

**ACTION:** Notice of Intent To Rule on Application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rhinelander-Oneida County Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before May 27, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Sherrie Baker, Assistant Director, Rhinelander-Oneida County Airport at the following address: 3375 Airport Road, Rhinelander, Wisconsin 54501.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Rhinelander-Oneida County, under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Ave. South, Room 102, Minneapolis, MN 55450, (612) 713-4350. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rhinelander-Oneida County Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 9, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by Rhinelander-Oneida County, was substantially complete

within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 7, 2004.

The following is a brief overview of the application.

*Level of the proposed PFC:* \$4.50

*Proposed charge effective date:* January 1, 2005

*Proposed charge expiration date:* March 31, 2006

*Total estimated PFC revenue:* \$200,936

*Brief description of proposed projects:* Acquire Snow Removal Equipment; Replace Airport Rescue and Firefighting Building Overhead Door; Painting/Marking Runway 9/27; Wildlife Fencing, Habitat Modification, and Bird Hazard Reduction Equipment; Environmental Assessment of Parallel Taxiway for Runway 15/33; Land Acquisition; Master Planning Updates; Replace Airport Beacon; Design Reconstruction of Runway 15/33; Reconstruction of Runway 15/33; Replace Runway End Identifier Lights on Runway 15; Design and Reconstruction/Construction General Aviation Apron and Taxiway; and PFC Administration.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Part 135 air taxi/commercial operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Rhinelander-Oneida County Airport.

Issued in Des Plaines, Illinois on April 19, 2004.

**Barbara J. Jordan,**

*Acting Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Office of Hazardous Materials Safety; Notice of Application for Exemptions

**AGENCY:** Research and Special Programs 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 May 27, 2004.

**ADDRESSES:** Record Center, Research and Special Programs 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 transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 22, 2004.

**R. Ryan Posten,**

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

## NEW EXEMPTION

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13542-N .....	RSPA-2004-17550.	Worthington Cylinders GmbH., A-3291, Kienberg-Gaming.	49 CFR 180.205; 173.301(h); 173.302(a)(1).	To authorize the manufacture, mark, sale and use of non-DOT specification cylinders for use in the transporting certain flammable and nonflammable gases. (Modes 1, 2, 3, 4)
13544-N .....	RSPA-2004-17548.	Blue Rhino Corporation, Winston-Salem, NC.	49 CFR 173.29 .....	To authorize the transportation in commerce of cylinders containing a residue of propane to be transported as essentially unregulated.
13546-N .....	RSPA-2004-17547.	RUTGERS Organics Corporation, State College, PA.	49 CFR 171-180 .....	To authorize the transportation in commerce of certain hazardous materials across a public road from the facility to be transported as essentially unregulated. (Mode 1)
13547-N .....	RSPA-2004-17546.	CP Industries, McKeesport, PA.	49 CFR 178.36(j); 178.36(1); 178.37(j); 178.37(1).	To authorize the use of an alternative testing procedure as an alternative to the flattening tests specified for DOT series cylinders. (Modes 1, 2, 3, 4)
13548-N .....	RSPA-2004-17545.	Continental Battery Company, Dallas, TX.	49 CFR 173.159 .....	To authorize the transportation in commerce of batteries with two different UN numbers on the same transport vehicle. (Mode 1)
13549-N .....	RSPA-2004-17544.	West Isle Air Inc., Anacortes, WA.	49 CFR 172.101 Table; Col. (9B); 172.204(c)(3); 173.27(b)(3) and 175.30(a)(1).	To authorize the transportation in commerce of certain Division 1.1,1.2,1.3 and 1.4 explosives which are forbidden or exceed quantities presently authorized for transportation. (Mode 4)
13551-N .....	RSPA-2004-17542.	INO Therapeutics, LLC, Port Allen, LA.	49 CFR 173.301(1) .....	To authorize the transportation in commerce of non-DOT specification cylinders that are designed to a foreign specification for use in transporting various hazardous materials. (Modes 1, 3)
13553-N .....	.....	Aerojet, Redmond, WA ...	49 CFR 173.51; 173.56; 173.56(b)(1); 173.57; 176.58.	To authorize the manufacture, mark, sale and use of a specially designed device used as part of a fire suppression system. (Mode 1)
13554-N .....	.....	The Fertilizer Institute, Washington, DC.	49 CFR 173.315(m) .....	To authorize the transportation in commerce of anhydrous ammonia in cargo tanks (nurse tanks) without certain specification markings operated by private carrier exclusively for agricultural purposes. (Mode 1)

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Docket No. AB-868X; 869X]

**Mississippi Tennessee Holdings, LLC—Abandonment Exemption—in Union, Pontotoc and Chickasaw Counties, MS and Discontinuance of Service Exemption—in Union, Pontotoc and Chickasaw Counties, MS**

On April 7, 2004, Mississippi Tennessee Holdings, LLC (MTH) and Mississippi Tennessee Railroad LLC (MTR) jointly filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. MTH seeks to abandon and MTR seeks to discontinue service over a line of railroad extending from milepost 324.2 near New Albany and the end of the line at milepost 281.0 near Houston, MS, a distance of 43.2 miles in Union, Pontotoc and

Chickasaw Counties, MS. The line traverses United States Postal Service Zip Codes 38863, 38850 and 38851 and includes stations located at Pontotoc, Houlika and Houston, MS.

The line does not contain federally granted rights-of-way. Any documentation in possession of MTH or MTR will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 26, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the

line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 17, 2004. Each trail use request must be accompanied by a filing fee, which will be \$200 as of April 28, 2004. See 49 CFR 1002.2(f)(27), as amended in *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2002 New Fees*, STB Ex Parte No. 542 (Sub-No. 4) (STB served and published Mar. 29, 2004) (69 FR 16173).

All filings in response to this notice must refer to STB Docket Nos. AB-868X and AB-869X and must be sent to (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001, and (2) Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112. Replies to the petition are due on or before May 17, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public