

NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14277-N		Ascus Technologies, Ltd.	49 CFR 172.102(c)(3) Special provision B32 and 173.242.	To authorize the manufacture, marking, sale and use of non-DOT specification multi-wall carbon/epoxy composite cargo tank motor vehicle. (mode 1)
14279-N	PHMSA-23028	Airgas, Inc. Cheyenne, WY.	49 CFR 173.40; 173.304.	To authorize the transportation in commerce of hydrogen sulfide in DOT specification cylinders with a service pressure of 480 psig. (modes 1, 3)
14280-N	PHMSA-23029	Albemarle Corporation.	49 CFR 173.226(a)	To authorize the one-time transportation in commerce of bromine in DOT-specification 4BW cylinders by motor vehicle. (mode 1)
14281-N	PHMSA-23027	Inflation Systems, Inc. Moses Lake, WA.	49 CFR 173.56(b), 173.61(a).	To authorize the transportation in commerce of certain scrap airbag inflators, seat belt pretensioners and/or airbag modules classified as Division 1.3C explosive articles.

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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 December 8, 2005.

ADDRESSES: 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 November 17, 2005.

R. Ryan Posten,

Chief, Special Permits Program, Office of Hazardous Materials Special Permits & Approvals.

MODIFICATION EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
5206-M		Nelson Brothers, LLC Birmingham, AL.	49 CFR 173.3(a); 173.3(b); 173.24(c); 173.60.	5206	To modify the special permit to authorize the transportation of an additional Division 1.5D material in privately operated bulk hopper-type motor vehicles.
7887-M		Estes-Cox Corporation, d/b/a Estes Industries Penrose, CO.	49 CFR 172.101; 175.3.	7887	To modify the special permit to allow igniters, Division 1.4S, to be shipped in the same inner and outer packaging as model rocket motors and with nonhazardous materials needed to construct model rockets.
10407-M		Thermo Measure Tech Sugar Land, TX.	49 CFR 173.302a(a); 175.3.	10407	To modify the special permit to authorize the use of an alternative radiation detector or ionization chamber for the transportation of Division 2.2 materials.
10878-M		Tankcon FRP, Inc. Boisbriand, OC.	49 CFR 172.102(c)(3); 173.242.	10878	To modify the special permit to waive the requirements for shipping papers to bear the DOT-SP number when transporting Class 8 materials in FRP cargo tanks.

MODIFICATION EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11646-M		Barton Solvents, Inc. Des Moines, IA.	49 CFR 172.203(a); 172.301(c); 177.834(h).	11646	To modify the special permit to authorize the discharge of a Class 8 and an additional Class 3 material from a DOT Specification drum without removing the drum from the vehicle.
12561-M	RSPA-00-8305	Rhodia Inc. Cranbury, NJ.	49 CFR 172.203(a); 173.31; 179.13.	12561	To modify the special permit to authorize the use of 60 additional DOT Specification tank cars for the transportation of Class 8 materials.
13182-M	RSPA-02-14023	Cytec Industries Inc. West Paterson, NJ.	49 CFR 173.192(a); 173.304a(b).	13182	To modify the special permit to authorize the maximum fill density to 45% for the DOT Specification and non-DOT specification cylinders transporting a Division 2.3 material.
13245-M	RSPA-03-15985	Piper Metal Forming Corporation New Albany, MS.	49 CFR 173.302(a)(1); 175.3.	13245	To modify the special permit to authorize a new neck configuration design for the non-refillable, non-DOT specification cylinders transporting Division 2.2 materials.
13481-M		Onyx Environmental Services, L.L.C. Ledgewood, NJ.	49 CFR 172.320; 173.54(a), (e) and (j); 173.56(b); 173.57; 173.58; 173.60; 173.62.	13481	To modify the exemption to authorize the transportation of solid explosive substances in special shipping containers.
13583-M	RSPA-04-18507	Structural Composites Industries Pomona, CA.	49 CFR 178.35	13583	To modify the special permit to authorize an alternative test method and extend the service life of each non-DOT specification composite cylinder for up to 30 years.
13599-M	RSPA-04-18712	Air Products & Chemicals, Inc. Allentown, PA.	49 CFR 173.304a(a)(2).	13599	To modify the special permit to authorize an increase in fill densities/ratios for the DOT Specification seamless steel cylinders transporting a Division 2.2 material.
13738-M	RSPA-04-18889	Department of Energy Washington, DC.	49 CFR 173.420(a)(4).	13738	To modify the special permit to provide relief from the marking requirements for shipment of cylinders with missing or illegible nameplates containing a Class 7 material.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 552 (Sub-No. 9)]

Railroad Revenue Adequacy—2004 Determination

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of decision.

SUMMARY: On November 23, 2005, the Board served a decision announcing the 2004 revenue adequacy determinations for the Nation's Class I railroads. One carrier, Norfolk Southern Railway Company, is found to be revenue adequate.

DATES: *Effective Date:* This decision is effective November 23, 2005.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 565-1529.

(Federal Information Relay Service (FIRS) for the hearing impaired: 1 (800) 877-8339).

SUPPLEMENTARY INFORMATION: The Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry for 2004, determined to be 10.1% in *Railroad Cost of Capital—2004*, STB Ex Parte No. 558 (Sub-No. 8) (STB served June 30, 2005). This revenue adequacy standard was applied to each Class I railroad, and one carrier was found to be revenue adequate for 2004.

The Board's decision is posted on the Board's Web site, <http://www.stb.dot.gov>. In addition, copies of the decision may be purchased from ASAP Document Solutions by calling 202-306-4004 (assistance for the hearing impaired is available through

FIRS at 1-800-877-8339), or by e-mail at asapdc@verizon.net.

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the action is merely to update the annual railroad industry revenue adequacy finding. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Decided: November 17, 2005.