

acting on behalf of such user) regarding cessation of service over the line either is pending with the 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 November 21, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 2, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 12, 2009, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Kristy Clark, General Attorney, BNSF Railway Company, 2500 Lou Menk Drive, AOB–3, Fort Worth, TX 76131.

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

BNSF 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 October 27, 2009. 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), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by October 22, 2010, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: October 19, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kulunie L. Cannon,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

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

ACTION: List of applications for special permits.

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. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before November 23, 2009.

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://regulations.gov>.

This notice of receipt of applications for 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 October 7, 2009.

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

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulations(s) affected	Nature of special permits thereof
14910–N	Drug & Laboratory Disposal, Inc., Plainwell, MI.	49 CFR 178.503	To authorize the transportation in commerce of UN 1H2 plastic drums that are intended to be non-reusable as the outer packaging for lab packs. (modes 1, 2, 3)

¹ 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.

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. *See* 49 CFR 1002.2(f)(25).

NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulations(s) affected	Nature of special permits thereof
14911-N		ITW Sexton, Decatur, AL	49 CFR 173.304a	To authorize the manufacture, marking and sale of a non-DOT specification cylinder to be used for the transportation in commerce of certain Division 2.2 materials. (modes 1, 2, 3, 4)
14912-N		ITW Sexton, Decatur, AL	49 CFR 173.304a and 173.306(a)(3)(ii).	To authorize the manufacture, marking and sale of a non-DOT specification container to be used for the transportation in commerce of certain Division 2.2 materials. (modes 1, 2, 3, 4)
14913-N		Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 171.23(a)(3)	To authorize the one-time transportation in commerce of 115 non-DOT specification cylinders containing arsine and arsine mixtures by dedicated motor vehicle. (mode 1)
14914-N		The Boeing Company, St. Louis, MO.	49 CFR 173.62	To authorize the transportation in commerce of a T-45 canopy containing a Division 1.4S explosive in alternative packaging. (mode 1)
14915-N		Schering-Plough, Summit, NJ	49 CFR 172.200, 172.300, 172.400 and 172.500.	To authorize the one-time, one-way transportation in commerce of a finished product from its primary production building to another location to complete product filling, packaging and shipping without shipping papers, marking, labeling or placarding. (mode 1)
14916-N		Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.240	To authorize the transportation in commerce of an assembled electrolytic cell containing corrosive solids, toxic, n.o.s. in alternative packaging. (modes 1, 3)
14917-N		DSE Fuzing LLC, Orlando, FL	49 CFR 177.848(f)	To authorize the transportation in commerce of certain explosives by motor vehicle with alternative segregation. (mode 1)
14918-N		Aviall Services, Inc., Van Nuys, CA.	49 CFR 173.159(f) and Packing Instruction 806 of ICAO.	To authorize the transportation in commerce of nickel cadmium aircraft batteries UN2795 as non-spillable batteries when in specially designed packagings. (modes 1, 4, 5)
14919-N		TK Holdings Inc., Armada, MI	49 CFR 173.301(a) and 173.302a.	To authorize the manufacture, marking, sale and use of non-DOT specification cylinders for use in automobile safety systems. (modes 1, 2, 3, 4)
14920-N		Dapco Industries, Inc., Ridgefield, CT.	49 CFR 173.302a, 180.205, and 180.209.	To authorize the transportation in commerce of certain cylinders that have tested using ultrasonic examinations with visual external examination in lieu of hydrostatic testing and internal visual inspection. (modes 1, 2, 3, 4, 5)
14924-N		Explosive Service International Ltd., Baton Rouge, LA.	49 CFR 176.144(e), 176.145(b), 176.137(b)(7), 176.63(e), 176.83 and 176.138(b).	To authorize the transportation in commerce of certain Division 1.1D and 1.4B explosives by vessel in an alternative stowage configuration. (mode 3)

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 BILLING CODE 4909-60-M

ACTION: List of applications for modification of special permits.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Applications for Modification of Special Permit

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

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 application have been shown in earlier

Federal Register publications, they are not repeated here. Requests for modification 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 application for special permits to facilitate processing.

DATES: Comments must be received on or before November 6, 2009.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety