

NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14615-N .....	.....	SET Environmental Inc., Houston, TX.	49 CFR 173.244 .....	To authorize the one-time, one-way transportation in commerce of three irregularly shaped sodium dispersion vessels in alternative packaging. (mode 1)
14616-N .....	.....	Chlorine Service Company, Kingwood, TX.	49 CFR 178.245-1(a)	To authorize the manufacture, marking, sale and use of certain DOT Specification 51 steel portable tanks or UN steel portable tanks conforming with Section VIII, Division 2 of the ASME Code instead of Section VIII, Division 1, for the transportation in commerce of Division 2.1 and 2.2 materials. (modes 1, 2, 3)
14617-N .....	.....	Western International Gas & Cylinders, Inc., Bellville, TX.	49 CFR 172.203(a), 172.301(c), 180.205(f)(4), 180.205(g), 180.209(a).	To authorize the transportation in commerce of certain compressed gases in DOT specification 3A and 3AA cylinders when retested by 100 percent ultrasonic examination and external visual inspection in lieu of internal visual inspection and the hydrostatic retest. (modes 1, 2, 3, 4, 5)
14618-N .....	.....	Carrier Transicold, Athens, GA .....	49 CFR 177.834(1)(2)(i).	To authorize the use cargo heaters in a motor vehicle when transporting flammable liquids or flammable gases in commerce. (mode 1)
14619-N .....	.....	EXEA Corporation, Dallas, TX .....	49 CFR 179.13 .....	To authorize the transportation in commerce of DOT Specification 105S100W tank cars having a maximum gross weight on rail of 286,000 pounds. (mode 2)
14620-N .....	.....	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 177.834(h) .....	To authorize filling and discharging of a DOT Specification 4L cylinder with certain Division 2.2 compressed gases without removal from the transport vehicle. (mode 1)
14621-N .....	.....	Beijing Tianhai Industry Co., Ltd., Beijing.	49 CFR 173.302a and 180.205.	To authorize the manufacture, mark, sale, and use of non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders. (modes 1, 2, 3, 4, 5)
14622-N .....	.....	Occidental Chemical Corporation, Dallas, TX.	49 CFR 179.15(e) .....	To authorize the transportation in commerce of certain DOT specification 105J500W tank cars containing Chlorine that do not meet the start-to-discharge requirements for pressure relief devices. (mode 2)
14623-N .....	.....	Formulated Solutions, Clearwater, FL.	49 CFR 173.306(a)(3)(v).	To authorize the manufacture, marking, sale and use of a bag-on-valve container for the transportation of non-flammable aerosols which have been tested by an alternative method in lieu of the hot water bath test. (modes 1, 2, 3, 4, 5)

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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 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 January 2, 2008.

**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,

East Building, PHH-30, 1200 New Jersey Avenue Southeast, 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 December 12, 2007.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials, Special Permits and Approvals.*

#### MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
7954-M .....	.....	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d)(2); 173.302(a)(3).	To modify the special permit to authorize the transportation in commerce of an additional Division 2.3 gas in 3T cylinders.
10232-M .....	.....	ITW Sexton (Former Grantee: Sexton Can Company, Inc.), Decatur, AL.	49 CFR 173.304 .....	To modify the special permit to authorize a capacity increase to 61 cubic inches of the non-refillable, non-DOT specification container for the transportation of Division 2.2 materials.
11513-M .....	.....	ATK Launch Systems Inc. (Former Grantee: ATK Thiokol, Inc.), Brigham City, UT.	49 CFR 172.101, 173.52, 173.54.	To modify the special permit to authorize the use of static free plastic dividers instead of individual static free inner packagings.
11526-M .....	.....	BOC Gases .....	49 CFR 172.302(c), (2), (3), (4), (5); 173.34(e)(1), (3), (4), (8); 173.34(15)(vi).	To modify the special permit to authorize larger cylinders.
11984-M .....	RSPA-3173 ....	American Airlines, Inc. (formerly ATA), Tulsa, OK.	49 CFR 172.102(c)(1) special provision 60.	To modify the special permit to clarify that one safety device is necessary to prevent actuation and to clarify the packaging requirements.
12102-M .....	RSPA-4005 ....	Veolia ES Technical Solutions, L.L.C., Flanders, NJ.	49 CFR 173.56(i); 173.56(b).	To modify the special permit to authorize transportation by common or contract carrier of an additional Class 1 explosive material desensitized by wetting with water, alcohol or other suitable diluent so as to eliminate their explosive properties.
12405-M .....	RSPA-6766 ....	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.304(a)(2); 173.304(b).	To modify the special permit to make it consistent with other similar special permits regarding marking tube trailers.
12562-M .....	RSPA-8306 ....	Taeyang Industrial Company Ltd., Cheonan-City.	49 CFR 173.304(d)(3)(ii).	To modify the special permit to authorize an additional Division 2.2 hazardous material.
13107-M .....	RSPA-13276 ..	Sensors, Inc., Saline, MI .....	49 CFR 172 Subparts C and G.	To modify the special permit to authorize the discharge of a Division 2.1 material from an authorized DOT specification cylinder without removing the cylinder from the vehicle on which it is transported.
13599-M .....	RSPA-18712 ..	Air Products & Chemicals Inc., Allentown, PA.	49 CFR 173.304a(a)(2)	To modify the special permit to authorize an increase in fill densities/ratios for the DOT Specification seamless steel cylinders transporting a Division 2.2 material.
14167-M .....	PHMSA-20669	Trinityrail, Dallas, TX .....	49 CFR 173.26, 173.314(c), 179.13 and 179.100-12(c).	To modify the special permit to authorize an additional Division 6.1 hazardous material.
14419-M .....	.....	Voltaix, North Branch, NJ .....	49 CFR 173.181(a) .....	To modify the special permit to authorize an increase in cylinder capacity.
14510-M .....	PHMSA-28186	Clean Earth Systems, Inc., Tampa, FL.	49 CFR 173.12(b), 173.12(b)(2)(i).	To modify the special permit to authorize the transportation in commerce by motor vehicle of certain hazardous materials in larger UN4G fiberboard boxes lined with polyethylene.
14563-M .....	PHMSA-29093	The Procter & Gamble Distributing LLC, Cincinnati, OH.	49 CFR 171.8 and 173.306(a)(3).	To modify the special permit to extend the date for the one-time, one-way, transportation in commerce of certain non-DOT specification metal receptacles containing Division 2.1 material as Consumer commodity, ORM-D by motor vehicle for disposal only.

[FR Doc. 07-6079 Filed 12-17-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35109]

#### Arizona Eastern Railway, Inc.— Acquisition and Operation Exemption— Union Pacific Railroad Company

Arizona Eastern Railway, Inc. (AZER), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Union Pacific Railroad Company (UP) and operate a 67.7-mile line of railroad known as the Clifton Subdivision, extending between milepost 1150.00 at Lordsburg, NM, and milepost 1217.70 at Clifton, AZ.<sup>1</sup>

The transaction is expected to be consummated on or after February 1, 2008.

AZER certifies that its projected annual revenues as a result of the transaction will not result in AZER becoming a Class II or Class I rail carrier. However, because its projected annual revenues will exceed \$5 million, AZER also has certified to the Board on December 3, 2007, that it has complied with the employee notice requirements of 49 CFR 1150.42(e). Pursuant to that provision, the exemption may not become effective until 60 days from the date of certification to the Board, which would be February 1, 2008.

If the verified notice 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 effectiveness of the exemption. Stay petitions must be filed by January 25, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35109, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 350, Washington, DC 20006.

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

Decided: December 10, 2007.

<sup>1</sup> Iowa Pacific Holdings LLC owns AZER through its wholly owned subsidiary Permian Basin Railways, Inc.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7-24292 Filed 12-17-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub- No. 271X)]

#### Norfolk Southern Railway Company— Abandonment Exemption—in Wyoming and Genesee Counties, NY

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 4.50-mile line of railroad extending between milepost UG 360.20 at Alexander and milepost UG 364.70 at Attica, in Wyoming and Genesee Counties, NY. The line traverses United States Postal Service Zip Codes 14005 and 14011, and includes the stations of Alexander and Attica.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (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 of 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 January 17, 2008, unless stayed pending reconsideration.<sup>1</sup> Petitions to stay that

<sup>1</sup> By letter dated November 29, 2007, BP Rail Corporation D/B/A BP Rail (BPR) advised the Board of its intent to file an offer of financial assistance

do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 28, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 7, 2008, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NSR 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 December 21, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305.

[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.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If

(OFA) to purchase the 4.50-mile line proposed for abandonment. In the November 29 letter, BPR also requested that NSR provide certain information regarding the line, including the required minimum purchase price. BPR also requested that the Board toll the 30-day period for submitting OFAs for an additional 60 days in order to provide the offeror with an adequate opportunity to receive, review and analyze the material provided by NSR and submit its OFA. These requests will be handled in a separate decision.

<sup>2</sup> 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.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. See 49 CFR 1002.2(f)(25).