

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 exemptions 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 20, 2003.
R. Ryan Posten,
Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
10323-M		Air Products and Chemicals, Inc., Allentown, PA (See Footnote 1)	10323
10504-M		Air Products and Chemicals, Inc., Allentown, PA (See Footnote 2)	10504
11598-M		Metalcraft, Inc., Baltimore, MD (See Footnote 3)	11598
11646-M		Bundit, Vesta, MN (See Footnote 4)	11646
12443-M	RSPA-00-7209.	Kinder Morgan Materials Services, Sewickley, PA (See Footnote 5)	12443
12698-M	RSPA-01-9652.	Precision Technik, Inc., Atlanta, GA (See Footnote 6)	12698
13169-M	RSPA-02-13894.	ConocoPhillips Alaska, Inc., Anchorage, AK (See Footnote 7)	13169
13179-M	RSPA-02-14020.	Onyx Environmental Services, L.L.C., Flanders, NJ (See Footnote 8)	13179

¹ To modify the exemption to update testing requirements of the non-DOT specification full-open head salvage cylinders and add a Division 2.2 material.

² To modify the exemption to authorize a design change of the non-DOT specification full removable head salvage cylinder, add a Class 8 material and add cargo vessel as an additional mode of transportation.

³ To modify the exemption to authorize the use of an additional DOT Specification cylinder equipped with an alternative pressure relief device system for transporting certain Division 2.2 materials.

⁴ To modify the exemption to authorize the transportation of additional Class 3 materials unloaded from drums and/or intermediate bulk containers without removal from motor vehicles.

⁵ To modify the exemption to authorize product hoses for a Class 9 elevated temperature, liquid material to remain connected provided monitoring occurs at least every 12 hours.

⁶ To modify the exemption to authorize design changes of the non-DOT specification full opening head salvage cylinders for overpacking a damaged or leaking cylinder containing various hazardous materials.

⁷ To reissue the exemption originally issued on an emergency basis for the transportation of certain Class 3 materials in DOT Specification UN31A intermediate bulk containers which exceed quantity limitations when shipped by air.

⁸ To modify the exemption to authorize cargo vessel as an additional mode of transportation for transporting Division 2.1 materials which has been removed from their inner packaging and are being sent for disposal.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. AB-124 (Sub-No. 2) and AB-279 (Sub-No. 3)]

Waterloo Railway Company—Adverse Abandonment—Lines of Bangor and Aroostook Railroad Company and Van Buren Bridge Company in Aroostook County, ME; Canadian National Railway Company—Adverse Discontinuance—Lines of Bangor and Aroostook Railroad Company and Van Buren Bridge Company in Aroostook County, ME

On October 6, 2003, the Trustee of the Bangor and Aroostook Railroad Company (BAR), *et al.* (the Trustee), filed with the Surface Transportation Board an application under 49 U.S.C. 10903 ¹ seeking: (a) In STB Docket No.

AB-279 (Sub-No. 3), the adverse (involuntary) discontinuance of certain trackage rights acquired by the Canadian National Railway Company (CN) from BAR and its wholly owned subsidiary, the Van Buren Bridge Company; and (b) in STB Finance Docket No. AB-124 (Sub-No. 2), the adverse (involuntary) abandonment of the operating easement acquired by a CN subsidiary, the Waterloo Railway Company (Waterloo), over the same lines.² The lines run between Madawaska, ME, and the Canadian border, and serve a mill owned by Fraser Papers Inc. (Fraser) at Madawaska, ME. The lines are now owned by the Montreal, Maine & Atlantic Railway, Ltd. (MMA), which purchased them from the estate of the bankrupt BAR on January 9, 2003. They

are fully operational rail lines used by CN to serve the plant of Fraser at Madawaska.

The Trustee seeks to terminate CN's authority to serve Fraser over the lines. This would leave MMA as the only carrier with authority to serve that shipper over the lines. For additional background information, see the Board's decision served on June 25, 2002, in *Canadian National Railway Company—Trackage Rights Exemption—Bangor and Aroostook Railroad Company and Van Buren Bridge Company*, STB Finance Docket Nos. 34014, *et al.*

The Trustee maintains that termination of CN's authority to serve Fraser, leaving MMA as the serving carrier, is required by the "present or future public convenience and necessity" under 49 U.S.C. 10903. The Trustee contends that, under either 49 U.S.C. 10903 or 11 U.S.C. 1170, the public interest will be served by discontinuance of the CN trackage rights and abandonment of the Waterloo easement, because the potential harm to the BAR estate, the new owner of the former BAR system (MMA), and its shippers and the communities it serves from the continued existence of the CN trackage rights and Waterloo easement substantially outweighs the potential

¹ The Trustee contends that the bankruptcy law at 11 U.S.C. 1170 applies to this application, meaning that the Board's decision would constitute an advisory report to the Bankruptcy Court. The matter is currently before the United States District Court for the District of Maine.

² The lines involved in the trackage rights and easement are more precisely described as follows: (1) A line between approximately Milepost (MP) 0.0 at Madawaska, ME, and approximately MP 22.72 at Van Buren (Canadian Junction), ME; and (2) a line between approximately MP 0.0 at Van Buren (Canadian Junction), ME, and approximately MP 0.31 at the United States-Canada border, a total distance of approximately 23 route miles in Aroostook County, ME. The lines include the stations of Madawaska (MP 0.0), N CL Sign Madawaska (MP 1.25), Saint David (MP 4.20), and Grand Isle (MP 8.66) and traverse Postal Service ZIP Codes 04756, 04773, 04746, 04749, and 04785.

harm to Fraser and CN from discontinuance of the trackage rights and abandonment of the easement. In adverse abandonment and discontinuance proceedings, the Board considers whether to withdraw its primary jurisdiction to permit the operation of state, local, or, as here, other Federal law to take effect. See *Modern Handcraft, Inc.—Abandonment*, 363 I.C.C. 969 (1981); *Kansas City Pub. Ser. Frt. Operations—Exempt.—Aban.*, 7 I.C.C.2d 216 (1990).

The applicant's entire case for discontinuance and abandonment was filed with the application.³ Any interested person may file with the Board a statement protesting or commenting on the Trustee's application for adverse abandonment and discontinuance. Interested persons who wish to participate actively and fully in these proceedings should submit their entire case in the form of argument and verified witness statements containing detailed evidence and the information required by 49 CFR 1152.25(a)(1), to the extent that it is needed or appropriate in this type of proceeding.⁴ Those who do not wish to participate fully by the filing of witness statements may file comments. Those submitting detailed evidence or comments may also submit the information described in 49 CFR 1152.24(a)(2), to the extent that it is needed or appropriate (see footnote 4, above).

The interests of employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

All filings in response to this notice, and every document filed with the Board in these proceedings, must identify these proceedings by their docket numbers, *i.e.*, STB Docket Nos. AB-124 (Sub-No. 2) and AB-279 (Sub-No. 3), and should be served on: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; (2) Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts

³In decisions served on September 25, 2002, and October 23, 2002, the Board approved exemptions from statutory provisions and waiver of regulatory requirements that were designed for typical abandonment and discontinuance proceedings, where carriers voluntarily seek to terminate a service obligation that protestants may wish to preserve, but were not intended to apply to adverse abandonment or discontinuance proceedings.

⁴This provision was developed for typical abandonment proceedings, where carriers voluntarily seek to terminate a service obligation that protestants may wish to preserve, rather than proceedings where, as here, the serving carrier (CN) seeks to continue its right to provide service and service by another carrier (MMA) would continue even if the application is granted.

Avenue, NW., Washington, DC 20036-1221 [Trustee's representative]; (3) William C. Sippel, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2875 [CN's representative]; and (4) Carolyn F. Corwin, Covington & Burling, 1201 Pennsylvania Avenue, NW., Washington, DC 20004-2401 [intervener MMA's representative]. The original and 10 copies of all comments or protests shall be filed with the Board, together with a certificate of service.

All comments or protests must be filed by November 20, 2003.

Persons seeking information concerning the filing of statements may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment and discontinuance regulations at 49 CFR part 1152. [Assistance for the hearing impaired is available through the Federal Information Relay Services (FIRS) at 1-800-877-8339.] Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: October 17, 2003.

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

Vernon A. Williams,

Secretary.

[FR Doc. 03-26742 Filed 10-23-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 16, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before November 24, 2003, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-0212.

Form Number: IRS Form 5558.

Type of Review: Extension.

Title: Application for Extension of Time to file Certain Employee Plan Returns.

Description: This form is used by employers to request an extension of time to file the employee plan annual information return/report (Form 5500 series) or employee plan excise tax return (Form 5330). The data supplied on Form 5558 is used to determine if such extension of time is warranted.

Respondents: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents: 335,000.

Estimated Burden Hours Per Respondent: 33 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 185,724 hours.

OMB Number: 1545-61276.

Regulation Project Number: FI-88-86 Final.

Type of Review: Extension.

Title: Real Estate Mortgage Investment Conduits (TD 8458).

Description: Section 860E(e) imposes an excise tax on the transfer of a residual interest in a REMIC to a disqualified party that is an interest holder.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,600.

Estimated Burden Hours Per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 525 hours.

OMB Number: 1545-1546.

Revenue Procedure Number: Revenue Procedure 97-33.

Type of Review: Extension.

Title: EFTPS (Electronic Federal Tax Payment System).

Description: Some taxpayers are required by regulations issued under section 6302(h) of the Internal Revenue Code to make Federal Tax Deposits (FTDs) using the Electronic Federal Tax Payment System (EFTPS). Other taxpayers may choose to voluntarily participate in EFTPS. EFTPS requires that a taxpayer complete an enrollment form to provide the information the IRS needs to properly credit the taxpayer's account. Revenue Procedure 97-33 provides procedures and information that will help taxpayers to electronically make FTDs and tax payments through EFTPS.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions, farms, Federal Government, State, local or tribal government.

Estimated Number of Recordkeepers: 557,243.