

had been retested when they had not been retested.

Failure to properly conduct hydrostatic retests can result in unsafe cylinders being returned to service. Serious personal injury, death, and property damage could result from the rupture of a cylinder. Cylinders that have not been retested in accordance with the Hazardous Materials Regulations (HMR) may not be charged or filled with a hazardous material for transportation in commerce.

**FOR FURTHER INFORMATION CONTACT:** N. Stewart Skeggs, Hazardous Materials Enforcement Specialist, Central Region, telephone (847) 294-8580, Fax (847) 294-8590, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, Department of Transportation, 2350 East Devon Avenue, Suite 136, Des Plaines, IL 60018.

**SUPPLEMENTARY INFORMATION:** During an inspection at Fire Protection Service (FPS), 1022 Dueber Avenue, S.W., Canton, Ohio, RSPA determined that FPS had marked an undetermined number of cylinders as having been properly retested in accordance with the HMR without retesting the cylinders as required. RSPA also determined that FPS had marked cylinders as tested in accordance with the HMR without holding a Retester Identification Number (RIN) issued by RSPA as required by the HMR.

Failure to properly conduct hydrostatic retests can result in cylinders that should be condemned being returned to service. Serious personal injury, death, and property damage could result from rupture of a cylinder. Cylinders that have not been retested in accordance with the HMR may not be charged or filled with a hazardous material.

RSPA has determined that FPS had been servicing cylinders without holding a RIN since at least 1993. In addition, the condition of the retest equipment at FPS indicated to the inspectors that FPS had not been capable of hydrostatically retesting cylinders for quite some time. Because FPS failed to keep accurate retest and reinspection records, it is impossible to determine the number of cylinders that FPS has marked without retesting, or has retested without possessing a valid RIN.

Some cylinders serviced by FPS may be marked on their shoulders with the month and year of alleged hydrostatic retest dates (for example, 3-98). Any person who has a cylinder that was last serviced by FPS should not charge or fill the cylinder without first having it

inspected and retested by a DOT-authorized retest facility. Filled cylinders (if filled with an atmospheric gas) described in this safety advisory should be vented or otherwise properly and safely evacuated and purged, and taken to a DOT-authorized cylinder retest facility for visual reinspection and retest to determine if they qualify for continued use in accordance with the HMR.

Under no circumstances should a cylinder described in this safety advisory be filled, refilled or used to contain a hazardous material until it has been requalified by a DOT-authorized retest facility. It is further recommended that persons finding or possessing cylinders described in this safety notice contact Mr. Skeggs for further information.

Issued in Washington, DC, on December 22, 1998.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 98-34405 Filed 12-28-98; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 558 (Sub-No. 2)]

#### Railroad Cost of Capital—1998

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision instituting a proceeding to determine the railroads' 1997 cost of capital.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 1998. The decision solicits comments on: (1) the railroads' 1998 cost of debt capital; (2) the railroads' 1998 current cost of preferred stock equity capital; (3) the railroads' 1998 cost of common stock equity capital; and (4) the 1998 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due no later than January 11, 1999. A service list will then be prepared and issued by January 25, 1999. Statements of the railroads are due by March 26, 1999. Statements of other interested persons are due by April 16, 1999. Rebuttal statements by the railroads are due by April 30, 1999.

**ADDRESSES:** Send an original and 10 copies of statements and a copy of the statement on a 3.5 inch disk in WordPerfect 6.1, and an original and 1 copy of the notice of intent to participate to: Surface Transportation

Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Blistein, (202) 565-1529. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Surface Transportation Board, 1925 K Street, N.W., Room 700, Washington, DC 20423. Telephone: (202) 565-1650. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.] A copy of the decision can also be obtained from the Board's internet site ([www.stb.dot.gov](http://www.stb.dot.gov)).

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 10704(a).

Decided: December 18, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 98-34444 Filed 12-28-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-402 (Sub-No. 6X)]

#### Fox Valley & Western Ltd.— Abandonment Exemption—in Waupaca County, WI

On December 10, 1998, Fox Valley & Western Ltd. (FVW), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-10905<sup>1</sup> to abandon a 10.7-mile line of railroad known as the Manawa-Scandinavia Line, extending from milepost 50.3 near Manawa to the end of the line at milepost 61.0 in Scandinavia, in Waupaca County, WI. The line traverses U.S. Postal Service Zip Codes 54949, 54962, and 54977, and includes the station of Scandinavia at milepost 61.0.

The line does not contain federally granted rights-of-way. Any documentation in FVW's possession

<sup>1</sup>In addition to an exemption from 49 U.S.C. 10903, FVW seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). These requests will be addressed in the final decision.