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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.