

MODIFICATION EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of Exemption	Nature of exemption thereof
11321-M .....	.....	E.I. Du Pont, Wilmington, DE.	49 CFR 172.101, Column 7, Special Provisions B14, T38.	11321	To modify the exemption to authorize additional materials of construction and thickness requirements for the cargo and portable tanks transporting a Class 8 material.
11380-M .....	.....	Baker Atlas (a division of Baker Hughes, Inc.), Houston, TX.	49 CFR 173.302a(a); 178.37.	11380	To modify the exemption to authorize a new tank assembly design of the non-DOT specification cylinders transporting Division 2.1 materials.
11917-M	RSPA-97-2741.	ITW Sexton, Decatur, AL.	49 CFR 173.304(a) ...	11917	To modify the exemption to authorize an increase in diameter of the non-DOT specification, non-refillable steel cylinders for the transportation of Division 2.1 materials.
12929-M	RSPA-03-14412.	Matheson Tri-Gas, East Rutherford, NJ.	49 CFR 173.301(1) ...	12929	To modify the exemption to authorize the optional use of pressure relief devices on certain domestic shipments for the transportation of certain Division 2.3 materials.
13192-M	RSPA-03-14315.	Onyx Environmental Services, L.L.C., Flanders, NJ.	49 CFR 173.12(b)	13192	To modify the exemption to remove relief that is now provided in the Hazardous Materials Regulations and authorize higher quantity limits for segregation of certain hazardous materials.
13484-M	RSPA-04-17297.	Air Liquide Industrial U.S. LP (formerly: Air Liquide America L.P.), Houston, TX.	49 CFR 172.302(c); 177.834.	13484	To modify the exemption to authorize an increased inspection interval by a designated employee from 15 minutes to 1 hour for on-site loading operations of DOT Specification cargo tanks.
13977-M	RSPA-05-20129.	Aethra Aviation Technologies, Farmingdale, NY.	49 CFR 173.302a; 175.3.	13977	To reissue the exemption previously issued on an emergency basis for the transportation of a Division 2.2 and Class 9 material in certain cylinders that are charged in excess of their marked pressure used as components in aircraft.
14171-M	PHMSA-05-20832.	NASA, Houston, TX ..	49 CFR 173.301(f)	14171	To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.2 material in non-DOT specification cylinders without pressure relief devices.
14193-M .....	.....	Honeywell, Morristown, NJ.	49 CFR 173.313	14193	To reissue the exemption originally issued on an emergency basis for the transportation of non-DOT specification IMO Type 5 portable tanks, mounted in an ISO frame, containing certain Division 2.2 and 2.3 materials.
14194-M	PHMSA-05-21246.	Zippo Manufacturing Corporation, Bradford, PA.	49 CFR 173.21, 173.24, 173.27, 173.308, 175.5, 175.10, 175.30, 175.33.	14194	To reissue the exemption originally issued on an emergency basis for the transportation of Zippo lighters in special travel containers in checked luggage on commercial passenger-carrying aircraft.

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 BILLING CODE 4909-60-M

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[STB Docket No. AB-914X]

**McCloud Railway Company—
 Abandonment and Discontinuance of
 Service Exemption—in Siskiyou,
 Shasta, and Modoc Counties, CA**

On June 27, 2005, McCloud Railway Company (MCR) filed with the Surface

Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon, and discontinue service over, certain rail lines described below.

MCR proposes to abandon approximately 80 miles of rail line in Siskiyou and Shasta Counties, CA.¹ The

¹ In a Draft Environmental and Historic Report that MCR submitted in this proceeding on March 8, 2005, the carrier proposed to abandon approximately 100 miles of rail line, the carrier's entire system. Subsequent to that submission, however, MCR has decided to retain approximately 19.6 miles of rail line between MCR's point of connection to Union Pacific Railroad Company (UP) at milepost 16.3 at or near Mt. Shasta, CA and

specific rail lines proposed for abandonment include: (1) A rail line between milepost 3.3 east of McCloud and the end of the track at milepost B-61 at or near Burney; (2) a rail line between milepost B-19 at or near Bartle and milepost B-31.4 at or near Hambone; (3) a rail line between milepost B-58 at or near Berry and milepost S-7 at or near Sierra; and (4) a rail line between milepost B-31.6 at or near Bear Flat and milepost P-3.93 at or

milepost 3.3 east of McCloud, CA. MCR had mistakenly stated in its March 8 filing that the milepost of the MCR-UP connection was at milepost 15.2 rather than milepost 16.3.

