

Initiative (AWI) Framework Plan, is intended to provide better access to waterfront areas east and west of the river, including Anacostia Park, separate local traffic from regional commuter traffic, and better serve historic Anacostia, and near southeast neighborhoods. It will connect the Southeast Freeway with traffic to and from both directions of the Anacostia Freeway. The AWI seeks to restore the river's water quality, reclaim the waterfront as a magnet of activity, and stimulate sustainable development in waterfront neighborhoods. The improvement of traffic flow across the 11th Street Bridges is a step in the reinvestment and reclamation process.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations and implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

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

Issued on: September 7, 2005.

**Gary L. Henderson,**

*Division Administrator, District of Columbia Division, Federal Highway Administration.*

[FR Doc. 05-18047 Filed 9-12-05; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket MARAD-2005-22416]

#### **Lykes Lines Limited, LLC; Request For Comments Regarding the Proposed Purchase of CP Ships Limited by TUI AG and Its Impact on the Maritime Security Program (MSP)**

By letter dated August 22, 2005, CP Ships USA, LLC (CP USA), successor in interest to Lykes Lines Limited, LLC (Lykes), has advised the Maritime Administration (MARAD) that TUI AG (TUI) is acquiring CP Ships Limited (CP Ships), the parent company of CP USA, through a stock purchase. Lykes has been awarded five new MSP Operating Agreements, Nos. MA/MSP-74 through 78, respectively, to the vessels CP NAVIGATOR (ex-LYKES NAVIGATOR), CP DISCOVERER (ex-LYKES DISCOVERER), CP LIBERATOR (ex-LYKES LIBERATOR), CP MOTIVATOR (ex-LYKES MOTIVATOR) and CP YOSEMITE (ex-TMM YUCATAN) for the participation of those vessels in the MSP beginning October 1, 2005. CP USA became the successor to Lykes on May 30, 2005, through reorganization and renaming of various components of

Canadian Pacific Lines, Limited, which itself was renamed CP Ships.

TUI is a German corporation and parent of the German vessel operator Hapag-Lloyd AG. Neither TUI, nor Hapag-Lloyd presently has any connection to the MSP. Implementation of the proposed purchase will bring the ultimate control of CP USA's five MSP Fleet vessels under the ownership of TUI.

The purchase of CP Ships by TUI will, in effect, transfer ultimate ownership of CP USA from one foreign corporate entity to another. The transaction requires MARAD approval under CP USA's MSP Operating Agreements Nos. MA/MSP-74 through 78. This notice is being published as a matter of discretion. MARAD will consider all comments submitted in a timely fashion on this particular application, and the topic of the transfer of MSP Operating Agreements in general, and will take such action thereto as may be deemed appropriate.

A redacted copy of this proposal will be available for inspection at the Department of Transportation (DOT) Dockets Facility and on the DOT Dockets Web site (address information follows). Any person, firm or corporation having an interest in this proposal, and desiring to submit comments concerning the transaction, may file comments as follows. You should mention the docket number that appears at the top of this notice in any submission. Written comments should be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Nassif Building, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov/submit/>. You may call Docket Management at (202) 366-9324. You may visit the docket room to inspect and copy comments at the above listed address between 10 a.m. and 5 p.m. EDT, Monday through Friday, except holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>. Comments must be received by close of business September 23, 2005.

This notice is published as a matter of discretion, and the fact of its publication should in no way be considered a favorable or unfavorable decision on the proposed transaction, as filed, or as it may be amended.

Dated: September 7, 2005.

By Order of the Maritime Administration.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 05-18150 Filed 9-12-05; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-21383; Notice 2]

#### **Equistar Chemicals, LP, Grant of Petition for Decision of Inconsequential Noncompliance**

Equistar Chemicals, LP (Equistar) has determined that certain brake fluid that was manufactured in 2004 and that Equistar distributed does not comply with S5.1.7 of 49 CFR 571.116, Federal Motor Vehicle Safety Standard (FMVSS) No. 116, "Motor vehicle brake fluids." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Equistar has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on June 9, 2005, in the **Federal Register** (70 FR 33769). NHTSA received no comments.

