

Planning and Construction. The regulations implementing Executive Order 12372 regarding inter-governmental consultation on Federal programs and activities apply to the program)

Douglas N. Head,

Program Operations Engineer, Indianapolis, Indiana.

[FR Doc. 98-7992 Filed 3-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Docket No. RST-97-5]

Petition for Exemption or Waiver of Compliance With the Requirements of Section 213.233(c) of the Federal Track Safety Standards; New Jersey Transit Rail Operations, Inc.

In accordance with 49 CFR 211.41, notice is hereby given that the New Jersey Transit Rail Operations, Incorporated, (NJT) has submitted a petition, dated December 3, 1997, for a waiver of compliance with certain requirements of Title 49, Code of Federal Regulations, Part 213: Track Safety Standards.

The purpose of the petition is to request of the Federal Railroad Administration (FRA) relief from compliance with the provisions of 49 CFR 213.233(c) of the Federal Track Safety Standards. The petitioner requests approval to eliminate one of two weekly visual track inspections required by this section for track carrying passenger traffic. Petitioner proposes, in the interest of equivalent safety, to substitute for the eliminated visual inspection the operation of a

track geometry measuring vehicle over the affected main track and sidings on a quarterly basis. Such equipment does not operate over the tracks of the petitioner today.

Interested parties are invited to participate in these proceedings by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Number RST-97-5 and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590. Communications received within 30 days of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) in Room 7051, 1120 Vermont Avenue, NW., Washington, DC 20005.

Issued in Washington, DC on March 24, 1998.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 98-8101 Filed 3-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Actions on Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of actions on exemption applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on exemption applications in JULY-DECEMBER 1997. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on March 18, 1998.

Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
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Modification Exemptions