near Pondosa. MCR also proposes to discontinue trackage rights over a BNSF Railway Company² rail line between milepost 31.4 at Hambone and milepost 0.0 at Lookout Junction, a distance of approximately 31.4 miles in Siskiyou and Modoc Counties, CA.³ The lines traverse United States Postal Service Zip Codes 96067, 96057, 96013, 96054, and 96056, and include a station at Burney.

The lines do not contain federally granted rights-of-way. Any documentation in MCR's possession 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 Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(d). A final decision will be issued by October 14, 2005.

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 \$1,200 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 lines, the lines 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 August 4, 2005. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).⁴

All filings in response to this notice must refer to STB Docket No. AB-914X 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 MCR's petition are due on or before August 4, 2005.

Persons seeking further information concerning abandonment or

discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparations. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at: <http://www.stb.dot.gov>.

Decided: July 6, 2005.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Senior Executive Service Performance Review Board

ACTION: Notice.

SUMMARY: The Surface Transportation Board (STB) publishes the names of the persons selected to serve on its Senior Executive Service Performance Review Board (PRB).

FOR FURTHER INFORMATION CONTACT: Ernest A. Cameron, Director of Human Resources (202) 565-1691.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 4312 requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, 5 U.S.C. 4314(c) requires each agency to establish one or more PRBs, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating

authority relative to the performance of the senior executive.

The persons named below have been selected to serve on STB's PRB.

Craig M. Keats, Deputy General Council.

Leland L. Gardner, Director, Office of Economics, Environmental Analysis, and Administration.

David M. Konschnik, Director, Office of Proceedings.

Dan G. King, Director, Office of Congressional and Public Services.

Issued in Washington, DC, on July 11, 2005.

Vernon A. Williams,

Secretary.

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Allocation Availability (NOAA) Inviting Applications for the CY 2006 Allocation Round of the New Markets Tax Credit Program

Announcement Type: Initial announcement of tax credit allocation availability.

Dates: Electronic applications must be received by 5 p.m. ET on September 21, 2005. Paper applications must be postmarked on or before September 21, 2005 and received by 5 p.m. ET on September 30, 2005 (see Section IV.D. of this NOAA for more details).

Applications must meet all eligibility and other requirements and deadlines, as applicable, set forth in this NOAA. Allocation applicants that are not yet certified as community development entities (CDEs) must submit an application for certification as a CDE that is postmarked on or before August 22, 2005 and received by 5 p.m. ET on August 30, 2005 (see Section III. of this NOAA for more details).

Executive Summary: This NOAA is issued in connection with the calendar year 2006 tax credit allocation round of the New Markets Tax Credit (NMTC) Program, as authorized by Title I, subtitle C, section 121 of the Community Renewal Tax Relief Act of 2000 (the Act). Through the NMTC Program, the Community Development Financial Institutions Fund (the Fund) provides authority to CDEs to offer an incentive to investors in the form of a tax credit over seven years, which is expected to stimulate the provision of \$15 billion in private investment capital that, in turn, will facilitate economic and community development in Low-

² Effective January 20, 2005, the name of "The Burlington Northern Santa Fe Railway Company" was changed to "BNSF Railway Company."

³ The Board issued an exemption for abandonment of the Hambone-Lookout Junction rail line in *Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Modoc and Siskiyou Counties, CA*, STB Docket No. AB-6 (Sub-No. 414X) (STB served May 21, 2004). However, an exemption was not sought in that proceeding for discontinuance of MCR's operations over that line pursuant to trackage rights.

⁴ For the line where discontinuance rather than an abandonment is being sought, trail use/rail banking and public use conditions are not appropriate.