

ACTION: Notice of limitation on claims for judicial review of actions by FHWA, U.S. Army Corps of Engineers (USACE), DoD, and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA, USACE, and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Intercounty Connector, I-270 to US 1 in Montgomery and Prince George's Counties in the State of Maryland. 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(l)(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 December 20, 2006. 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: Mr. Dan Johnson, Environmental Program Manager, Federal Highway Administration, City Crescent Building, Suite 2450, 10 S. Howard Street, Baltimore, MD 21202, 410-962-4440, Maryland.fhwa@dot.gov (regular office hours are 8 a.m. to 4:30 p.m.); or Mr. Wesley Mitchell, Project Manager, Maryland State Highway Administration, 707 North Calvert Street, Mail Stop C-301, Baltimore, MD 21202, 1-866-462-0020, wmitchell@sha.state.md.us (regular office hours are 8 a.m. to 4 p.m.); or Mr. Paul Wettlaufer, U.S. Army Corps of Engineers, Baltimore District—CENAB-OP-R, P.O. Box 1715, Baltimore, Maryland 21203-1715, (410) 962-5676, paul.wettlaufer@usace.army.mil (regular office hours are 8:30 a.m. to 4 p.m.).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA, USACE, and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Maryland: the Intercounty Connector (Project No. AT376B11), from I-270 to US 1 in Montgomery and Prince George's Counties. The project will be a multi-modal limited-access six-lane toll highway approximately 19 miles in length. The Intercounty Connector will serve to link existing and proposed development areas between the I-270 and I-95/US 1 corridors within central and eastern Montgomery County and northwestern Prince George's County. The actions by the Federal agencies, and the laws under which such actions were

taken, are described in the Final Environmental Impact Statement (FEIS) for the project approved on January 3, 2006, in the FHWA Record of Decision (ROD) issued on May 29, 2006, and in other project records. The FEIS, ROD, and other documents in the FHWA project file are available by contacting the FHWA or the Maryland State Highway Administration at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.iccstudy.org>, or viewed at public libraries in the project area. The USACE ROD and Permit # CENAB-OP-RMS (MD SHA & MTA/INTERCOUNTY CONNECTOR) 05-60011-1, issued on June 13, 2006, can be viewed and downloaded from the USACE Web site at <http://www.nab.usace.army.mil/Regulatory/news.htm>.

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].
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]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], 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.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-(ii)]; Archaeological and Historic Preservation Act [16 U.S.C. 469-469(c)].
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. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (section 404, section 401, section 319); Coastal Zone Management Act, 16 U.S.C. 1451-1465; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401-406; Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675; Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992(k).

9. *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. 11593 Protection and Enhancement of Cultural Resources; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species; E.O. 13274 Environmental Stewardship and Transportation Infrastructure Project Reviews.

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

Authority: 23 U.S.C. 139(l)(1).

Issued on: June 16, 2006.

Nelson J. Castellanos,
Division Administrator, Baltimore, MD.
[FR Doc. 06-5615 Filed 6-22-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Alton & Southern Railway Company

[Waiver Petition Docket Number FRA-2005-23458]

The Alton & Southern Railway Company (ALS) seeks a waiver of compliance from certain provisions of 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment*. Specifically, § 232.205, Class I brake test—initial terminal inspection for the movement of the interchange cut from the Norfolk Southern connection at 42nd Street in East St. Louis, Illinois to

the ALS Gateway Yard in East St. Louis, Illinois, a distance of no more than 1¼ mile. This move is made entirely within yard limits and does not cross any public road crossings. The interchange cut in question is a complete train that has had a Class I brake test, but has had the locomotive power removed and is "off-air" for more than four hours.

ALS states that the reason for this request is due to the conditions of the crime and violent acts that have happened at this location and the surrounding neighborhood in the past two years. ALS has had two employees accosted on a locomotive and one employee assaulted while performing work at this interchange. One employee was assaulted and killed from a gun shot in this same area. ALS has a policy to only pull cars from this area during daylight hours.

Due to the reasons stated above, ALS would like to be able to perform a Class III brake test—trainline continuity inspection, in lieu of performing a Class I brake test for this short move.

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 (e.g., Waiver Petition Docket Number FRA-2005-23458) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by 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://dms.dot.gov>.

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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on June 19, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6-9971 Filed 6-22-06; 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 the Requirements of Title 49 Code of Federal Regulations Part 236

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-2006-24987]

Applicants: Union Pacific Railroad Company, Mr. W.E. Wimmer, Vice President—Engineering, 1400 Douglas Street, Mail Stop 0910, Omaha, Nebraska 68179.

BNSF Railway Company, Mr. Ralph E. Young, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106-1199.

The Union Pacific Railroad Company (UP) and the BNSF Railway Company, jointly seek approval of the proposed modification of the traffic control system on the two main tracks, between milepost 232 and milepost 235 on the UP's Houston West Belt Subdivision, near Houston, Texas. The proposed changes consist of the removal of four control points, conversion of the remaining industry lead switches to hand operation with leaving signals, and removal of several intermediate signals.

The reason given for the proposed changes is that the removal of unnecessary switches and signals will allow more trains to move through the corridor efficiently without undue delay, while maintaining safety.

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 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://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 June 19, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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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 of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval