

## MODIFICATION SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of special permit	Nature of special permit thereof
12844-M .....	RSPA-01-10753.	Delphi Corporation, Vandalia, OH.	49 CFR 173.301(a)(1); 173.302a(a)(1); 175.3.	12844	To modify the special permit to authorize a higher maximum service pressure for non-DOT specification pressure vessels used as components of automobile vehicle safety systems.
12879-M .....	RSPA-01-11095.	Rohm and Haas Company, Philadelphia, PA.	49 CFR 172.514 .....	12879	To modify the special permit to authorize the transportation in commerce of portable tanks and IBCs containing combustible liquids without required placards.
14321-M .....	PHMSA-06-23987.	Luxfer, Riverside, CA .....	49 CFR 173.302a, 173.304a, 180.205.	14321	To convert the special permit that was originally issued on an emergency basis to a permanent special permit.

[FR Doc. 06-6326 Filed 7-18-06; 8:45 am]

BILLING CODE 4909-60-M

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[PHMSA-06-24764; Notice No. 06-03]

#### Revision of the Emergency Response Guidebook

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

**ACTION:** Notice; request for comments.

**SUMMARY:** This notice advises interested persons that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is soliciting comments on the development of the 2008 Emergency Response Guidebook (ERG2008), particularly from those who have experience using the 2004 Emergency Response Guidebook (ERG2004) during a hazardous materials incident. PHMSA is also soliciting comments on the experiences emergency responders have had obtaining emergency response information during an incident. The ERG2008 will supersede the ERG2004. The development of the ERG2008 is a joint effort involving the transportation agencies of the United States, Canada, and Mexico. PHMSA will publicize its interest in receiving comments on the ERG2008 and this notice through its announcements to emergency responder associations, during training and education seminars, and during activities with State and local government agencies. PHMSA has also established an e-mail address for

interested persons to submit their comments: [ERG2008@dot.gov](mailto:ERG2008@dot.gov).

**DATES:** Written comments should be submitted on or before September 18, 2006.

**ADDRESSES:** You may submit comments identified by the docket number (PHMSA-06-24764 (Notice No. 06-03)) by any of the following methods:

- Web site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-402, Washington, DC 20590-0001.

- Hand Delivery: To the Docket Management System; Room PL-402 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under **SUPPLEMENTARY INFORMATION**.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to the Docket Management System (see **ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:** Suezett Edwards, Office of Hazardous Materials Initiatives and Training (PHH-50), Pipeline and Hazardous Materials Safety Administration (PHMSA) 400 Seventh Street, SW., Washington, DC 20590-0001, phone number: (202) 366-4900, e-mail: [Suezett.edwards@dot.gov](mailto:Suezett.edwards@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Request for Comments

###### A. Background and Purpose

The Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.*, authorizes the Secretary of Transportation to issue and enforce regulations deemed necessary to ensure the safe transport of hazardous materials. In addition, the law directs the Secretary of Transportation to provide law enforcement and fire-fighting personnel with technical information and advice for responding to emergencies involving the transportation of hazardous materials.

PHMSA developed the Emergency Response Guidebook (ERG) for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. Since 1976, it has been the goal of PHMSA for all public emergency response vehicles, including fire fighting, police, and rescue squad vehicles, to carry a copy of the ERG. To accomplish this, PHMSA has published nine editions of the ERG and has distributed without charge over

nine million copies to emergency services agencies.

Since 1996, PHMSA, Transport Canada, and the Secretary of Communication and Transport of Mexico jointly developed the ERG. The ERG2008 will supersede the ERG2004 and we will publish it in English, French, and Spanish for use by emergency response personnel. Publication of the ERG2008 will increase public safety by providing consistent emergency response procedures for hazardous materials incidents in North America. To continually improve the ERG, PHMSA is publishing this notice to actively solicit comments from interested parties on their experiences using the ERG2004. We request that commenters provide responses to the questions listed below as well as any additional information they would like to provide. We are especially interested in receiving comments on the usefulness of the ERG and the type and quality of information it provides from those who have used the ERG during a hazardous materials incident. To further examine the information received during a hazardous materials incident, we have included questions to solicit comments on the type and quality of information received when using the emergency response telephone numbers listed in the ERG2004. The emergency response information service companies that provide these numbers have agreed to be available by telephone 24 hours a day, 7 days a week to provide specific information about hazardous materials to emergency responders arriving at the scene of a hazardous materials transportation incident.

To better ensure emergency responders and the public have sufficient opportunity to comment on the ERG2008 and this notice, PHMSA's training and outreach program will actively publicize its interest in receiving these comments through announcements to emergency responder associations, during training and education seminars, and during activities with State and local government agencies. In addition, PHMSA has established an e-mail address for interested persons to easily submit their comments. The address is [ERG2008@dot.gov](mailto:ERG2008@dot.gov).

#### *B. Emergency Response Guidebook User Concerns*

PHMSA solicits comments on ERG user concerns and on the following questions:

1. Have emergency responders experienced a problem of inconsistent guidance between ERG2004 and other

sources of technical information? If so, in what way could PHMSA reduce or reconcile the inconsistencies in the ERG2008?

2. Have emergency responders experienced confusion or difficulty in understanding the scope or purpose of the ERG2004? If so, in what way could PHMSA reduce this difficulty in the ERG2008?

