

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12753-N	RSPA-01-10118	Praxair, Inc., Danbury, CT	49 CFR 173.304(a)	To authorize the transportation in commerce of certain toxic gases in 3AX and 3AAX cylinders not presently authorized for use in transporting dichlorosilane, Division 2.3, (mode 1).
12755-N	RSPA-01-10114	Air Canada, Ottawa, ON	49 CFR 175.75	To authorize the transportation in commerce of hazardous materials by aircraft that exceed the quantity limitations in the HMR. (modes 4, 5).
12756-N	RSPA-01-10112	Department of Energy, Oak Ridge, TN.	49 CFR 173 & 178	To authorize the one-time transportation in commerce of certain explosive materials that exceed their shelf life, are no longer need or are obsolete in specially designed containers and trailers. (mode 1).
12758-N	RSPA-01-10110	Pacific Northwest Equipment Inc., Seattle, WA.	49 CFR 172.101, 173.32c(g), 173.2, 176.83, 178.207-12.	To authorize the transportation in commerce of IM-102 tanks that are equipped with alternative internal discharge valves for use in transporting blasting agents. (mode 3).
12760-N	RSPA-01-10108	Thiokol Propulsion, Brigham City, UT.	49 CFR 173.3(a)(b), 173.62, 178, Subpart L and M.	To authorize the transportation in commerce of certain rocket propellants between its plant and test areas in non-DOT specification containers. (mode 1).
12762-N	RSPA-01-10104	Pro-Virus Inc., Gaithersburg, MD	49 CFR 172.203, 172.301(c), 172.303(a), 172.401(a)(1)(2).	To authorize the transportation in commerce of non-bulk pre-packed combination packagings containing various classes of hazardous materials between facilities to be transported as essentially unregulated without proper shipping papers. (mode 1).
12768-N	RSPA-01-10133	BOC Gases, Murray Hill, NJ	49 CFR 173.31(a), 179.13	To authorize the transportation in commerce of tank cars, containing carbon dioxide, refrigerated liquid, Division 2.2 with a maximum gross weight on rails of 286,000 pounds. (mode 2).
12770-N	RSPA-01-10130	Empire Airlines, Inc., Coeur d'Alene, ID.	49 CFR 175.85(b)	To authorize an alternative loading method of hazardous materials on cargo aircraft. (mode 4).

[FR Doc. 01-18404 Filed 7-23-01; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34071]

Raritan Central Railway, L.L.C.—Lease and Operation Exemption—Federal Business Centers, Inc. and Summit Associates, Inc.

Raritan Central Railway, L.L.C. (Raritan), a noncarrier, newly created to

become a Class III railroad, has filed a notice of exemption under 49 CFR 1150.31 to lease and operate, pursuant to an agreement entered into with Federal Business Centers, Inc., and Summit Associates, Inc., approximately 14 miles of rail line properties, easements and right-of-way, located within the Raritan Center Business Park, in the Townships of Edison and Woodbridge, in Middlesex County, NJ. Raritan certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail

carrier and that its annual revenues are not projected to exceed \$5 million.¹

The transaction is expected to be consummated on or shortly after August 15, 2001.

This transaction is related to STB Finance Docket No. 34070, *Eyal Shapira—Continuance in Control*

¹ Raritan states that it will interchange traffic with the Conrail Shared Assets Operations. Raritan further states that it is a substitute operator for Durham Transport, Inc., the current operator of the rail line. See *Durham Transport, Inc.—Acquisition and Operation Exemption—Center Realty, Federal Storage Warehouses, and Garden State Buildings, L.P.*, Finance Docket No. 31917 (ICC served Nov. 6, 1991).

Exemption—Raritan Central Railway, L.L.C., wherein Eyal Shapira has filed a notice of exemption to continue in control of Raritan upon its becoming a Class III rail carrier.

If the notice 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. 34071, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John D. Heffner, REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: July 17, 2001.

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

Vernon A. Williams,

Secretary.

[FR Doc. 01–18337 Filed 7–23–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34070]

Eyal Shapira—Continuance in Control Exemption—Raritan Central Railway, L.L.C.

Eyal Shapira (Shapira), an individual, has filed a notice of exemption to continue in control of Raritan Central Railway, L.L.C. (Raritan), upon Raritan's becoming a Class III railroad.

The transaction is scheduled to be consummated on or shortly after August 15, 2001.

This transaction is related to STB Finance Docket No. 34071, *Raritan Central Railway, L.L.C.—Lease and Operation Exemption—Federal Business Centers, Inc. and Summit Associates, Inc.*, wherein Raritan seeks to lease and operate approximately 14 miles of rail line properties, easements and right-of-ways from Federal Centers, Inc. and Summit Associates, Inc., in the Townships of Edison and Woodbridge, in Middlesex County, NJ.

At the time it filed this notice, Shapira owned and controlled one existing Class III rail carrier: The New York & Ogdensburg Railway Company, Inc., operating in the State of New York.

Shapira states that: (i) The railroads will not connect with each other or any other railroad in their corporate family; (ii) the continuance-in-control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval

requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice 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. 34070, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

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Decided: July 17, 2001.

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

Vernon A. Williams,

Secretary.

[FR Doc. 01–18336 Filed 7–23–01; 8:45 am]

BILLING CODE 4915–00–P