

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), the US Department of Transportation, Federal Highway Administration (FHWA), intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) and Supplemental Draft Section 4(f) Evaluation for proposed improvements to US Route 340 in Jefferson County, West Virginia.

**DATES:** To ensure that a full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the SDEIS should be submitted to FHWA or West Virginia Department of Transportation, Division of Highways (WVDOH) at the address below or through the WVDOH's Web site at [www.transportation.wv.gov](http://www.transportation.wv.gov) within 30 days to ensure timely consideration.

**FOR FURTHER INFORMATION CONTACT:** Jason Workman, Director, Office of Program Development, Federal Highway Administration, 700 Washington Street, E., Charleston, WV 25301; telephone: (304) 347-5928; email: [jason.workman@dot.gov](mailto:jason.workman@dot.gov) or Ben Hark, Environmental Section Head, Engineering Division, WVDOH, State Capitol Complex, Building 5, 1900 Kanawha Boulevard, East, Charleston, WV 26305; telephone: (304) 558-2885; email: [ben.l.hark@wv.gov](mailto:ben.l.hark@wv.gov).

**SUPPLEMENTARY INFORMATION:**

1. Description of the Proposed Action—The FHWA, in cooperation with the WVDOH, will prepare a SDEIS for the US 340 Improvement Project in Jefferson County, West Virginia. The proposed limits extend from the existing four-lane section of US 340 southwest of the Virginia/West Virginia state line to the existing four lane section of the Charles Town Bypass (US 340) south of Charles Town, West Virginia, approximately two miles north of the community of Rippon. The total length of the proposed project is approximately four miles.

2. Alternatives—Alternatives under consideration in the SDEIS will include: (1) Taking no action, and (2) constructing a four-lane, partially controlled access highway on new location. Various alignment alternatives will be evaluated to address land use changes that have occurred since the DEIS was prepared. Effects of these new build alternatives on the human and

natural environment will be analyzed and documented, based on the results of new preliminary engineering studies and public and agency comments.

3. Scoping and Review Process—A notice of intent announcing the preparation of an environmental impact statement was published in the **Federal Register** on February 9, 1996. A Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation was approved by FHWA for the proposed project in November 2001 (Federal Project NH-0340(030)). A SDEIS is now needed because of the length of time that has elapsed since the DEIS was approved and because of changes in land usage in the project area during that time.

As part of the earlier study, a formal scoping process was carried out. The results of that process will be reviewed and updated through coordination with the appropriate jurisdictional agencies. In addition, a Purpose and Need report was prepared for the proposed project. The purpose of the proposed project is to address safety deficiencies along the two-lane section of US 340 and to improve system linkage between the existing four-lane segments of US 340 north and south of the two-lane project segment. The 2001 DEIS documented that a highway improvement on new alignment was the most effective way of achieving the purposes of the proposed action. Several new alignment build alternates were developed and compared to the no-build alternative during the development of the DEIS.

4. Significant Issues—Based on preliminary information, the issues to be analyzed in the SDEIS are likely to include, but are not limited to, the effects to above ground and buried Historic Properties; effects on threatened and endangered species, surface water and groundwater resources, including aquatic habitat, water quality and wetlands; effects on the immediate and adjacent property owners and nearby communities; effects on socioeconomics and land use; transportation impacts; and cumulative and secondary effects.

5. Additional Review and Consultation—The SDEIS will comply with other Federal and State requirements including, but not limited to, the *Moving Ahead for Progress in the 21st Century (MAP-21)*; Section 404 of the *Clean Water Act (CWA)* State water quality certification under Section 401 of the *CWA*; protection of water quality under the *West Virginia/National Pollutant Discharge Elimination System*; protection of air quality under the *West Virginia Air Pollution Control Act*; protection of endangered and threatened

species under Section 7 of the *Endangered Species Act (ESA)*; and protection of cultural resources under Section 106 of the *National Historic Preservation Act (NHPA)*.

6. Availability of the SDEIS—A SDEIS will be available for public review and comment. Individuals interested in obtaining a copy of the SDEIS for review should contact the FHWA or WVDOH. A workshop public hearing will be held during the SDEIS review period. Public notice will be given of the times and places for the hearing. Comments will also be accepted through the WVDOH Web site at the URL provided above.

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

(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.)

Issued on: January 6, 2014.

**Thomas J. Smith,**

*Division Administrator, Federal Highway Administration, Charleston, West Virginia.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0110]

#### Notice of Receipt of Petition for Decision That Nonconforming 2006–2013 Honda NT700V (Deauville) Motorcycles Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 2006–2013 Honda NT700V (Deauville) motorcycles are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2006–2013 Honda NT700V (Deauville) motorcycles 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 have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is February 13, 2014.

**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) or you may visit <http://DocketInfo.dot.gov>.

*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 view the documents from the Internet at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. 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)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that 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**.

