

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 February 10, 2009.  
**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>				
11624-M .....		Pacific Commercial Services, LLC Honolulu, HI.	49 CFR 173.173(b)(2) .....	To modify the special permit to authorize the transportation in commerce of household hazardous wastes identified as paint or paint related material, Class 3, in quantities greater than those presently authorized.
12571-M .....		AirProducts and Chemicals, Inc. Allentown, PA.	49 CFR 173.304(a)(2); 180.209 .....	To modify the special permit to authorize the addition of Silane a Division 2.1 hazardous material and to add fill density for Silane.
13961-M .....		3AL Testing Corporation Denver, CO.	49 CFR 172.203(a); 172.301(c); 180.205(f), (g); 180.209(a).	To modify the special permit to reduce the number of calibration cylinders required for UE testing.
14149-M .....		Digital Wave Corporation Centennial, CO.	49 CFR 180.205, 180.209 .....	To modify the special permit to reduce the number of calibration cylinders required for UE testing.
14436-M .....		BNSF Railway Company Topeka, KS.	49 CFR 174.14(a) and (b) .....	To modify the special permit to authorization additional unsignaled (dark) carrier lines.
14510-M .....		Clean Earth Systems, Inc. Tampa, FL.	49 CFR 173.12(b), 173.12(b)(2)(i) .....	To modify the special permit to add cargo vessel as an additional mode of transportation.
14773-M .....		Pacific Northwest National Laboratory (PNNL) Richland, WA.	49 CFR 173.416 .....	To reissue the special permit originally issued on an emergency basis to authorize transportation in commerce of fissile material in a non DOT specification packaging.

[FR Doc. E9-3242 Filed 2-17-09; 8:45 am]  
 BILLING CODE 4910-60-M

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Docket No. AB-43 (Sub-No. 182X)]

**Illinois Central Railroad Company—  
 Abandonment Exemption—in Grenada  
 County, MS**

Illinois Central Railroad Company (IC)<sup>1</sup> has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.20-mile line of railroad between milepost 311.90 and milepost 313.10, in Grenada, Grenada County, MS.<sup>2</sup> The line traverses United States Postal Service Zip Code 38901.

IC has certified that: (1) No local traffic has moved over the line for at

least 2 years; (2) there is no overhead traffic to 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 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 March 20, 2009, unless stayed pending reconsideration.<sup>3</sup> Petitions to stay that do not involve environmental issues,<sup>4</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>5</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 2, 2009.<sup>6</sup> Petitions to reopen or requests

<sup>3</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. A Board staff member has informed IC that, because the official filing date of the notice is now January 29, 2009, consummation may not take place prior to March 20, 2009.

<sup>4</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>5</sup> Effective July 18, 2008, the filing fee for an OFA increased to \$1,500. See *Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2008 Update*, STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).

<sup>6</sup> IC notes, however, that it does not believe that the right-of-way would be of interest to the State of Mississippi or any other entity for public use

<sup>1</sup> IC is a wholly owned subsidiary of Canadian National Railway Company.

<sup>2</sup> IC originally filed its verified notice of exemption on January 8, 2009. However, the notice did not contain all of the information required under 49 CFR 1152.50. At the request of Board staff, on January 29, 2009, IC filed a supplement to its notice. Accordingly, January 29, 2009, will be considered the official filing date.

for public use conditions under 49 CFR 1152.28 must be filed by March 10, 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 IC's representative: Thomas J. Healey, 17641 S. Ashland Avenue, Homewood, IL 60430-1345.

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

IC has filed a combined environmental and historic report, which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 23, 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), IC 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 IC's filing of a notice of consummation by February 18, 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: February 10, 2009.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-1023 (Sub-No. 1X)]

#### Puget Sound & Pacific Railroad Company—Abandonment Exemption—in Grays Harbor County, WA

On January 29, 2009, Puget Sound & Pacific Railroad Company (PS&P)<sup>1</sup> filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to permit PS&P to abandon an 8,344-foot long rail line that begins just south of where the railroad line crosses U.S. Highway 101 in Hoquiam, and proceeds in a northerly direction for 8,344 feet to the end of the line, in Grays Harbor County, WA. PS&P explains that the line begins 3,424 feet north of the main track clearance off of the Elma Main and is part of the line known as the Horn Spur.<sup>2</sup> The line traverses U.S. Postal Service Zip Code 98550, and includes the station of Hoquiam.

The line does not contain federally granted rights-of-way. Any documentation in PS&P's possession will be made available promptly to those requesting it.

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

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by May 19, 2009.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,500 filing fee. See 49 CFR 1002.2(f)(25).<sup>3</sup>

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than March 10, 2009. Each

<sup>1</sup> PS&P is a subsidiary of Rail America, Inc.

<sup>2</sup> PS&P states that there are no mileposts on the line. PS&P also states that the line was purchased from The Burlington Northern and Santa Fe Railway Company in 1997. According to PS&P, the line has been embargoed since February 2008 due to track conditions.

<sup>3</sup> Effective July 18, 2008, the filing fee for an OFA increased to \$1,500. See *Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2008 Update*, STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).

trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-1023 (Sub-No. 1X) and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001; (2) Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204-4022; and (3) Scott G. Williams, Esq., Senior Vice President & General Counsel, RailAmerica, Inc., 7411 Fullerton Street, Suite 300, Jacksonville, FL 32256. Replies to the petition are due on or before March 10, 2009.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: February 10, 2009.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

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because the right-of-way is situated in a developed urban area with a mature roadway system.