

(Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.dms.dot.gov>.

FRA wishes to inform all potential commenters that 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 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://www.dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on January 23, 2006.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E6-1084 Filed 1-27-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

#### Docket Number FRA-2006-23593

*Applicant:* Union Pacific Railroad Company, Mr. Doug W. Wills, Senior

Director Operating Practices/Safety, 1400 Douglas Street, Mail Stop 1020, Omaha, Nebraska 68179-1020.

The Union Pacific Railroad Company (UP) seeks temporary relief from the requirements of part 236, section 236.566, of the Rules, Standard and Instructions, to the extent that UP be permitted to operate foreign non-equipped locomotives in detour movements, over UP automatic cab signal/automatic train stop territory, on the Portland Subdivision, between Crates, Oregon, milepost 81.6 and East Portland, milepost 0.6, a distance of approximately 81 miles, from February 14, 2006 through April 14, 2006. The detour movements will consist of four Burlington Northern and Sante Fe (BNSF) freight trains daily.

Applicant's justification for relief: BNSF has requested the detour arrangement to accommodate track improvements on one of their line.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received will be considered as far as practicable by the FRA before final action is taken. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA wishes to inform all potential commenters that 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 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral

hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on January 23, 2006.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD 2005-22519]

#### Availability of a Finding of No Significant Impact

**AGENCY:** Department of Transportation, Maritime Administration.

**ACTION:** Notice of the availability of a finding of no significant impact and finding of no practicable alternative.

**SUMMARY:** The purpose of this Notice is to make available to the public the Finding of No Significant Impact (FONSI) derived from the Environmental Assessment (EA) regarding the Cherry Hill Material Extraction and Transport Project on Elmendorf Air Force Base. Included in the FONSI is a Finding of No Practicable Alternative that addresses wetland loss.

The objective of this Project is to extract and transport suitable fill material for the Port of Anchorage Intermodal Expansion (Expansion). The Expansion will improve and enhance the existing dock and terminal capability at the Port to facilitate the transportation of goods and people within the State of Alaska.

#### FOR FURTHER INFORMATION CONTACT:

Daniel E. Yuska, Jr., Environmental Protection Specialist, Office of Environmental Activities, U.S. Maritime Administration, 400 7th Street, SW., Room 7209, Washington, DC 20590; telephone (202) 366-0714, fax (202) 366-6988.

**SUPPLEMENTARY INFORMATION:** The Maritime Administration, in cooperation with the Port of Anchorage, completed an EA that studied potential environmental effects associated with the extraction and transport of suitable fill material from the Cherry Hill Borrow Site on Elmendorf Air Force Base. The EA considered potential effects to the natural and human environment including: air quality; water quality; geology and soils; coastal resources; terrestrial resources; aquatic resources;

navigation; hazardous materials; cultural and historic resources; visual and aesthetic resources; and other topics associated with the proposed action. The FONSI is based on the analysis presented in the Cherry Hill Material Extraction and Transport EA.

The FONSI and the EA are available for review at Loussac Library in Anchorage or online at <http://www.portofanchorage.org> and <http://www.dms.dot.gov>.

**Authority:** 49 CFR 1.66.

By Order of the Maritime Administrator.

Dated: January 24, 2006.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-22653, Notice 2]

#### Mercedes-Benz, U.S.A. LLC; Grant of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 108

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

**ACTION:** Grant of Application for a Temporary Exemption from S5.5.10 of Federal Motor Vehicle Safety Standard No. 108.

**SUMMARY:** This notice grants the Mercedes-Benz, U.S.A. LLC ("MBUSA") application for a temporary exemption from the requirements of S5.5.10 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. In accordance with 49 CFR Part § 555.6(b), the basis for the grant is to facilitate the development and field evaluation of new motor vehicle safety feature providing a level of safety at least equal to that of the standard. Pursuant to § 555.6(b)(5), MBUSA is permitted to sell not more than 2,500 exempted vehicles in any twelve-month period of the exemption. Because the exemption period is 24 months, this grant affects up to a total of 5,000 vehicles.

**DATES:** The exemption from S5.5.10 of FMVSS No. 108 is effective from January 23, 2006 until January 23, 2008.

**FOR FURTHER INFORMATION CONTACT:** George Feygin in the Office of Chief Counsel, NCC-112 Room 5215, 400 7th Street, SW., Washington, DC 20590 (Phone: 202-366-2992; Fax: 202-366-3820; E-Mail: [George.Feygin@nhtsa.dot.gov](mailto:George.Feygin@nhtsa.dot.gov)).