5749-M	DOT-E 5749	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.315(a)	Authorizes the use of an insulated nickel steel DOT Specification MC-331 cargo for transportation of a certain flammable gas. (Mode 1.)
6922-M	DOT-E 6922	Solvay Fluorides, Greenwich, CT.	49 CFR 173.314(c), 179.300-15.	Authorizes the use of a DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, 3.)
7657-M	DOT-E 7657	Welker Engineering Co., Sugar Land, TX.	49 CFR 173.119, 173.302(a) (1), 173.304(a) (1), 173.304(b) (1), 175.3, 178.42.	Authorizes the manufacture, marking and sale of non-DOT specification cylinders, for transportation of certain compressed gases. (Modes 1, 2, 3, 4.)
7765-M	DOT-E 7765	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302(a) (4), 175.3.	Authorizes the use of nonrefillable, non-DOT specification cylinders, for transportation of a Division 2.2 material. (Modes 1, 2, 3, 4.)
8723-M	DOT-E 8723	Dyno Nobel Inc., Salt Lake City, UT.	49 CFR 172.101, 173.114a(h) (3), 173.154, 176.415, 176.83.	Authorizes the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (Modes 1, 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8723-M	DOT-E 8723	Dyno Nobel Inc., Salt Lake City, UT.	49 CFR 172.101, 173.114a(h) (3), 173.154, 176.415, 176.83.	Authorizes the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (Modes 1, 2.)
9758-M	DOT-E 9758	Suunto, Carlsbad, CA	49 CFR 173.304(d) (3) (ii), 178.33.	Authorizes the shipment of certain Division 2.1 gases in a nonrefillable, non-DOT inside container conforming with the DOT-2P except for diameter and capacity. (Modes 1, 2, 3, 4, 5.)
10511-M	DOT-E 10511	Schlumberger Technology Corporation, Houston, TX.	49 CFR 173.304	To authorize shipment of Sulfur Hexafluoride classed as a nonflammable gas in a non-DOT specification device contained in a specially designed shipping vessel. (Modes 1, 2, 3, 4, 5.)
10798-M	DOT-E 10798	Olin Corp., Stamford, CT	49 CFR 174.67 (i) and (j)	Authorizes tank cars, containing chlorine, to remain standing with unloading connections attached when no product is being transferred. (Mode 2.)
10974-M	DOT-E 10974	International Paper, Erie, PA.	49 CFR 174.67 (i) and (j)	Authorizes tank cars, containing chlorine, to remain standing with unloading connections attached when no product is being transferred. (Mode 2.)
11055-M	DOT-E 11055	Environmental Transport Systems, Inc., Fargo, ND.	49 CFR 173.226(C), 174.81, 176.83, 177.848, Part 172, Subpart E.	Authorizes the transportation of specifically identified hazardous materials that meet criteria for Division 6.1, PG I, Hazard Zone A in combination packages and provides relief from certain labeling and segregation requirements. (Modes 1, 2, 3.)
11244-M	DOT-E 11244	Aerospace Design & Development, Inc., Niwot, CO.	49 CFR 173.316(c), 178.57.	Authorizes manufacture, marking and sale of non-DOT specification titanium alloy cylinders for transportation of air, refrigerated liquid. (Mode 1.)
11248-M	DOT-E 11248	Hazmatpac, Houston, TX	49 CFR 173.3(a), 175.3, 177.848(b), 49 CFR 172 Subpart E & Subpart F, and Subpart H, Part 173, Subpart D, Subpart E, Subpart F.	Authorizes the manufacture, mark and sale of specially designed combination type packaging for transporting certain hazardous materials without required labelling and placarding in limited quantities. (Modes 1, 2, 3, 4, 5.)
11262-M	DOT-E 11262	Caire, Inc., Burnsville, MN	49 CFR 173.316(c) (2), 175.3, 178.57-8(c).	Authorizes the manufacture, marking and sale of a non-DOT specification cylinder comparable to DOT Specification 4L to be used for the transportation of oxygen. (Mode 1.)
11344-M	DOT-E 11344	Dupont SHE Excellence Center, Wilmington, DE.	49 CFR 174.67(i) and (j) ..	Authorizes tank cars, containing acetic acid, glacial, to remain standing with unloading connections attached when no product is being transferred, provided that a minimal level of monitoring is maintained. (Mode 2.)
11380-M	DOT-E 11380	Western Atlas Logging Services Houston, TX.	49 CFR 173.34(d), 178.37-13, 178.37-15, 178.37-5.	Authorizes the transportation of certain compressed hydrocarbon gases in non-DOT specification cylinders. (Modes 1, 2, 3, 4.)
11489-M	DOT-E 11489	TRW Vehicle Safety Systems, Queen Creek, AZ.	49 CFR 172.320, 173.56(b).	Authorizes the transportation by private carriage, of certain unapproved or unidentified items as approved, air bag inflators or air bag modules or seat belt pretensioners or seat belt modules as Division 1.4C explosives articles. (Mode 1.)
11512-M	DOT-E 11512	Alaska Eskimo Whaling Commission (AEWC), Barrow, AK.	49 CFR 172.101, Column (9B), 175.30.	Authorizes the transportation of approximately 150 pounds of black powder, Division 1.1D, by cargo aircraft only. (Mode 4.)
11512-M	DOT-E-11512	Alaska Eskimo Whaling Commission, Barrow, AK.	49 CFR 172.101, Column (9B), 175.30.	Authorizes the transportation of approximately 150 pounds of black powder, Division 1.1D, by cargo aircraft only. (Mode 4.)
11536-M	DOT-E 11536	Huges Space & Communications Co., Los Angeles, CA.	49 CFR 173.159, 173.302, 173.304, 173.62.	Authorizes the transportation of a spacecraft in a special sealed packaging (shipping container). The spacecraft contains Division 2.2 gases and Class 8 corrosive liquids in non-DOT specification packagings and limited quantities of Division 1.4S explosives secured within the spacecraft. (Mode 4.)
11580-M	DOT-E 11580	The Columbi ana Boiler Co., Columbiana, OH.	49 CFR 173.158(b) (g) & (h), 173.192(a), 173.201, 173.202, 173.203, 173.226, 173.227, 173.336, 173.40(a).	To authorize the manufacture, mark and sale of non-DOT specification stainless steel cylinders comparable to DOT Specification 4BW to be used for the transportation of various hazardous materials. (Modes 1, 2, 3, 4, 5.)
11725-M	DOT-E 11725	Swales Aerospace, Beltsville, MD.	49 CFR 173.301, 173.302(a), 173.304(a) (2), 173.34(d), 173.40, 175.3.	To authorize the transportation in commerce of certain non-DOT specification containers containing certain Division 2.1, 2.2, and 2.3 liquefied and compressed gases. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11787-M	DOT-E 11787	Bayer Corp., Pittsburgh, PA.	49 CFR 173.226(b)(1)	To authorize the emergency transportation of Toxic liquid, flammable, organic n.o.s. Division 6.1, PIH, Zone A material in 6HA1 drums that have not been hydrostatic tested to 80 psig. (Modes 1, 2.)
11799-M	DOT-E 11799	Cryonix, Inc., Rockville, MD.	49 CFR 173.196	To authorize the transportation in commerce of alternative secondary packaging consisting of heat sealed, plastic sleeve, packed in small quantities with absorbent material to be transported inside commercial freezer, for use in transporting Infectious substances, Division 6.2. (Mode 1.)
11836-M	DOT-E 11836	HCI USA Distribution Companies, Inc., Greensboro, NC.	49 CFR 173.203, 173.24 ..	To authorize the emergency transportation of polyethylene drums for use in transporting non-bulk quantities of ammonia solutions, Class 8. (Mode 1.)
11856-M	DOT-E 11856	Olin Corporation, Chandler, AZ.	49 CFR 173.304(a) (2), 173.34(d), 175.3.	To authorize the emergency transportation in commerce of a satellite system containing Division 2.3 and Class 8 materials. (Modes 1, 4.)
11888-M	DOT-E 11888	Day & Zimmerman, Inc. Parsons, KS.	49 CFR 172.101	Request for an emergency exemption in order to transport an explosive 1.1A in a solution of ethanol and water. (Mode 1.)
11902-M	DOT-E 11902	Eurotainer USA, Inc., Somerset, NJ.	49 CFR 173.225(e) (3)(c)	Request for an emergency exemption from 173.225(e)(3)(c) concerning portable tank pressure relief device setting and capacity requirements for certain organic peroxides. (Modes 1, 2, 3.)
11932-M	DOT-E 11932	PEPCO Manufacturing Co., Inc., Portland, OR.	49 CFR 172.101(i) (3)	To authorize the transportation in commerce of oxygen generators in passenger service units in bulk non-DOT specification packaging. (Mode 1.)
11937-M	DOT-E 11937	Puritan-Bennett Aero Systems Co., Lexena, KS.	49 CFR 172.102(c) (1)	To authorize the transportation in commerce of an oxygen generator, chemical, with one of the two positive means of preventing unintentional actuation of generator consisting of a packaging feature. (Modes 1, 2, 3, 4.)
11955-M	DOT-E 11955	Scott Aviation, Lancaster, NY.	49 CFR 172.102(c)	To authorize the emergency transportation in commerce oxygenators which utilize which utilize special packaging as secondary means of preventing actuation. (Modes 1, 2, 3, 4.)
11988-M	DOT-E 11988	COFAP of America, Inc, Dayton, OH.	49 CFR parts 100-180 except as provided in the exemption.	Request for an emergency exemption to manufacture, mark and sell shock absorbers and struts containing non-flammable gas as accumulators. (Modes 1, 2, 3, 4, 5.)

