

- Future No Action Alternative, which will include the existing system and planned transportation improvements (other than the proposed project) included in the official metropolitan long-range transportation plan; and

- Transportation System Management (TSM) Alternative, which will attempt to satisfy the project's purpose and need with lower cost improvements beyond those in the long-range plan, such as more effective operating practices, increased rolling stock, and station improvements.

The project sponsors may designate a "locally preferred alternative" either prior to the preparation of the Draft EIS or following public circulation and comment on the Draft EIS.

The New Starts Alternatives Analysis for this project will draw upon previous planning studies including the Lower Manhattan Airport and Commuter Access Alternatives Analysis, completed in 2004 (the results of which are available on the LMDC Web site) and the MTA's Lower Manhattan Access Alternatives Study, completed in 2001 (the results of which are available upon request from the MTA). The 2004 study recommended two rail alternatives for further study in the EIS phase. Both alternatives use the same alignment, the LIRR Atlantic Branch, from Jamaica to Atlantic Terminal in Downtown Brooklyn, with AirTrain JFK service connecting to the Atlantic Branch at Jamaica. Both alternatives, in order to access Lower Manhattan, break out of the LIRR Atlantic Branch tunnel east of the LIRR/NYCT Atlantic Terminal. One alternative would connect to a new rail tunnel under the East River into Lower Manhattan and the other would connect to the existing Montague Street Tunnel, currently used for NYCT subway service (M R subway lines).

## VI. Potential Effects

Upon completion, the proposed transportation improvements are anticipated to reduce travel times, eliminate or reduce transfers, improve service reliability, provide additional capacity and service flexibility into Lower Manhattan from the east, and reduce congestion on other transit lines currently used by travelers in the corridor.

Impacts that may occur as a result of the improvements will be evaluated in the EIS. The project sponsors have identified several areas of concern, some of which will be temporary during the construction phase, including: Property acquisition and displacement; historic, archaeological, and cultural resources; wetlands and water quality; visual and

aesthetic qualities; air quality; noise and vibration; safety and security; utilities; and transportation impacts.

The EIS will describe the methodology used to assess impacts; identify the affected environment; and identify and adopt measures for mitigating adverse impacts, if any. Principles of environmental construction management, resource protection and mitigation measures, such as NYCT's Green Design for the Environment Guidelines (2002) and LIRR's Sustainable Design/Design for the Environment "Generic Guidelines (March 2003), developed pursuant to New York State Executive Order No. 111 "Green and Clean," will be considered for incorporation into the selected Alternative.

## VII. FTA Procedures

During the NEPA process, FTA will comply with the requirements of Section 106 of the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act (49 U.S.C. 303), the conformity requirements of the Clean Air Act, Executive Order 12898 on Environmental Justice and, to the maximum extent practicable, all other applicable federal environmental statutes, regulations, and executive orders, in accordance with FTA policy and regulations.

A Draft EIS will be prepared and made available for public and agency review and comment. One or more public hearings will be held on the Draft EIS. On the basis of the AA or Draft EIS and the public and agency comments thereon, a locally preferred alternative will be selected and will be fully described and further developed in the Final EIS.

Issued on: June 15, 2005.

**Letitia Thompson,**

*Regional Administrator, Region II.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2004-19991; Notice 2]

### Coupled Products, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Coupled Products, Inc. (Coupled Products) has determined that certain hydraulic brake hose assemblies that it produced do not comply with S5.3.4 and S5.3.6 of 49 CFR 571.106, Federal

Motor Vehicle Safety Standard (FMVSS) No. 106, "Brake hoses." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Coupled Products 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 January 14, 2005, in the **Federal Register** (70 FR 2708). NHTSA received no comments.

A total of approximately 7,417 brake hose assemblies are affected, utilizing a fitting identified as Part Number 12271 which was incorporated into 6,075 assemblies bearing Part Number 3381, and into 1,244 assemblies bearing Part Number 3381A; plus 98 assemblies bearing a fitting with Part Number 380653.

S5.3.4 of FMVSS No. 106, tensile strength, requires that "a hydraulic brake hose assembly shall withstand a pull of 325 pounds without separation of the hose from its end fittings." S5.3.6 of FMVSS No. 106, water absorption and tensile strength, requires that "a hydraulic brake hose assembly, after immersion in water for 70 hours, shall withstand a pull of 325 pounds without separation of the hose from its end fittings."

