of the selected alternative from the Environmental Assessment which

include: Two additional general purpose lanes on University Parkway from State Street to University Avenue in Provo, Utah; New high-occupancy/toll (HOT) interchange at 800 South and I-15 in Orem to serve automobiles, transit vehicles, pedestrians, and cyclists. These improvements will increase transportation capacity to accommodate growing population, employment, student enrollment, and travel demand in the year 2030; improve multimodal connectivity across I-15 and from I-15 to Orem and Provo, Utah.

The actions by the Federal agency, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on April 8, 2011, in the FHWA Finding of No Significant Impact (FONSI) decision issued on September 6, 2011, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting FHWA or the Utah Department of Transportation at the addresses provided above. The FHWA EA and FONSI can be viewed at public libraries in the project area.

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 and 23 U.S.C. 128].
2. Air: Clean Air Act [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].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
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.*].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
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. 13175, Consultation and Coordination with Indian Tribal Governments; 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(j)(1).

Issued on: September 26, 2011.

James Christian,

Division Administrator, Salt Lake City.

[FR Doc. 2011-25459 Filed 10-3-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2011-0071]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August 23, 2011, the Canadian National Railway (CN) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236. FRA assigned the petition Docket Number FRA-2011-0071.

CN seeks relief from the 2-year periodic testing requirements of the rules, standards, and instructions contained in 49 CFR 236.377, *Approach locking*; 236.378, *Time locking*; 236.379, *Route locking*; 236.380, *Indication locking*; 236.381, *Traffic locking*; and 236.109, *Time releases, timing relays and timing devices*; on vital microprocessor-based systems. CN proposes that except when placed in service, disarranged, or vital software modifications are made, that the following test be completed at least once every 4 years to ensure the safety of microprocessor-based locking systems. These tests, at this interval, would replace the tests currently required for these systems.

- Verify and record that the software has not changed since the previous testing. This is accomplished by verifying the Cyclic Redundancy Code, checksum, and/or unique check number (UCN) of the software in the solid-state device.

- Test and record the interconnection to the signaling hardware and equipment outside of the processor (switch indication, switch locking, track circuits and indications, and searchlight signal indications).

- Verify and record duration of any variable timers unless protected by a UCN.

The relief is requested for the following three cases:

1. Locations as listed in Exhibit B.
2. All future purchases of microprocessor-controlled interlocking locations.
3. Interlocking sites upgraded to microprocessor control.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave., SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by November 18, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and 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 (Volume 65, Number 70; Pages 19477-78), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on September 28, 2011.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2011-25582 Filed 10-3-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption from the Vehicle Theft Prevention Standard; Volkswagen

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

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Volkswagen Group of America's (VW) petition for exemption of the Audi A4 allroad vehicle line in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard*. This petition is granted, because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

DATES: The exemption granted by this notice is effective beginning with the 2013 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., West Building, W43-439, Washington, DC 20590. Ms. Ballard's phone number is (202) 366-5222. Her fax number is (202) 493-2990.

SUPPLEMENTARY INFORMATION: In a petition dated August 8, 2011, VW requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Audi A4 allroad vehicle line beginning with MY 2013. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, VW provided a detailed description and diagram of the identity, design and location of the components

of the antitheft device for its new Audi A4 allroad vehicle line. VW will install its passive, transponder-based electronic engine immobilizer antitheft device as standard equipment on its Audi A4 allroad vehicle line. VW stated that its antitheft device is an electronic engine immobilizer which utilizes a transponder ignition key and an alarm system. Key components of the antitheft device will include a passive electronic engine immobilizer, electronic ignition lock, adapted ignition key, engine control unit, electronic steering column lock and an automatic transmission gear box (if available). VW stated that its vehicle line will also include an antitheft alarm system as standard equipment. Specifically, VW stated that when the vehicle is locked, the alarm system monitors and protects the engine compartment, luggage compartment and doors, and when the system is activated, the alarm will trigger if one of the doors, the engine hood or the rear hatch lid are opened. Specifically, VW stated that when any of the protected components within its vehicle enclosure deterrent system are violated, an audible horn signal is emitted and the vehicle's emergency flasher system is activated. VW's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

VW stated that activation occurs when the key fob advanced key system is removed from the car, or when the mechanical ignition key is switched to the OFF position causing lock out of the engine control unit. VW also stated that deactivation of the antitheft system occurs when the mechanical ignition key is switched to the ON position or while the key fob advanced key is located inside the car. VW stated that the key transponder sends a fixed code to the immobilizer control unit, and if the code is identified as the correct code, a variable code is generated in the immobilizer control unit and sent to the transponder. VW further stated that after the electronic steering column is unlocked and there is full authorization for the ignition switch to be on, the engine control unit sends a variable code to the immobilizer control unit, enabling start up of the vehicle. VW believes that the code is undecipherable because a new variable code is generated each time during this secret computing process.

In addressing the specific content requirements of 543.6, VW provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the