New Exemptions

9743-N	DOT-E 9743	Allied-Signal, Inc., Morristown, NJ.	49 CFR 173.420(a) (2)	To authorize shipment of uranium hexafluoride classed as radioactive material in cylinders not manufactured in accordance with ANSI N14.1-1982 standard. (Modes 1, 2, 3.)
10664-N	DOT-E 10664	EFIC Corporation, San Jose, CA.	49 CFR 173.302(a) (1), 173.304(a) (1), 175.3.	To manufacture, mark and sell fully overwrapped high pressure cylinders consisting of aluminum liners overwrapped in carbon and glass fibers for transportation of nonliquified compressed gases. (Modes 1, 2, 3, 4, 5.)
10915-N	DOT-E 10915	Luxfer Gas Cylinders—Composite Cylinder Division, Riverside, CA.	49 CFR 173.302(a) (1), 173.304(a) (d), 175.3.	To authorize the manufacture, mark and sell of non-DOT specification fiber reinforced plastic cylinders built to DOT FRP-1 standard for use in transporting various flammable and non-flammable gases. (Modes 1, 2, 3, 4, 5.)
10945-N	DOT-E 10945	Structural Composites Industries, Pomona, CA.	49 CFR 173.302(a), 173.304(a), 175.3.	To authorize the manufacture, mark and sale of non-DOT specification fiber reinforced plastic full composite cylinders constructed of seamless 6061-T6 aluminum pressure vessel fully overwrapped with filament windings for use in transporting various material classed as flammable and non-flammable gases, Class 2. (Modes 1, 2, 3, 4, 5.)
11194-N	DOT-E 11194	Carleton Technologies Inc., Glen Burnie, MD.	49 CFR 173.304(a), 175.3, 49 CFR 173.302(a).	To authorize the manufacture, mark and sell of non-DOT specification fiber reinforced plastic full composite cylinder for shipment of certain Division 2.1 and 2.2 gases. (Modes 1, 2, 3, 4, 5.)
11443-N	DOT-E 11443	Hercules Inc., Wilmington, DE.	49 CFR 173.225(e)	To authorize the transportation of Division 5.2 organic peroxides in intermediate bulk containers equipped with the same pressure release system as DOT-57 portable tanks. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11465-N	DOT-E 11465	Monsanto Co., St. Louis, MO.	49 CFR 173.240(c)	To authorize the transportation in commerce of solid hazardous waste, Class 9, to be transported in non-DOT specification bulk fiberboard boxes. (Mode 1.)
11559-N	DOT-E 11559	Japan Oxygen, Inc., Long Beach, CA.	49 CFR 173.318	To authorize the transportation of non-DOT specification insulated cargo tanks for use in transporting helium, Division 2.2. (Modes 1, 3.)
11578-N	DOT-E 11578	General Alum & Chemical Co., Searsport, MA.	49 CFR 174.67(j)	To authorize tank cars to remain connected during unloading process of sulfuric acid without the physical presence of an unloader. (Mode 2.)
11592-N	DOT-E 11592	Amtrol Inc., West Warwick, RI.	49 CFR 173.306(g)	To authorize an alternative design equation in the manufacture, market and sale of cylinders of deep-draw dome design for use in transporting compressed air or compressed nitrogen. (Modes 1, 2, 3.)
11606-N	DOT-E 11606	Safety-Kleen Corp., Elgin, IL.	49 CFR 173.28(b) (2)	To authorize the transportation in commerce of re-used non-DOT specification steel drums to ship waste combustible liquid and tetrachloroethylene sludges. (Mode 2.)
11613-N	DOT-E 11613	Solutia Inc., St. Louis, MO	49 CFR 174.67(i)	To authorize rail cars to remain connected during entire unloading process without the physical presence of an unloader. (Mode 2.)
11621-N	DOT-E 11621	Aerojet Industrial Products, North Las Vegas, NV.	49 CFR 172.101(i), 173.301(h), 173.302(a), 173.34(e).	To authorize the manufacture, mark and sale of non-DOT Specification cylinders as permanently mounted equipment for use in transporting non-liquefied compressed gases Division 2.2 (Mode 1.)
11654-N	DOT-E 11654	Hoechst Celanese Corp., Dallas, XT.	49 CFR 172.203(a), 173.31(c) (1), 179.13, Appendix B to Subpart B, Par. (2),.	To authorize the transportation in commerce of certain class 3 material in DOT 105J tank cars with a maximum gross weight greater than 184,000. (Mode 2.)
11662-N	DOT-E 11662	FIB Technologies, Inc, Westboro, MA.	49 CFR 173.304(a) (2)	To authorize the transportation in commerce of hexafluorethane, Division 2.2, in DOT-3T 2400 cylinders. (Mode 1, 2, 3.)
11668-N	DOT-E 11668	Allied-Signal, Inc., Morristown, NJ.	49 CFR 173.420(2) (d)	To authorize the one time shipment of space defective Model 48 OM cylinder containing uranium hexafluoride, Class 7. (Mode 1.)
11692-N	DOT-E 11692	SCM Technologies, Tilbury, ON.	49 CFR 173.301, 173.302, 173.304, 175.3, 178.45.	To authorize the manufacture, mark and sale of a non-DOT specification cylinder similar to DOT 3T, except with a lower minimum allowable wall thickness for use in transporting certain Division 2.1, 2.2, and 2.3 material. (Modes 1, 2, 3, 4.)
11701-N	DOT-E 11701	Dept. of Defense, Falls Church, VA.	49 CFR 173.34(e) (13)(i) & (iii).	To provide for a 3-year hydrostatic pressure test and to extend the life of non-DOT specification cylinders used in the missile program to 30 years. (Modes 1, 2, 4.)
11721-N	DOT-E 11721	The Coleman Co., Inc., Wichita, KS.	49 CFR 178.65-4(c) (1)	To authorize the elimination of 100% internal visual inspection of cylinders for use in transporting Division 2.1 material. (Modes 1, 2, 3, 4.)
11768-N	DOT-E 11768	Flotec Inc., Indianapolis, IN.	49 CFR 173.302(a) (5)(1)	To authorize the transportation in commerce of oxygen, Division 2.2, in aluminum cylinders equipped with specially designed aluminum valves. (Mode 1.)
11773-N	DOT-E 11773	West Coast Air Charter, Ontario, CA.	49 CFR 171.11, 172.101, 172.204(c) (3), 173.27, 175.30(a) (1), 175.320(b), Part 107, Appendix B.	To authorize the transportation of Class 1 explosives presently forbidden or in quantities greater than those authorized for shipment by air. (Mode 4.)
11780-N	DOT-E 11780	Hewlett-Packard Co., Washington, DC.	49 CFR 173.304(a) (2), 175.3.	To authorize the transportation in commerce of certain x-ray systems containing sulfur hexafluoride, Division 2.2. (Modes 1, 2, 3, 4, 5.)
11786-N	DOT-E 11786	Dow Corning Corp., Midland, MI.	49 CFR 174.67(i) & (j)	To authorize tank cars to remain connected during unloading of various hazardous materials without the physical presence of an unloader. (Mode 2.)
11800-N	DOT-E 11800	General Fire Extinguisher Corp., Northbrook, IL.	49 CFR 173.309	To authorize the transportation in commerce of fire extinguishers, that exceed quantity limitation, for use in transporting liquefied compressed gas. (Modes 1, 2, 3, 4, 5.)
