

NEW SPECIAL PERMITS—Continued

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permits thereof
14336-N		Ecology Control Industries, Torrance, CA.	49 CFR 173.244	To authorize the one-way transportation in commerce of sodium metal in non-DOT specification bulk packaging by highway. (mode 1)
14337-N		NKCF Co., Ltd. Jisa-Dong, Kangseo-Gu Busan.	49 CFR 173.301, 173.302a, 173.304a.	To authorize the manufacture, mark, sale and use of non-DOT specification cylinders conforming in part with the DOT Specification 3AA for the transportation in commerce of certain Division 2.1, 2.2 and 2.3 hazardous materials. (modes 1, 2, 3, 4, 5)
14338-N		Defense Technology Corporation, Casper, WY.	49 CFR 173.302	To authorize the manufacture, mark, sale and use of a refillable non-DOT specification cylinder similar to a DOT specification 39 cylinder. (modes 1, 3, 4)
14339-N		Crossfire Composites Company, Kalamazoo, MI.	49 CFR 173.302a, 173.304a.	To authorize the manufacture, mark, sale and use of non-DOT specification fully wrapped carbon composite aluminum lined cylinders for the transportation in commerce of certain Division 2.1 and 2.2 hazardous materials. (modes 1, 2, 3, 4, 5)
14341-N		Baker Petrolite, Sugar Land, TX.	49 CFR 173.226(a)	To authorize the manufacture, mark, sale and use of DOT 4BW240 cylinders for the transportation of acrolein by motor vehicle and cargo vessel. (modes 1, 3)
14342-N		Tri-Wall, A Weyerhaeuser Business, Butler, IN.	49 CFR 173.12(b)	Authorizes the manufacture, mark, sale and use of a corrugated fiberboard box for use as the outer packaging for lab pack applications in accordance with 49 CFR 173.12(b).
14343-N		Valero St. Charles, Norco, LA.	49 CFR Subpart C of 49 CFR.	To authorize the transportation in commerce of certain hazardous materials without shipping paper documentation when transported across public roads within the Valero facility. (mode 1)

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety;
Notice of Applications for Modification of Special Permit**AGENCY:** Pipeline and Hazardous Materials Safety Administration, DOT.**ACTION:** List of Applications for Modification of Special Permit.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits 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 special permits (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. These applications have been separated from the new applications for special permits to facilitate processing.

DATES: Comments must be received on or before May 1, 2006.

ADDRESSES: 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 special permit 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 special permits 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 April 11, 2006.

R. Ryan Posten,

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

MODIFICATION SPECIAL PERMITS

Application number	Docket number	Applicant	Regulation(s) affected	Modification of special permit	Nature of special permit thereof
5749-M		E.I. DuPont de Nemours Wilmington, DE.	49 CFR 173.315(a)	5749	To modify the special permit to authorize new portable tank valve designs suitable for hazardous materials service.
8915-M		MEMC, Pasadena, TX.	49 CFR 173.302a(a)(3); 173.301(d); 173.302a(a)(5).	8915	To modify the special permit to authorize utilization of acoustic emission and ultrasonic examination as an alternative method for cylinder requalification.
9030-M		LND, Inc. Ocean-side, NY.	49 CFR 173.302; 175.3.	9030	To modify the special permit to authorize the transportation in commerce of an additional Division 2.2 gas (Xenon).
10529-M		LND, Inc. Ocean-side, NY.	49 CFR 173.302; 175.3.	10529	To modify the special permit to authorize additional Division 2.1 and 2.2 gases.
1102-M		Newport News Shipbuilding and Dry Dock Company (NNS) Newport News, VA.	49 CFR Part 172; Part 173.	11202	To modify the special permit to authorize the transportation of Class 7, 8, and 9 materials across a public road by motor vehicle.
12277-M	RSPA-1999-5797.	Indian Sugar and General Engineering Corporation Haryana.	49 CFR 173.3; 173.304.	12277	To modify the special permit to authorize updated designs of the non-DOT specification pressure vessel for the transportation of Division 2.1, 2.2 and additional 2.3 materials.
14175-M	PHMSA-2005-20903.	Airgas Cheyenne, WY.	49 CFR 180.209	14175	To modify the special permit to authorize bundling of cylinders with up to 24 cylinders per bundle.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 438X)]

**BNSF Railway Company—
Abandonment Exemption—in Morrison
County, MN**

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments* to abandon a 0.58-mile line of railroad that extends between BNSF's milepost 113.44 and milepost 114.02, near Camp Ripley in Morrison County, MN. The line traverses United States Postal Service Zip Code 56345.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic handled on the line 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 May 16, 2006, 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

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, but is scheduled to increase to \$1,300, effective April 19, 2006. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006). See 49 CFR 1002.2(f)(25).

CFR 1152.29 must be filed by April 24, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 4, 2006, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

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 April 21, 2006. 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.