

## NEW EXEMPTION—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14138-N .....	.....	INO Therapeutics, Inc., Port Allen, LA.	49 CFR 172.202, 172.301.	To authorize the transportation of commerce of certain hazardous materials for use in clinical-blinded studies with alternative shipping papers and markings. (Mode 1, 3)
14139-N .....	.....	Commodore Advanced Sciences, Inc., Richland, WA.	49 CFR 173.244 .....	To authorize the one-time, one-way transportation in commerce of solidified sodium metal in a non-DOT specification bulk packaging. (Mode 1)
14140-N .....	.....	Albemarle Corporation, Baton Rouge, LA.	49 CFR 172.101(j) and Column (9B) of the HMT and 173.27.	To authorize the transportation of a Division 4.3 material in DOT specification 3AA cylinders further packed in a UN fiberboard box by cargo aircraft only. (Mode 4)
14141-N .....	.....	Nalco Company, Naperville, IL .....	49 CFR 177.834(i)(3) ..	To authorize the use of video cameras and monitors to observe the loading operations of certain hazardous materials from a remote control station in place of personnel remaining within 7.62 meters (25 feet) of the cargo tank motor vehicles. (Mode 1)
14142-N .....	.....	Arch Chemicals, Inc., Norwalk, CT	49 CFR 172, subparts D, E and F.	To authorize the transportation in commerce of a hazardous substance without marking, labeling or placarding when further packaged in a freight container. (Mode 1, 2, 3)
14143-N .....	.....	Federal Industries Corporation, Plymouth, MN.	49 CFR 173.12(b) .....	To authorize the manufacture, marking and sale of a corrugated fiberboard box for use as the outer packaging for lab pack applications in accordance with § 173.12(b). (Mode 1, 2, 3)
14144-N .....	.....	Lawrence Livermore National Laboratory, Livermore, CA.	49 CFR 173.212 .....	To authorize the one-time transportation in commerce of lithium hydride, fused solid in specially designed non-bulk containers. (Mode 1)
14146-N .....	.....	Brunswick Corporation, Lake Forest, IL.	49 CFR 173.220(e) .....	To authorize the transportation in commerce of certain engines, machinery and apparatus with up to 120 ml (4 ounces) of flammable liquid fuel by vessel. (Mode 3)

[FR Doc. 05-3371 Filed 2-18-05; 8:45 am]

BILLING CODE 4909-60-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

**AGENCY:** Research and Special Programs 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 March 9, 2005.

*Address Comments to:* 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 materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Dated: Issued in Washington, DC, on February 15, 2005.

**R. Ryan Posten,**

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

## MODIFICATION EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11691-M .....	.....	PepsiCo International, Valhalla, NY.	49 CFR 176.83(d); 176.331; 176.800(a).	11691	To modify the exemption to update a proper shipping description and authorize the transportation of a Class 9 material with Class 3 and Class 8 materials not subject to the segregation requirements for vessel storage when shipped in the same transport vehicle.
11917-M .....	RSPA-97-2741	Sexton Can Company, Inc., Decatur, AL.	49 CFR 173.304(a) ..	11917	To modify the exemption to authorize an increased water capacity limit to 40.4 cubic inches and the transportation of an additional Division 2.1 material in non-DOT specification, non-refillable steel cylinders.
11970-M .....	RSPA-97-2993	ExxonMobil Chemical Company, Mont Belvieu, TX.	49 CFR 172.101; 178.245-1(c).	11970	To modify the exemption to authorize an additional portable tank configuration and dimension drawing for transporting Division 4.2 materials and rail freight as a mode of transportation.
12384-M .....	RSPA-99-6561	OilAir Hydraulics, Inc., Houston, TX.	49 CFR 173.302(a)(1); 175.3.	12384	To modify the exemption to authorize an increased design pressure not to exceed 10,000 psig and a minimum 3:1 design service to burst ratio for the steel hydraulic accumulators transporting Division 2.2 materials.
12643-M .....	RSPA-01-9066	Northrup Grumman Space Technology, Redondo Beach, CA.	49 CFR 173.302 and 175.3.	12643	To modify the exemption to authorize and additional design change to the pulse tube cooler with an increased volume to 1100 cc and test pressure to 915 psig shipped inside a strong, foam filled shipping container.
13580-M .....	RSPA-04-18506.	Carleton Technologies Inc., Orchard Park, NY.	40 CFR 178.65 .....	13580	To modify the exemption to authorize a larger non-DOT specification pressure vessel with increased service, test and burst pressures for the transportation of Division 2.2 materials.

[FR Doc. 05-3373 Filed 2-18-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34657]\*

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

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to BNSF Railway Company, f/k/a The Burlington Northern and Santa Fe Railway Company (BNSF), over: (1) A line of railroad between UP's milepost 1.7 at a station known as Tower 30, on UP's Glidden Subdivision and Strang yard, TX, and UP's milepost 21.5 on UP's Strang Subdivision; and (2) portions of a line of railroad between Tower 30 and Strang yard that are

owned by the Port of Houston (PHA), maintained by the Port Terminal Railroad Association (PTRA), and jointly operated by PTRA and UP pursuant to UP's contractual arrangements with PHA and PTRA.<sup>1</sup> The line is located in the State of Texas. The total distance of the trackage rights granted to BNSF is approximately 15.6 miles.

The transaction was scheduled to be consummated on February 1, 2005, and operations under this exemption were scheduled to begin on that date. The purpose of the trackage rights is to allow BNSF access to a limited subset of facilities on the Bayport Loop, southeast of Houston, TX, and BNSF's system trackage in the Houston terminal, including, without limitation, access to BNSF's existing rights between Tower 30 and the East and West Belts.

<sup>1</sup> A redacted version of the trackage rights agreement between BNSF and UP was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was filed under seal along with a motion for protective order on January 28, 2005. A protective order is being served on February 4, 2005.

As a condition to this exemption, any employees affected by the acquisition of the 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).

This notice is filed under 49 CFR 1180.2(d)(7). 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34657, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Sarah W. Bailiff, Senior General Attorney, BNSF Railway Company, P.O. Box 961039, Fort Worth, TX 76161-0039.

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

\* This notice corrects one served and published in the *Federal Register* on February 11, 2005, in this proceeding, to remove the references to "temporary" found in the second and third paragraphs of the notice.