11808-N	DOT-E 11808	Trinity Industries, Inc., Dallas, TX.	49 CFR 179.300-19(a)	To authorize the foreign inspection of certain multi-unit tank cars (one ton containers) manufactured in Mexico for use in transporting chlorine. (Mode 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11814-N	DOT-E 11814	The Columbiana Boiler Co., Columbiana, OH.	49 CFR 178.245	To manufacture, mark and sell non-DOT specification steel portable tanks permanently fitted within an ISO frame similar to DOT-51 portable tanks for use in transporting those hazardous materials as authorized in DOT-Specification 51 portable tanks. (Modes 1, 2, 3.)
11824-N	DOT-E 11824	The Dow Chemical Co., Freeport, TX.	49 CFR 172.203(a), 172.302(c), 180.509(6) (e).	To authorize the use of alternative testing method for tank car structural re-certification, extend the internal visual tank and service equipment inspection cycle to 15 years and provide relief from the shipping paper and marking requirements. (Mode 2.)
11825-N	DOT-E 11825	Bevill Meter Service, Homer, LA.	49 CFR 173.304, 173.315	To authorize the transportation of a non-DOT specification container described as a meter prover for use in transporting various hydrocarbon products. (Mode 1.)
11834-N	DOT-E 11834	Ashland Chemical Co., Dublin, OH.	49 CFR 173.173, 173.202	To authorize the transportation of Division 3 and 5.1 material in UN 1A2/Y1.4/100 openhead steel drums as part of a mechanical application system. (Modes 1, 2.)
11839-N	DOT-E 11839	Williams Field Services, Opal, WY.	49 CFR 177.834(i)	To authorize loading of cargo tank containing Class 3 and Division 2.1 material without the physical presence of an unloader. (Mode 1.)
11850-N	DOT-E 11850	Air Transportation Association & Members, Washington, DC.	49 CFR 173.34(e)	To provide for an alternative testing method for DOT-Specification 4DA and 4DS cylinders used as components of aircraft systems. (Modes 4, 5.)
11859-N	DOT-E 11859	Carleton Technologies Inc., Orchard Park, NY.	49 CFR 178.65	To authorize the manufacture, mark and sale of non-DOT specification cylinders as part of a gas bottle system consisting of two cylindrical/spherical halves fabricated from stainless steel for use in transporting Division 1.4S material. (Modes 1, 2, 3.)
11860-N	DOT-E 11860	GATX, Chicago, IL	49 CFR 173.31(b)(3)	To authorize the transportation in commerce of DOT111A60ALW-2 aluminum tank cars without head shields to be used in transporting hydrogen peroxide, Division 5.1. (Mode 2.)
11865-N	DOT-E 11865	ACCU Conversion, Inc., City of Industry, CA.	49 CFR 174.67(i)&(j)	To authorize rail cars containing Class 8 and Division 5.1 material to remain connected during loading and unloading operations without the physical presence of an unloader. (Mode 2.)
11866-N	DOT-E 11866	Sea-Land Service, Inc., Charlotte, NC.	49 CFR 176.905	To authorize transportation in commerce of cars and other motor vehicles, with batteries connected with some fuel in the fuel tank with required ventilation of each hold or compartment of a vessel. (Mode 3.)
11871-N	DOT-E 11871	Biotech Research Laboratories, Rockville, MD.	49 CFR 173.196, 178.609	To authorize the transportation in commerce of infectious clinical samples and various other biological fluids in mechanical freezers. (Mode 1.)
11873-N	DOT-E 11873	Incendere Inc., West Chester, PA.	49 CFR 172.101, 172.101(8).	To authorize the transportation in commerce of regulated medical waste in plastic bags in non-DOT specification steel roll-off containers as outer packaging (Mode 1.)
11879-N	DOT-E 11879	Cardone Industries, Inc., Philadelphia, PA.	49 CFR 100-180	To authorize the manufacture, mark, and sale of certain shock absorbers and struts, containing a Division 2.2 material for transportation in commerce as accumulators, not subject to the Hazardous Materials Regulations. (Modes 1, 2, 3, 4, 5.)
11880-N	DOT-E 11880	International Catalyst Corp., Loydminister, CN.	49 CFR 173.241, 173.242	To authorize the transportation in commerce of Division 4.2 material in modified covered hopper railcars. (Mode 2.)
11886-N	DOT-E 11886	Standard Chlorine of Delaware, Inc., Delaware City, DE.	49 CFR 173.213(c)	To authorize the transportation in commerce of Environmentally Hazardous Substance, Solid n.o.s., Class 9, in 5M1 bags. (Mode 1.)
11891-N	DOT-E 11891	Aldrich Chemical Co., Milwaukee, WI.	49 CFR 171 to 178	To authorize the one-time transportation in commerce of certain hazardous materials in various classes and divisions, contained in specific type packagings, as essentially non-regulated. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11892-N	DOT-E 11892	Van Vool HV, B-2500 Lier, Koningshooikt, BE.	49 CFR 178.245, Part 173	To authorize the manufacture, mark and sale of non-DOT specification steel portable tanks, similar to DOT-51 steel portable tanks, permanently fitted within an ISO frame for use in transporting those hazardous material authorized in a DOT-51. (Modes 1, 2, 3.)
11900-N	DOT-E 11900	Osmose Wood Preserving, Inc., Buffalo, NY.	49 CFR 173.4(a) (1)(iii)	To authorize the transportation in commerce of methylisothiocyanate, Division 6.1 in containers which exceed the quantity limitations authorized by the small quantity exceptions. (Mode 1.)
11912-N	DOT-E 11912	Florida Power Light, Jensen Beach, FL.	49 CFR 173.403, 173.427	To authorize the transportation in commerce of steam generators to be classified as surface contaminated objects and transported in non-specification packaging. (Mode 2.)
11926-N	DOT-E 11926	The Dow Chemical Co., Midland, MI.	49 CFR 173.221	To authorize the transportation in commerce of polystyrene beads, expandable, Class 9, in UN1H2 plastic drums not to exceed 200 pounds. (Modes 1, 2, 3, 4.)
11903-N	DOT-E 11903	Comptank Corporation, Ontario, CN.	49 CFR 107.503(b), 172.102(c) (3), SP B15, B23, B30, B32, 173.241, 173.242, 173.243, 178.340, 178.342, 178.343, 180.405, 180.413(d).	To authorize the use of non-DOT specification cargo tanks manufactured from glass fiber reinforced plastics for use in transporting various hazardous materials classed as Division 6.1, Class 3, 8 or 9. (Mode 1.)
11910-N	DOT-E 11910	San Esters Corp., New York, NY.	49 CFR 172.102(c) (7)(i), T15.	To authorize the transportation in commerce of allyl methacrylate, Division 6.1, in IMO Type 1 tanks with a minimum test pressure of 4 bar, equipped with prohibited bottom outlets. (Modes 1, 3.)
11933-N	DOT-E 11933	The Columbiana Boiler Co., Columbiana, OH.	49 CFR 173.3, 173.304	To authorize the manufacture, mark and sale of a non-DOT specification cylinder (pressure vessel) for the transportation in commerce of chlorine, Division 2.3. (Modes 1, 2, 3.)

