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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 applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of the applications have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for 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" denote a modification request. These applications have been separated from the new applications for special permits to facilitate processing.

**DATES:** Comments must be received on or before July 7, 2008.

**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, SE., 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 9, 2008.  
**Delmer F. Billings,**  
*Director, Office of Hazardous Materials, Special Permits and Approvals.*

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMITS</b>				
7765-M .....	.....	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302(a)(4); 175.3.	To modify the special permit to authorize reheat treatment of lots of rejected cylinders when the construction materials do not pass pressure and flattening tests.
9884-M .....	.....	Covidien (formerly Tyco Healthcare), Plainfield, IN.	49 CFR 173.3 16 .....	To modify the special permit to authorize brazing of withdrawal tubes rather than welding.
11725-M .....	.....	ATK Space (formerly Swales Aerospace, Inc.), Beltsville, MD.	49 CFR 173.34(d); 173.40; 173.301; 173.302(a); 173.304(a)(2); 175.3.	To modify the special permit to authorize the transportation in commerce of an additional Class 3 and Class 9 hazardous material.
11818-M .....	.....	ATK Space (formerly Swales Aerospace, Inc.), Beltsville, MD.	49 CFR 180.205 .....	To modify the special permit to authorize the transportation in commerce of an additional Class 3 material.
12296-M .....	RSPA-99-5879.	Clean Earth Systems, Inc., Tampa, FL.	49 CFR 173.12(b)(2)(i) .....	To modify the special permit to authorize an alternative outer packaging for lab packs.
14457-M .....	PHMSA-07-26878.	Amtrol Alfa Metalomecanica SA, Portugal.	49 CFR 173.304a(a)(1); 175.3.	To modify the special permit to authorize the manufactured cylinders to be used as recovery cylinders for the materials authorized in the special permit.
14659-M .....	PHMSA-08-0056.	ESM Group Inc., Amherst, NY.	49 CFR 173.242 (b) and (c).	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of calcium carbide (UN 1402), Division 4.1, PG I in non-DOT specification bulk containers by motor vehicle.

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**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 F. Billings, Director, 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 9, 2008.  
**Delmer F. Billings,**  
*Director, Office of Hazardous Materials,  
 Special Permits and Approvals.*

Application no.	Applicant	Reason for delay	Estimated date of completion
<b>MODIFICATION TO SPECIAL PERMITS</b>			
11579-M .....	Austin Powder Company, Cleveland, OH .....	3, 4	07-31-2008
10964-M .....	Kidde Aerospace & Defense, Wilson, NC .....	4	06-30-2008
14167-M .....	Trinityrail, Dallas, TX .....	4	07-31-2008
<b>NEW SPECIAL PERMIT APPLICATIONS</b>			
14566-N .....	Nantong CIMC Tank Equipment Co. Ltd., Nantong City, China .....	3	08-31-2008
14621-N .....	Beijing Tianhai Industry Co., Ltd., Beijing .....	4	07-31-2008
14616-N .....	Chlorine Service Company, Kingwood, TX .....	3	08-31-2008
14619-N .....	OXEA Corporation, Dallas, TX .....	4	07-31-2008
14622-N .....	Occidental Chemical Corporation, Dallas, TX .....	4	07-31-2008

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Docket No. AB-409 (Sub-No. 5X)]

**Los Angeles County Metropolitan Transportation Authority—Abandonment Exemption—in Los Angeles County, CA**

Los Angeles County Metropolitan Transportation Authority (LACMTA) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exemption Abandonments* to abandon a 0.31-mile line of railroad (the Line), a portion of the Santa Monica Industrial Lead,<sup>1</sup> between milepost 485.69 and milepost 486.00 in Los Angeles County, CA. The line traverses United States Postal Service Zip Code 90011.

LACMTA 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 at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 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 July 18, 2008, unless stayed pending reconsideration. LACMTA has simultaneously filed in this proceeding a petition for exemption from the OFA provisions at 49 U.S.C. 10904 and the public use provisions at 49 U.S.C. 10905. That matter will be resolved in a subsequent decision.

The OFA process is designed for the purpose of providing continued rail service. The Board need not require the sale of a line under the OFA provisions

if it determines that the offeror is not genuinely interested in providing rail service or that there is no likelihood of future traffic.<sup>2</sup> Here, where the abandoning carrier seeks an exemption from the provisions of section 10904, where there has been no service on the line for at least 2 years, and where the property is proposed to be used for a public purpose, any person who wishes to oppose the request for an exemption from the OFA provisions or who intends to file an OFA should address one or more of the following: whether there is a demonstrable commercial need for rail service, as manifested by support from shippers or receivers on the line being abandoned or as manifested by other evidence of immediate and significant commercial need; whether there is community support for continued rail service; whether acquisition of freight operating rights would interfere with current and planned transit services; and whether continued rail service is operationally feasible, especially where, as here, the line to be abandoned is physically constrained.

The petition for exemption from the OFA process was filed on May 29, 2008. To permit persons to take these factors into consideration in filing a reply to the

<sup>1</sup>The Santa Monica Industrial Lead is the subject of a notice of exemption in *Union Pacific Railroad Company—Abandonment and Discontinuance of Trackage Rights Exemption—in Los Angeles County, CA*, STB Docket No. AB-33 (Sub-No. 265X) that was served and published in the **Federal Register** on April 8, 2008. The exemption became effective on May 8, 2008. In a decision served May 7, 2008, the Board rejected a notice of intent by James Riffin to file an offer of financial assistance (OFA) to purchase the Santa Monica Industrial Lead. On May 28, 2008, Riffin filed a petition to revoke Union Pacific Railroad Company's (UP) exemption, to which UP replied on June 2, 2008. Those filings will be addressed in a subsequent Board decision. In this notice, LACMTA is seeking to abandon its residual common carrier obligation for the Line.

<sup>2</sup>See, e.g., *Union Pacific Railroad Company—Abandonment and Discontinuance of Trackage Rights Exemption—in Los Angeles County, CA*, STB Docket No. AB-33 (Sub-No. 265X) (STB served May 7, 2008); *Roaring Fork Railroad Holding Authority—Abandonment Exemption—in Garfield, Eagle, and Pitkin Counties, CO*, STB Docket No. AB-547X (STB served May 21, 1999), *aff'd sub nom. Kulmer v. STB*, 236 F.3d 1255, 1256-58 (10th Cir. 2001); *The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in King County, WA*, STB Docket No. AB-6 (Sub-No. 380X) (STB served Aug. 5, 1998).