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BILLING CODE 4909-60-M

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list

of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Delmer Billings, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**Key to "Reason for Delay"**

1. Awaiting additional information from applicant.
2. Extensive public comment under review.

3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.

4. Staff review delayed by other priority issues or volume of special permit applications.

**Meaning of Application Number Suffixes**

- N—New application.
- M—Modification request.
- PM—Party to application with modification request.

Issued in Washington, DC, on June 13, 2007.

**Delmer Billings,**

*Director, Special Permits & Approval Programs, Office of Hazardous Materials, Special Permits & Approvals.*

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>Modification to Special Permits</b>			
10481-M .....	M-1 Engineering Limited, Bradford, West Yorkshire .....	4	07-31-2007
14167-M .....	Trinityrail, Dallas, TX .....	1,3,4	09-30-2007
12574-M .....	Weldship Corporation, Bethlehem, PA .....	4	07-31-2007
12574-M .....	Luxfer Gas Cylinders, Riverside, CA .....	4	07-31-2007
<b>New Special Permit Applications</b>			
14385-N .....	Kansas City Southern Railway Company, Kansas City, MO .....	4	09-30-2007
14453-N .....	FIBA Technologies, Inc., Westboro, MA .....	4	07-31-2007
14452-N .....	Martek Biosciences Corporation, Winchester, KY .....	4	07-31-2007
14442-N .....	Trinityrail, Dallas, TX .....	4	09-30-2007
14436-N .....	BNSF Railway Company, Topeka, KS .....	4	09-30-2007
14402-N .....	Lincoln Composites, Lincoln, NE .....	1	12-31-2007

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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 (PHMSA), 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" demote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before July 5, 2007.

**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 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 permit 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 13, 2007.

**Delmer Billings,**

*Director, Special Permits & Approvals Programs, Office of Hazardous Materials, Special Permits & Approvals.*

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMITS</b>				
8554-M .....		Austin Powder Company, Cleveland, OH.	49 CFR 173.62; 173.240; 173.242; 173.93; 173.114a; 173.154; 176.83; 176.415; 177.848(d).	To modify the special permit to authorize the transportation in commerce of certain 1.5D explosives in the same vehicle with 5.1 oxidizers.
11579-M .....		Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 177.848(e)(2); 177.848(g)(3).	To modify the special permit to authorize an additional packaging configuration for the transportation of Division 1.4, 1.5, & Combustible materials in DOT Specification and non-DOT specification bulk packagings.
11947-M .....		Patts Fabrication, Inc., Midland, TX.	49 CFR 173.202; 173.203; 173.241; 173.242.	To modify the special permit to authorize the transportation of additional Class 3 and 8 material in non-DOT specification containers.
14282-M .....		Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 173.835(g); 177.835(g)(3)(ii).	To modify the special permit to authorize the transportation in commerce of additional Division 3 and 5.1 materials.
14399-M .....		Gas Cylinder Technologies Inc., Tecumseh, Ontario.	49 CFR 173.301(a)(1); 173.301(a)(2); 173.301(f)(1); 173.302a; 173.302a(a)(1); 173.302a(f)(1); 178.65(g).	To modify the special permit to specifically authorize the transportation in commerce of oxygen compressed by air.
14466-M .....		Alaska Pacific Powder Company, Anchorage, AK.	49 CFR 172.101 Column (9B).	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of certain Class 1 explosive materials which are forbidden for transportation by air, to be transported by cargo aircraft within the State of Alaska when other means of transportation are impracticable or not available.

[FR Doc. 07-3020 Filed 6-19-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34998 (Sub-No. 1)]

#### **BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company**

Union Pacific Railroad Company (UP), pursuant to written trackage rights agreements entered into between UP and BNSF Railway Company (BNSF), has agreed to grant BNSF temporary overhead trackage rights to expire on July 29, 2007, over UP lines for: (1) Eastbound trains (a) on the Dallas Subdivision from milepost 245.3, Tower 55, at Ft. Worth, TX, to milepost 89.6, Longview, TX, (b) on the Little Rock Subdivision from milepost 89.6, Longview, to milepost 343.6, North Little Rock, AR, (c) on the Hoxie Subdivision from milepost 343.6, North Little Rock, to milepost 287.9, Bald Knob, AR, and (d) on the Memphis Subdivision from milepost 287.9, Bald Knob, to milepost 378.1, Kentucky Street, Memphis, TN, a distance of 542.2 miles; and (2) westbound trains (a) on the Memphis Subdivision from

Kentucky Street to milepost 375.3, Briark, AR, (b) on the Brinkley Subdivision from milepost 4.1 to milepost 70.6, Brinkley, AR, (c) on the Jonesboro Subdivision from milepost 200.5 to milepost 264.2, Pine Bluff, AR, (d) on the Pine Bluff Subdivision from milepost 264.2 to milepost 525.1, Big Sandy, TX, and (e) on the Dallas Subdivision from milepost 114.5 to milepost 245.3, Tower 55, at Ft. Worth, a distance of 526.3 miles. The original grant of temporary overhead trackage rights exempted in *BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 34998 (STB served Feb. 27, 2007), covered the same lines, but expired on May 12, 2007. The purpose of this transaction is to modify the temporary overhead trackage rights exempted in STB Finance Docket No. 34998 to extend the expiration date from May 12, 2007, to July 29, 2007.

The transaction is scheduled to be consummated on June 30, 2007, the effective date of the exemption covered by this notice.<sup>1</sup> The temporary overhead

<sup>1</sup> BNSF states that it filed this notice to extend retroactively the termination date of the temporary overhead trackage rights from May 12, 2007, to July 29, 2007. As noted, this exemption takes effect on June 30, 2007. BNSF should file notices of exemption designed to extend its temporary overhead traffic rights sufficiently in advance of the

trackage rights will allow BNSF to continue to bridge its train service while BNSF's main lines are out of service due to certain programmed track, roadbed and structural maintenance.

As a condition to this exemption, any employee affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Any stay petition must be filed on or before June 22, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance

expiration date to allow the exemption to become effective prior to the previously noticed expiration date.