Emergency Exemptions

EE 11826-N	DOT-E 11826	MG Industries-Gas Technology & Services Group, Morrisville, PA.	49 CFR 173.302(a) (5)	To authorize the transportation in commerce of DOT-3AL aluminum cylinders for use in transporting various mixtures of gases. (Modes 1, 2, 3, 4.)
EE 11902-N	DOT-E 11902	Eurotainer USA, Inc., Somerset, NJ.	49 CFR 173.225(e) (3)(c)	Request for an emergency exemption from 173.225(e)(3)(c) concerning portable tank pressure relief device setting and capacity requirements for certain organic peroxides. (Modes 1, 2, 3.)
EE 11931-N	DOT-E 11931	Mine Safety Appliances Co., Pittsburgh, PA.	49 CFR 172.101, SP 60 ...	To authorize the transportation of personal breathing apparatus without two independent means of preventing actuation. (Modes 1, 2, 3, 4.)
EE 11932-N	DOT-E 11932	PECO, Portland, OR	49 CFR 172.101(i) (3)	To authorize the transportation in commerce of oxygen generators in passenger service units in bulk non-DOT specification packaging. (Mode 1.)
EE 11937-N	DOT-E 11937	Puritan-Bennett Aero Systems Co., Lexena, KS.	49 CFR 172.102(c) (1)	To authorize the transportation in commerce of an oxygen generator, chemical, with one of the two positive means of preventing unintentional actuation of generator consisting of a packaging feature. (Modes 1, 2, 3, 4.)
EE 11949-N	DOT-E 11949	Drager Aerospace Oxycrew (PBE), Lubeck, GE.	49 CFR 172.102(c) (1), SP 60.	To authorize the transportation in commerce of protective breathing equipment (PBE), containing chemical oxygen generators which utilize special integra packaging as a secondary means of preventing actuation. (Modes 1, 2, 3, 4.)
EE 11951-N	DOT-E 11951	Van Waters & Rogers, Inc, Anchorage, AK.	49 CFR 172.101 col. 9(b)	Emergency exemption request from the quantity limitation per package provisions, concerning hypochlorite solutions, which limits the quantity per package to 60 L on cargo aircraft only. The request states that this would be a one-time shipment of the material in quantities of 53 gallons net product per package. (Mode 4.)
EE 11952-N	DOT-E 11952	Department of Defense (DOD), Falls Church, VA.	49 CFR 173.306(a)	To authorize the emergency transportation in commerce of specially designed packaging consisting of a cylinder containing less than 7.22 cubic inches of nitrogen, compressed, Division 2.2 overpacked in container weighing approximately 89 pounds. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 11955-N	DOT-E 11955	Scott Aviation, Lancaster, NY.	49 CFR 172.102(c)	To authorize the emergency transportation in commerce oxygen genators which utilize speical packaging as secondary means of preventing actuation. (Modes 1, 2, 3, 4.)
EE 11956-N	DOT-E 11956	Scott Aviation, Lancaster, NY.	49 CFR 172.102(c) (1)	To authorize the emergency transportation in commerce of protective breathing equipment (PBE), containing chemical oxygen generators which utilize special packaging as a secondary means of preventing actuation. (Modes 1, 2, 3, 4.)
EE 11958-N	DOT-E 11958	Nucor Steel, Darlington, SC.	49 CFR 173.24b(d) (2)	To authorize the emergency transportation in commerce of Hazardous Waste Solid, n.o.s. in a hopper type rail car. (Mode 2.)
EE 11959-N	DOT-E 11959	Nucor Steel, Mount Pleasant, SC.	49 CFR 173.24b(d) (2)	Request for an emergency exemption to authorize the movement of a hopper type rail car overloaded with hazardous waste solid. (Mode 2.)
EE 11960-N	DOT-E 11960	Russell-Stanley Corp. Red Bank, NJ.	49 CFR 172.101, 173.201	Request for an emergency exemption to transport material in drums that are not marked with the correct UN performance rating. (Mode 1.)
EE 11961-E	DOT-E 11961	Vulcan Chemicals, Birmingham, AL.	49 CFR 173.24(b), 173.31(b) (1)(3), 179-300-12(b), 179.300-13, 179.300-14.	Request for an emergency exemption to transport of a one ton tank container with chlorine. The tank has leakage around one of the product valves and is equipped with a B kit. The tank will be moved approximately 200 miles in order to determine why the leak developed. (Mode 1.)
EE 11962-N	DOT-E 11962	Bayer Corp., Pittsburgh, PA.	49 CFR 173.212	Bayer is requesting an emergency exemption to transport pure sodium in a chemical process vessel (accumulator). (Mode 1.)
EE 11964-N	DOT-E 11964	Matec, Inc., Lake Oswego, OR.	49 CFR 173.158	MATEC, INC. is requesting an emergency exemption to permit 60 drums of 70% nitric acid to be transported from Portland Oregon to Eugene Or. The drums are not authorized to be used under 49 CFR. (Mode 1.)
EE 11969-N	DOT-E 11969	Advanced Environmental Technical Services, Flanders, NJ.	49 CFR 173.304(a) (2)	Request for an emergency exemption to permit the transportation of anhydrous ammonia in cylinders that are not authorized for anhydrous ammonia. (Mode 1.)
EE 11973-N	DOT-E 11973	UXB International, Ashburn, VA.	49 CFR 173.3, 173.320, 173.54, 173.56, 173.57.	Request for an emergency exemption to transport materials (including waste explosives) in packaging that is not authorized for the material. (Mode 1.)
EE 11974-N	DOT-E 11974	Laidlaw Environmental Services, Columbia, SC.	49 CFR 173.21	Request for an emergency exemption to transport a forbidden material from Illinois to Nebraska. (Mode 1.)