Affected are a total of approximately 170,000 gallons of DOT-3 brake fluid designated as Lot 630 and manufactured by Oxid, LP in September 2004. FMVSS No. 116, S5.1.7, "Fluidity and appearance at low temperature," requires that when brake fluid is tested as specified in the standard at storage temperatures of minus 50 ± 2 °C,

(a) The fluid shall show no sludging, sedimentation, crystallization, or stratification; [and]

(b) Upon inversion of the sample bottle, the time required for the air bubble to travel to the top of the fluid shall not exceed 35 seconds \* \* \*

NHTSA's compliance tests, conducted by ABIC Testing Laboratories, Inc. (ABIC), found that at minus 50 °C, the noncompliant brake fluid freezes, therefore showing crystallization and failing the requirements of S5.1.7(a). NHTSA's compliance tests also found that at minus 50 °C, upon inversion of the sample bottle, the time required for the air bubble to travel to the top of the fluid exceeds 35 seconds, therefore failing the requirements of S5.1.7(b).

Equistar believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Equistar stated the following:

Equistar asked Oxid, LP [the brake fluid manufacturer] to supply a copy of its data reporting the results of the tests it had previously conducted for \* \* \* [the brake] fluid pursuant to the test requirements of S6.7 \* \* \*. The data show that [the brake fluid] unconditionally passed the tests required by the applicable standard, including the minus 50 °C test.

Equistar stated that it had the noncompliant brake fluid further tested by another testing center, Case Consulting Laboratories, Inc. (Case), and that:

The samples tested by Case passed all of the required tests, including the minus 50 °C air bubble and appearance test, except that the tested sample \* \* \* began to form crystals. It bears note that the bubble travel time on this sample was 2.7 seconds against the standard's requirement of 35 seconds maximum. Further, the appearance of the sample after testing at minus 50 °C was the same as before the testing.

Equistar stated that "the crystals and globules" in the brake fluid "would not pose a threat to the operation of the brake fluid." Case certified that the globules formed at minus 50 °C were of a nonabrasive nature and fall back into solution upon slight agitation and warming. ABIC confirmed informally to NHTSA that Case's statement is correct.

In its petition, Equistar referred to two prior NHTSA grants of inconsequential noncompliance petitions which it claims are similar. These are Dow Corning Corporation (59 FR 52582, October 18, 1994) and First Brands Corporation (59 FR 62776, December 6, 1994). Equistar stated that NHTSA should grant its petition based on the same rationale as it used to grant the previous two petitions.

NHTSA agrees with Equistar that the noncompliance is inconsequential to motor vehicle safety. Both Case and ABIC determined that that the globules which formed at minus 50 °C were of a nonabrasive nature and fell back into solution upon slight agitation and warming. In granting both the Dow Corning and First Brands petitions

referenced above, NHTSA determined that the type of crystallization which is of a nonabrasive nature and will readily disperse under slight agitation or warming ought not have an adverse effect upon braking. Therefore the cases are analogous. However, NHTSA wants to be clear that it maintains a distinction, which it established in granting the Dow Corning and First Brands petitions, between crystals which are of a nonabrasive nature and fall back into solution upon slight agitation and warming, as opposed to crystals that are abrasive or do not fall back into solution, and that may have the potential to clog brake system components. Brake fluid which exhibits the latter characteristics do not fall under the Dow Corning and First Brands precedent.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Equistar's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: September 7, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. 05-18149 Filed 9-12-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Ex Parte No. 333]

#### Sunshine Act Meeting

**TIME AND DATE:** 9 a.m., September 15, 2005.

**PLACE:** The Board's Hearing Room, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

**STATUS:** The Board will meet to discuss among themselves the following agenda items. Although the conference is open for public observation, no public participation is permitted.

**MATTERS TO BE CONSIDERED:** STB Docket No. WCC-101, Government of the Territory of Guam v. Sea-Land Service, Inc., American President Lines, LTD., and Matson Navigation Company, Inc.

STB Finance Docket No. 34505, *East Brookfield & Spencer Railroad, LLC—Lease and Operation Exemption—CSX Transportation, Inc.*

STB Docket No. AB-441 (Sub-No. 4X), *San Pedro Railroad Operating Company, LLC—Abandonment Exemption—in Cochise County, AZ.*

STB Docket No. AB-976X, *Pittsburg & Shawmut Railroad, LLC—Abandonment Exemption—in Armstrong and Jefferson Counties, PA.*

STB Docket No. AB-600, *Yakima Interurban Lines Association—Adverse Abandonment—in Yakima County, WA.*

STB Finance Docket No. 34746, *Kansas & Oklahoma Railroad, Inc.—Acquisition Exemption—Rail Line of Union Pacific Railroad Company.*

STB Finance Docket No. 34694 (Sub-No. 1), *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company.*

**FOR FURTHER INFORMATION CONTACT:** A. Dennis Watson, Office of Congressional and Public Services, Telephone: (202) 565-1596 FIRS: 1-800-877-8339.

Dated: September 8, 2005.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-18131 Filed 9-8-05; 1:51 pm]

**BILLING CODE 4915-01-P**