US Specs of Havre de Grace, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide whether nonconforming 2006-2013 Honda NT700V (Deauville) motorcycles are eligible for importation into the United States. US Specs contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

In its petition, US Specs described the nonconforming 2006-2013 Honda NT700V (Deauville) as the same model as the U.S.-certified 2010-2011 Honda NT700V. Because the NT700V (Deauville) model was introduced in countries other than the U.S. as a new model before the introduction of the U.S.-certified version in 2010, the petitioner acknowledged that it could not base its petition on the substantial similarity of the 2006-2013 Honda NT700V (Deauville) to the U.S.-certified 2010 Honda NT700V motorcycles due to the petitioning requirements of 49 U.S.C. 30141(a)(1)(A), as set forth in 49 CFR part 593. Instead, the petitioner chose to establish import eligibility on the basis that the vehicles have safety features that comply with, or are capable of being modified to comply with, the FMVSS based on destructive test data or such other evidence that NHTSA decides to be adequate as set

forth in 49 U.S.C part 30141(a)(1)(B). The petitioner contends that the 2006-2013 Honda NT700V, which the agency believes is also marketed as the Honda Deauville in other markets, utilizes the same components as the U.S.-certified 2010-2011 Honda NT700V motorcycles in virtually all of the systems subject to the applicable FMVSS.

Specifically, the petitioner claims that 2006-2013 Honda NT700V (Deauville) motorcycles have safety features that comply with Standard Nos. 106 *Brake Hoses*, 116 *Motor Vehicle Brake Fluid*, 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*, 122 *Motorcycle Brake Systems*, and 205 *Glazing Materials*.

The petitioner further contends that the vehicles are capable of being altered to comply with the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Inspection of all vehicles and replacement of the following with U.S.-certified components on vehicles not already so equipped: (a) Headlamp; (b) front and rear side-mounted reflex reflectors; (c) front, side, and rear-mounted reflex reflector; (d) tail lamp assembly (including stoplamp, taillamp, turn signals, and license plate lamp); and (e) front turn signal lamps.

Standard No. 111 *Rearview Mirrors*: Inspection of all vehicles and installation of compliant rearview mirrors on vehicles not already so equipped.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: Installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays*: (a) Modification or replacement of the speedometer so that it reads in miles per hour if not already so equipped; and (b) installation of an ignition switch label if not already so equipped.

Standard No. 205 *Glazing Materials*: Inspection of windshield (if so equipped) for compliance and removal of any non-compliant components.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority**: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 9, 2014.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0102; Notice 1]

#### Morgan 3 Wheeler Limited, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Morgan 3 Wheeler Limited (Morgan)<sup>1</sup> has determined that certain model year (MY) 2012 and 2013 Morgan model M3W three-wheeled motorcycles, do not fully comply with paragraph S6 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*. Morgan has filed an appropriate report dated August 6, 2013, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

**DATES:** The closing date for comments on the petition is February 13, 2014.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493-2251.

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.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477-78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

#### SUPPLEMENTARY INFORMATION:

*I. Morgan's petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Morgan submitted a petition 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 Morgan'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.

*II. Vehicles involved:* Affected are approximately 139 MY 2012 and 2013 Morgan model M3W three-wheeled motorcycles manufactured during the period August 1, 2012 to August 14, 2013.

*III. Noncompliance:* Morgan explains that the noncompliance is that the wind deflectors on the vehicles do not have the markings required by FMVSS No. 205.

*IV. Rule Text:* Paragraph S6 of FMVSS No. 205 requires in pertinent part:

S6.1 A prime glazing material manufacturer must certify, in accordance

with 49 U.S.C. 30115, each piece of glazing material to which this standard applies that is designed—

(a) As a component of any specific motor vehicle or camper; or

(b) To be cut into components for use in motor vehicles or items of motor vehicle equipment.

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1-1996, in letters and numerals of the same size, the symbol "DOT" and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. The request must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer as defined in S4.

S6.3 A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must—

(a) Mark that material in accordance with section 7 of ANSI/SAE Z26.1-1996; and

(b) Certify that its product complies with this standard in accordance with 49 U.S.C. 30115.

*V. Summary of Morgan's Analyses:* Morgan stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

a. The wind deflector fitted in the M3W uses glazing that conforms to item 6 ANSI 226.1-1996-windshields for motorcycles. It is so small (its dimensions are 10" x 5") that it is not requisite for driving visibility.

b. Morgan owners will go to Morgan dealers for replacement of the wind deflector.

c. The noncompliance is not likely to increase the safety risk to individual occupants who experience the type of injurious event against which the standard was designed to protect.

d. There have been no reports of any safety issues. Both in the US and the rest of the world, Morgan knows of no injuries caused by the noncompliance.

e. The subject noncompliance here is inconsequential in view of the nature of the vehicle in question because Morgan possesses attributes enumerated in several previous NHTSA inconsequential noncompliance determinations that it believes can be applied to a decision on its petition. See Morgan's petition for a complete discussion of its reasoning.

Morgan additionally stated that it shall as regards ongoing production; mark the wind deflector to comply with the FMVSS No. 205 requirements.

In summation, Morgan believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing

<sup>1</sup> Morgan 3 Wheeler Limited is an English corporation that manufactures motor vehicles.