EE 11975-N	DOT-E 11975	Solutia, Inc., St. Louis, MO.	49 CFR 172.101, special provision B59, 173.242.	Request for an emergency exemption to transport phosphorus pentasulfide in a water-tight, sift-proof closed top metal hopper truck. (Mode 1.)
EE 11978-N	DOT-E 11978	Radian International Research, Triangle Park, NC.	49 CFR 172.202, 172.203, 172.301.	Request for an emergency exemption for the one-time shipment of approximately 1,700 chemicals using generic proper shipping names without the technical names associated with the general description. (Mode 1.)
EE 11979-N	DOT-E 11979	InLiner USA, Houston, TX	49 CFR 173.242	To authorize the emergency one-time transportation in commerce of resin solution, injected into a polyester felt liner configuration which is shipped in a refrigerated trailer containing dry ice to maintain temperature control. (Mode 1.)
EE 11985-N	DOT-E 11985	Shell Chemical Co., Lakeland, FL.	49 CFR 173.242	Request for the one-time transportation of a tank containing solid sulphuric acid to a disposal site. (Mode 1.)
EE 11986-N	DOT-E 11986	DOD/MTMC, Falls Church, VA.	49 CFR 176.136 (a) and (b).	Request for emergency exemption to authorize the stowage of Division 1.2, comp. group L explosives in a freight container below deck aboard large, med. speed rollon/roll off vessels. (Mode 3.)
EE 11988-N	DOT-E 11988	COFAP of America, Inc., Dayton, OH.	49 CFR parts 100-180 except as provided in the exemption..	Request for an emergency exemption to manufacture, mark and sell shock absorbers and struts containing non-flammable gas as accumulators. (Modes 1, 2, 3, 4, 5.)
EE 11989-N	DOT-E 11989	DOD/MTMC, Falls Church, VA.	49 CFR 172.504, 172.504, 176.83(9b), 176.83(9b), 176.83(9d), 176.83(9d), 176.83(9f).	Request for an emergency exemption from segregation requirements aboard vessels for explosive materials. (Mode 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 11911-N	DOT-E 11991	Cabot Performance Materials.	49 CFR 174.427	Request for an emergency exemption to transport containers that have leaks to be shipped back to their origin for reprocessing, in order to prevent significant injury to persons or property. (Modes 1, 2.)
EE 11995-N	DOT-E 11995	Stolt Nielsen, Houston, TX	49 CFR Special Provision T15.	Request for an emergency exemption to permit the movement of an intermodal tank container of toxic liquid flammable. The tank is not authorized under 49 CFR. (Mode
EE 11996-N	DOT-E 11996	Van Waters & Rogers, Carencro, LA.	49 CFR 173.24, 173.304, 173.34.	Request for an emergency exemption to transport a cylinder containing sulfur dioxide with an emergency capping kit (Kit A) applied. (Mode 1.)
EE 11997-N	DOT-E 11997	Howard Industries, Columbus, OH.	49 CFR 171.2, 173.212(a)	Request for an emergency exemption to use packagings that are not authorized to transport lithium hydroxide. (Mode 1.)
EE 11998-N	DOT-E 11998	Safety-Kleen Oil Recovery, East Chicago, IN.	49 CFR 172.102, SP B74	To authorize the emergency transportation of seventeen (17) DOT Specification 105J200W tank cars transporting RQ Waste Toxic Liquids, corrosive, Inorganic, n.o.s., Division 6.1 and Class 8, Poison Inhalation hazard zone B not meeting SP B74. (Mode 2.)
EE 12006-N	DOT-E 12006	Delta Chemical Corp., Baltimore, MD.	49 CFR 173.24(b), 173.31, 179.300-12(b), 179.300-13, 179.300-14.	Request to transport a leaking chlorine one ton container equipped with an emergency kit "b". (Mode 1.)
EE 12007-N	DOT-E 12007	Soils Chem. Corp., Hollister, CA.	49 CFR 173.40	Request for packaging not authorized for Chloropicrin (Mode 1.)
EE 12008-N	DOT-E 12008	ASARCO Inc., New York, NY.	49 CFR 173.31(a) (3), 180.509(c) (3)(iii).	To authorize the emergency transportation of Corrosive Liquid, n.o.s., Class 8, in rubber lined tank cars. (Mode 2.)
EE 12009-N	DOT-E 12009	Drug Enforcement Administration, Washington DC.	49 CFR 173.304	Request for an emergency exemption to transport anhydrous ammonia in cylinders that are not authorized or exceed the maximum storage density. (Mode 1.)
EE12012-N	DOT-E 12012	Waste Management Federal Services, Richland, WA.	49 CFR 173.24(b), 179-300-12(b), 179.300-13(a), 179.300-14.	Request for emergency exemption to transport sulfuric acid in tank cars for a period of 90 days beyond the period of tank test requirements. (Mode 1.)
EE12016-N	DOT-E 12016	Cytec Industries, Inc., West Patterson, NJ.	49 CFR 1	Request for emergency exemption to transport sulfuric acid in tank cars for a period of 90 days beyond the period of tank test requirements. (Mode 2.)
EE12017-N	DOT-E 12017	A.H. Marks, West Yorkshire, England.	49 CFR 172.102(c) (7)(i) ..	Request for emergency exemption to permit the one-time shipment of a 6.1 material in an IM 101 portable tank equipped with bottom outlets. (Mode 1.)
EE12019-N	DOT-E 12019	Lockheed Martin Skunk Work, Palmdale, Ca.	49 CFR 173.62	To authorize one-time transportation in commerce of an explosive device installed into a guided missile test vehicle. The device is installed in such a way that it cannot be removed at this stage of assembly. (Mode 1.)