The potentially affected hoses were manufactured during the time period of January 30, 2004 through September 10, 2004, using a "straight cup" procedure rather than the appropriate "step cup" procedure. Compliance testing by the petitioner of sample hose assemblies from each of the affected part numbers revealed that they failed the tensile strength tests of S5.3.4 and S5.3.6.

Coupled Products believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. The petitioner states the following:

Part number 12217 is used in assemblies for SUV and pick-up truck applications. Part number 380653 is utilized for suspension lift kits \* \* \* [T]he hose assemblies in these applications are located \* \* \* above significant pieces of vehicle hardware including the driveshaft, differential case, and fuel tank (hardware). This configuration is such that a linear, end-to-end "straight pull" on the hose assembly, as that contained in the FMVSS No. 106 tensile strength test procedure, is not a real-life scenario. Rather than a "straight pull," it is more likely (albeit remote) that the free length of the hose itself could be entangled or caught on a piece of road debris or other obstruction, resulting in a "side pull" on the assembly. This scenario itself is remote because the underlying hardware shields the hose assembly. Therefore, if debris were to become entangled

in the hose assembly, it would first have to bypass the hardware. If that were to occur, the impact would need to be so great as to make the concern of braking potential irrelevant.

Despite the fact that tensile stress on the assembly is an unlikely real life scenario, to assess the impact of this unlikely scenario, petitioner conducted a side pull tensile test on a sample of the subject brake hose assemblies to simulate the possible effect of a side pull on the integrity of the hose assembly \* \* \*. The "side pull" test results show that the tensile load achieved prior to the ends separating from the hose exceeded 538 pounds in each of the samples analyzed for tensile results—well in excess of the 325 pound requirement.

Coupled Products further states:

Because the braking system on the vehicles in question utilizes a dual chamber master cylinder, any failure of the hose assembly due to excessive tensile force—unlikely as that may be—will not result in a loss of braking capability of the vehicle. Depending on the assembly affected, front or rear braking capability would still exist, although additional stopping distance might be required. Furthermore, the vehicle's emergency braking system would also exist.

Coupled Products indicates that the problem has been corrected.

NHTSA agrees with Coupled Products that the noncompliance is inconsequential to motor vehicle safety. As the petitioner indicates, the configuration for the specific application of these brake hoses is such that a linear, end-to-end straight pull on the hose assembly is unlikely to occur. Further, the petitioner's testing for a more likely scenario, *i.e.*, a side-pull on the assembly, produced results that far exceeded the 325 pound requirement of the standard.

Also, as Couple Products points out, this noncompliance would not result in a loss of braking capability. Either front or rear braking capability would still exist, and the vehicle's emergency braking system would remain operational. Coupled Products has corrected the problem. It should be

noted that NHTSA recently granted a similar inconsequential noncompliance petition by Coupled Products where, because of the specific vehicle application (which is also the case here), the brake hose assemblies would not be subject to the type of forces specified in the standard (70 FR 32397).

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, Coupled Products' 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: June 14, 2005.

**Ronald L. Medford,**  
Senior Associate Administrator for Vehicle Safety.

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration, DOT.

**ACTION:** List of applications for modification of exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the

application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of exemptions (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, *etc.*) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. There applications have been separated from the new application for exemption to facilitate processing.

**DATES:** Comments must be received on or before July 6, 2005.

*Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of exemption is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 15, 2005.

**R. Ryan Posten,**  
Exemptions Program Officer, Office of Hazardous Materials Exemptions & Approvals.

**MODIFICATION EXEMPTIONS**

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11321-M .....	.....	E.I. DuPont, Wilmington, DE.	49 CFR 172.111, Column 7, Special Provisions B14, T38.	11321	To modify the exemption to authorized the use of UN specification portable tanks for the transportation of a Class 8 material.
11606-M .....	.....	Safety-Kleen Systems, Inc., Humble, TX.	49 CFR 173.28(b)(2)	11606	To modify the exemption to authorize the transportation of an additional Class 3 material in UN Standard 1A1, 1A2 and non-DOT specification steel drums.