3. Have emergency responders experienced confusion or difficulty in understanding how to use the ERG2004? If so, in what way could PHMSA reduce this difficulty in the ERG2008?

4. How could the "Table of Initial Isolation and Protective Action Distances" or its introduction be made easier to comprehend and use?

5. In the "Table," does the distinction between day and night protective action distances add useful information for the first responder? How could the distinction be improved?

6. Could the "List of Dangerous Water-Reactive Materials" introduced in The 1996 North American Emergency Response Guidebook (NAERG96) be enhanced or improved?

7. Have emergency responders experienced difficulty understanding the capabilities of chemical protective clothing, and the limitations of structural firefighter's protective clothing in hazardous materials incidents? If so, in what way can PHMSA improve the understanding in the ERG2008?

8. Have any identification numbers (ID Nos.) been assigned incorrectly to a material? If so, what is (are) the name of the material(s)?

9. Has any identification number and/or material been assigned to the "wrong" guide? If so, please identify the material and the guide, recommend the correct guide, and state why you believe it should be used.

10. Are the recommendations and responses on each guide appropriate for the material assigned to the guide?

11. Have emergency responders experienced difficulty with legibility of ERG2004's print style, format, or durability?

12. Have emergency response agencies experienced difficulty in obtaining copies of ERG2004 for their vehicles?

13. In addition to the Table of Placards, Rail Car Identification Chart, and Road Trailer Identification Chart, should other pictorial information be included?

14. Are the Table of Placards, Rail Car Identification Chart, and Road Trailer Identification Chart accurate, useful, and easy to use? If not, how could they be improved?

15. Are the terms listed in the Glossary defined satisfactorily?

16. Should additional terms be added to the Glossary?

#### *C. Questions Regarding the Emergency Response Telephone Numbers Listed in the ERG2004*

17. Have you received inaccurate information from any of the numbers listed in the ERG2004? If so, from which company(s)? What was wrong with the information provided? Was this a one-time occurrence? If not, how many times did this occur?

18. Have non-government emergency response telephone number providers delivered adequate information to assist first responders during emergencies? Please provide examples.

19. Should non-government emergency response telephone number providers be audited to assure their capacity to provide adequate and accurate information to first responders?

20. Are there other companies you have used that you consider reliable and would like included in the ERG2008? Who are they and why?

21. When requesting emergency assistance was the response timely? What do you consider a timely response? In your opinion, what company(s) did not meet this requirement? How many times did this occur?

22. When calling one of the Emergency Response Telephone Numbers listed in the ERG2004, have you experienced any problems, such as a busy phone line, being disconnected during call, or no response at all?

23. Do you have any additional comments regarding the quality of service and information received from any of the companies listed in the ERG2004 that provide Emergency Response information?

24. Should non-government emergency response telephone numbers continue to be listed in the ERG2008?

25. To be listed in the ERG2008, should non-government emergency response telephone number providers meet specific and verifiable criteria? If yes, please provide examples.

27. If a non-government emergency response telephone number provider does business under several names, should the provider be limited to one listing in the ERG2008?

Any supporting data and analyses provided will enhance the value of the comments submitted and is appreciated.

Issued in Washington, DC, on June 12, 2006, under authority delegated in 49 CFR part 106.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. E6-11395 Filed 7-18-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34883]

#### Portland and Western Railroad, Inc.— Trackage Rights Exemption—Union Pacific Railroad Company

BNSF Railway Company has agreed to assign overhead trackage rights to the Portland and Western Railroad, Inc. (PNWR), over: (1) The rail line owned by Union Pacific Railroad Company (UP) between East Portland, OR, in the vicinity of Milepost 770.3 and Labish, OR, in the vicinity of Milepost 720.9, a distance of approximately 49.4 miles (Joint Trackage); (2) the rail line owned by Portland Terminal Railroad Company (PTR) between PTR Milepost 0.0 and BNSF Mileposts 0.69 and 0.91 in Portland, OR; and (3) the railroad portion of UP's Willamette River Bridge in Portland.

The transaction was scheduled to be consummated on or after July 6, 2006, the effective date of the exemption.<sup>1</sup>

The purpose of the trackage rights is to allow PNWR the right to serve as BNSF's agent over the Joint Trackage, including the right to access the Joint Trackage via PTR's rail line and UP's Willamette River Bridge.

As a condition to this exemption, any employees affected by trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34883, must be filed with

<sup>1</sup> A decision served on July 13, 2006, denied a petition to stay the operation of the notice of exemption filed by John D. Fitzgerald, for and on behalf of the United Transportation Union-General Committee of Adjustment.

the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Sidney L. Strickland Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

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

Decided: July 13, 2006.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 06-6353 Filed 7-18-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 671X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Logan County, WV

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.4-mile line of railroad on its Southern Region, Huntington Division—East, Logan and Southern Subdivision, extending from milepost CME 10.0 at Stirrat to milepost CME 11.4 at the end of the line at Sarah Ann, in Logan County, WV. The line traverses United States Postal Service Zip Code 25644.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line 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 (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 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 August 18, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 31, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 8, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Steven C. Armbrust, Esq., CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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

CSXT has filed an environmental report and a historic report which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by July 24, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [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), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority

<sup>1</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>2</sup> Each OFA must be accompanied by the filing fee, which was increased to \$1,300 effective on April 19, 2006. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).