DENIALS

10020-M	Request by Allwaste, Inc. Houston, TX to authorizes the use of a non-DOT specification roll-on/roll-off container, for transportation of Class 8 solids denied September 17, 1997.
11579-M	Request by Dyno Nobel Inc. Salt Lake City, UT to authorize the transportation in commerce of certain Class 8 acidic material on the same motor vehicle with Division 1.5D explosives denied November 26, 1997.
11748-N	Request by Frank W. Hake Associates Memphis, TN to authorize the transportation in commerce of steam generators from pressurized water nuclear power plants without the use of overpack denied October 15, 1997.
11816-N	Request by The Scotts Co. Marysville, OH to authorize the transportation in commerce of certain hazardous materials across a public road, from one part of a plant to another, as essentially not subject to the hazard communication requirements in Part 172 denied December 11, 1997.
11823-N	Request by Dyno Nobel Inc. Salt Lake City, UT to authorize the emergency transportation of explosive components to a waste disposal site denied November 12, 1997.
11843-N	Request by Shell Chemical Co. Houston, TX to authorize an exemption from the requirement to modify, reassign, retire, or remove at least 50 percent of in-service tank car fleet used for the transportation of a hazardous substance denied August 19, 1997.
11943-N	Request by ICI Americas Inc. Wilmington, DE to authorize the transportation of co-loading of materials meeting Packing Group III toxic (poison) class, bearing "harmful—keep away from food" labels denied August 1, 1997.

