

MODIFICATION EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11770-M		Gas Cylinder Technologies, Inc., Tecumseh, ON.	49 CFR 173.302a; 173.304a.	11770	To modify the exemption to authorize maximum internal capacity of 65 cubic inches for the non-DOT specification cylinders and eliminating the 2.5 inch maximum outside diameter requirement.
11911-M	RSPA-97-2735	Transfer Flow, Inc., Chico, CA.	49 CFR 178.700 thru 178.819.	11911	To modify the exemption to authorize the use of a new refueling tank design that is not required to be dismantled during transportation of Class 3 materials.
12412-M	RSPA-00-6827	Los Angeles Chemical Company, South Gate, CA.	49 CFR 177.834(h); 172.203(a); 172.302(c).	12412	To modify the exemption to allow the transportation and unloading of certain UN IBC and DOT Specification portable tanks containing incompatible materials on the same motor vehicle.
13616-M		U.S. Department of Commerce, Anchorage, AK.	49 CFR 172.101, Column 9B.	13616	To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.2 material in DOT Specification cylinders that are manifolded together and exceed the quantity limitations for cargo aircraft only.
14170-M	PHMSA-05-20714	General Dynamics Armament & Technical Products, Lincoln, NE.	49 CFR 173.301 and 173.306.	14170	To reissue the exemption originally issued on an emergency basis for the transportation of certain compressed gases in non-DOT specification fiber-glass reinforced plastic cylinders.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Exemptions

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.
ACTION: List of Applications for 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. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 21, 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 application 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 14, 2005.

R. Ryan Posten,

Exemption Program Officer, Office of Hazardous Materials Safety Exemptions & Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
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NEW EXEMPTION

14196-N		Union Pacific Railroad, Omaha, NE.	49 CFR 174.67(i) and (j)	To authorize rail cars containing a combustible liquid to remain attached to unloading connectors without the physical presence or an unloader. (mode 2).
14197-N		GATX Rail Corporation, Chicago, IL.	49 CFR 173.31(b)(5)	To authorize the transportation in commerce of tank cars containing certain hazardous materials without bottom discontinuity protection. (mode 2).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14199-N		RACCA Plymouth, MA	49 CFR 175.33	To authorize the transportation in commerce by air of certain hazardous materials with alternative notification to the pilot in command. (modes 4, 5).
14201-N		Murray Air, Inc., Ypsilanti, MI.	49 CFR 172.101 Column (9B); 172.204(c)(3); 173.27(b)(2)(3); 175.30.	To authorize the transportation in commerce by cargo only aircraft of Class 1 explosive which are forbidden or exceed quantities presently authorized. (mode 4).
14204-N		Great lakes Chemicals Corporation, Lafayette, IN.	49 CFR 173.226(b) and (d)	To authorize the transportation in commerce of bromine in single Monel packagings. (mode 1).
14205-N		The Clorox Company, Pleasanton, CA.	49 CFR 173.306(a)(1) and 173.306(a)(3)(v).	To authorize the transportation in commerce of Division 2.2 aerosols in plastic packagings. (modes 1, 2).
14206-N		Digital Wave Corporation, Englewood, CO.	49 CFR 180.205	To authorize the transportation in commerce of certain cylinders that have been ultrasonically retested for use in transporting Division, 2.1, 2.2, 2.3 materials (modes 1, 2, 4).
14207-N		GATX Rail Corporation, Chicago, IL.	49 CFR 179.13	To authorize the transportation in commerce of Sodium hydroxide solution in DOT specification 111A100W-1 tank car tanks that exceed the maximum allowable gross weight on rail (263,000 lbs.). (mode 2).

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 428X)]

BNSF Railway Company— Abandonment Exemption—in Colfax County, NM

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 36.90-mile line of railroad between milepost 0.00 near French, and milepost 36.90 near York Canyon, in Colfax County, NM. The line traverses United States Postal Service Zip Codes 87747, 87728, and 87740.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR

1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 21, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 1, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 11, 2005, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,200. See 49 CFR 1002.2(f)(25).

A copy of any petition filed with the Board should be sent to BNSF's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, IL 60606-6677.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by June 24, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by June 21, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.