### I. Background

MBUSA petitioned the agency on behalf of its parent corporation, DaimlerChrysler AG.<sup>1</sup> The petition seeks a temporary exemption from S5.5.10 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108. In short, S5.5.10 specifies that with certain exceptions not applicable to this petition, all lamps, including stop lamps must be wired to be steady-burning.<sup>2</sup> In order to develop and evaluate an innovative flashing brake signaling system in the United States, MBUSA sought a temporary exemption from the "steady-burning" requirement as it applies to stop lamps. This system is currently available in Europe on the S-class, CL-class, and SL-class Mercedes vehicles.

MBUSA stated that the system enhances the emergency braking signal by flashing three stop lamps required by FMVSS No. 108 during strong deceleration. In addition, after emergency braking, the flashing brake signaling system automatically activates the hazard warning lights of the stopped vehicle until it starts to move again or the lights are manually switched off. The petitioner stated that this signaling system reduces the following drivers' reaction time by attracting their attention, and also enhances visibility of the stopped vehicle, thus helping to reduce the incidence and severity of rear end collisions.

NHTSA previously denied petitioner's request to amend FMVSS No. 108 to allow flashing brake signaling systems. Among the reasons for the denial was the need for additional data on safety benefits of flashing brake lamps. The petitioner argued that granting this temporary exemption would allow them to provide the information NHTSA found lacking.

MBUSA requested a two-year exemption period. In accordance with the requirements of 49 CFR § 555.6(b)(5), MBUSA will not sell more than 2,500 exempted vehicles in any twelve-month period within the two-year exemption period. For additional details, please see the MBUSA petition at <http://dms.dot.gov/search/searchFormSimple.cfm>, Docket No. NHTSA-2005-22653. The following (Parts II-VI) summarizes MBUSA's petition in relevant part.

<sup>1</sup> For more information on MBUSA, go to <http://www.mbusa.com>.

<sup>2</sup> See S5.5.10 of 49 CFR 571.108. Turn signal lamps, hazard warning signal lamps, school bus warning lamps must be wired to flash. Headlamps and side marker lamps may be wired to flash for signaling purposes. Motorcycle headlamps may be wired to modulate.

### II. Description of the New Motor Vehicle Safety Feature

The petitioner states that its flashing brake signaling system provides two innovative safety-enhancing features.

First, three stop lamps required by FMVSS No. 108 flash at a frequency of 5 Hz in the event of strong deceleration. This occurs if the velocity is >50 km/h (31 mph) and at least one of the following conditions is met:

1. Deceleration is >7 m/s<sup>2</sup>; or
  2. The brake assist function is active;
- or
3. The Electronic Stability Program (ESP) control unit detects a panic braking operation.

The petitioner states that the activation criteria ensures that the flashing brake signaling system is only activated when truly needed. Thus, the brake lights will flash only in severe braking situations, and will flash at a relatively high frequency that allows for fast recognition. Further, using the panic brake signal from the ESP control unit as a trigger would activate the system only when the achievable deceleration is substantially smaller than the demanded one. Thus, the stop lamps would not flash in routine situations.

Second, after emergency braking, the system automatically activates the hazard warning lights of the stopped vehicle until it starts to move again, or the lights are manually switched off.

### III. Potential Benefits of the New Motor Vehicle Safety Feature

The petitioner states that the flashing brake signaling system provides important safety enhancements not found in a vehicle equipped with a traditional brake signaling system. First, the flashing system reduces the following driver's reaction time and encourages maximum deceleration of following vehicles. The petitioner expects especially strong benefits during adverse weather conditions and for inattentive drivers. Second, the activation of hazard warning lamps on the stopped vehicle also enhances vehicle recognition after it comes to a complete stop. The petitioner believes that together, these features will help to reduce rear end collisions and improve safety.

The petitioner acknowledged the agency's longstanding restriction on flashing stop lamps, in the interest of standardized, instantly recognizable lighting functions. However, MBUSA indicated that its system will be easily recognizable, and would not interfere with NHTSA's objectives since activation of the flashing brake signaling system would be infrequent.