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11653-N	Phillips Petroleum Co., Bartlesville, OK.	49 CFR 174.9	To authorize the transportation in commerce of a empty tank car with defective heater coils (PSPX 517) last contained a Class 8 material. (Mode 2.)
11671-N	Matheson Gas Products, Secaucus, NJ.	49 CFR 172.101, Col (9B)	To authorize the transportation in commerce of arsine and phosphine, Division 2.3 in DOT specification cylinders by cargo only aircraft. (Mode 4.)
11678-N	Air Transport Association, Washington, DC.	49 CFR 172.200, 172.201, 172.202, 172.203, 172.204, 172.300, 172.301, 172.415, 172.600-604, 173.29 & 175.33.	To authorize the transportation in commerce of DOT approved cylinders, not to exceed 7.5 cu. ft., used in connection with calibration devices for alcohol testing units for flight crews, containing Division 2.2 material to be transported without required marking, labelling, shipping paper, and notification of pilot in command. (Modes 4, 5.)
11830-N	North Coast Container Corp., Cleveland, OH.	49 CFR 178.3(a)(5), 178.503(a)(10).	To authorize the transportation of 55 gallon full removable head and non-removable head steel drums with alternative markings. (Mode 1.)
11852-N	McKenzie Tank Lines, Inc., Tallahassee, FL.	49 CFR 173.315(A) Note 24 ...	To authorize transportation in commerce of methylamine, anhydrous, Division 2.1, in MC330 and 331 cargo tanks and the manufacture, mark and sale of new 331 cargo tanks that do not meet the container specification requirements. (Mode 1.)
11869-N	Driscoll Children's Hospital, Corpus Christi, TX.	49 CFR 172.101 9(a)	To authorize the transportation in commerce of nitric oxide, Division 2.3, with a subsidiary risk of Division 5.1 and Class 8 in aluminum cylinders weighing no more than 11 lbs. for use as part of a emergency medical transport of critically ill newborns and infants care system. (Mode 5.)
11940-N	Dept of Defense, Falls Church, VA.	49 CFR 172.301	DOD requests an emergency exemption to transport boxes containing 1.4S materials inadvertently marked with the incorrect shipping name. (Mode 1.)

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33407]

Dakota, Minnesota & Eastern Railroad Corporation—Construction and Operation of New Rail Facilities in Campbell, Converse, Niobrara, and Weston Counties, WY, Custer, Fall River, Jackson, and Pennington Counties, SD, and Blue Earth, Nicollet, and Steele Counties, MN

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of intent to prepare an environmental impact statement (EIS), request for comments on the proposed EIS scope, and notice of scoping meetings.

SUMMARY: On February 20, 1998, the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) filed an application with the Surface Transportation Board (Board) for authority to construct and operate new rail line facilities in east-central Wyoming, southwest South Dakota, and south-central Minnesota. The project involves a total new

construction of 280.9 miles of rail line. Additionally, DM&E proposes to rebuild 597.8 miles of existing rail line along its current system to standards acceptable for operation of unit coal trains. Because the construction and operation of this project has the potential to result in significant environmental impact, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. SEA will hold agency and public scoping meetings as part of the EIS process, at the dates and locations described below. The exact locations of the meetings will be advertised two weeks prior to the meeting dates.

Dates and Locations

Agency Scoping Meetings

April 29, 1998, Cheyenne, Wyoming 9-11 am
May 14, 1998, St. Paul, Minnesota 1-3 pm
June 17, 1998, Pierre, South Dakota 9-11 am

Public Scoping Meetings

April 29, 1998, Wright, Wyoming 4-7 pm
April 30, 1998, Edgemont, South Dakota 4-7 pm
May 1, 1998, Hot Springs, Wyoming 4-7 pm
May 12, 1998, Mankato, Minnesota 4-7 pm
May 13, 1998, Rochester, Minnesota 4-7 pm
June 16, 1998, Wall, South Dakota 4-7 pm
June 17, 1998, Pierre, South Dakota 4-7 pm
June 18, 1998, Huron, South Dakota 4-7 pm

June 29, 1998, Brookings, South Dakota 4-7 pm
June 30, 1998, Springfield, Minnesota 4-7 pm

Both the agency and public scoping meetings will be informal meetings during which interested persons may ask questions about the proposal and the Board's environmental review process, and advise the Board's representative about potential environmental effects of the project. SEA will make available to the public a draft scope of the EIS before the first meeting. SEA will also provide time for the public to submit written comments on the draft scope. That period will run concurrently with the agency and public meetings. SEA will issue a final scope shortly after the final meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Rutson, SEA Project Manager, Powder River Basin Expansion Project, (202) 565-1545.

SUPPLEMENTARY INFORMATION:

Background

The proposed rail construction project, referred to as the Powder River Basin Expansion Project, would involve the construction and operation of 280.9 miles of new rail line by the Dakota,