

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 2, 1999.
Marilynne Jacobs,
Director, Office of Vehicle Safety Compliance.
 [FR Doc. 99-17311 Filed 7-7-99; 8:45 am]
BILLING CODE 4910-59-P

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 JANUARY-APRIL 1999. 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 June 3, 1999.

J. Suzanne Hedgepeth,
Director, Office of Hazardous Materials, Exemptions and Approvals.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
Modification Exemptions				
7708-M	DOT-E 7708	Pacific Scientific, (HTL/KIN-Tech Division) Durate, CA.	49 CFR 173.302(a), 173.3, 178.44.	To modify the exemption to allow for a design change and an increase in service pressure to 6300 psig of a non-specification high-pressure cylinder for shipment of a Division 2.2 material.
8009-M	DOT-E 8009	CP Industries, Inc., McKeesport, PA.	49 CFR 173.301(d) (2), 173.302 (a) (3), 178.37-5.	To modify the exemption to authorize increased ultrasonic scanning speeds on DOT-3AAX cylinders (trailer tubes) made of 4130X steel, for CNG service, at the time of manufacturing.
8602-M	DOT-E 8602	MVE, Inc., New Prague, MN.	49 CFR 173.320	To modify the exemption to provide for alternative testing criteria to be consistent with cryogenic MC-338 cargo tanks.
9162-M	DOT-E 9162	Sun Pipe Line Company, Tulsa, OK.	49 CFR 173.119, 173.304, 173.315.	To modify the exemption to increase the capacity of a trailer equipped with a mechanical displacement meter prover to 153.50 gallons for the transportation of Class 3 or Division 2.1 materials.
9275-M	DOT-E 9275	Estee Lauder Company, Melville, NY.	49 CFR Parts 100-199	To modify the exemption to include flammable deodorant sticks reclassified as a consumer commodity which contain 78-78% ethyl alcohol authorized to be transported as essentially unregulated.
9421-M	DOT-E 9421	Taylor-Wharton Co., Harrisburgh, PA.	49 CFR 173.301(h), 173.302, 173.304, 173.34(a) (1), 175.3, 178.37.	To modify the exemption to authorize the use of ultrasonic inspection in lieu of hydrostatic pressure test and internal visual inspection of non-DOT specification cylinders for use in transporting certain Division 2.1, 2.2 gases and Division 6.1 materials.
9706-M	DOT-E 9706	Taylor-Wharton Co., Harrisburgh, PA.	49 CFR 173.301(h), 173.302, 173.304, 173.34 (a) (1), 175.3, 178.37.	To modify the exemption to authorize the use of ultrasonic inspection in lieu of hydrostatic pressure test and internal visual inspection of non-DOT specification cylinders for use in transporting certain Division 2.1, 2.2 gases and Division 6.1 materials.
9819-M	DOT-E 9819	Halliburton Energy Services, Inc., Duncan, OK.	49 CFR 173.119, 178.253, Part 173, Subpart F.	To modify the exemption to provide for cargo vessel as an additional mode of transportation for use in transporting Class 3 liquids and Class 8 liquids in non-DOT specification stainless steel portable tanks.
10047-M	DOT-E 10047	Taylor-Wharton Co., Harrisburgh, PA.	49 CFR 173.301(h), 173.302(a), 173.304, 173.34 (a) (1), 175.3, 178.37.	To modify the exemption to provide for ultrasonic inspection in lieu of hydrostatic pressure test and internal visual inspection of non-DOT specification cylinder used for transporting certain hazardous materials.
10066-M	DOT-E 10066	Conax Florida Corporation, St. Petersburg, FL.	49 CFR 173.304, 178.36	To modify the exemption to authorize the inflator assembly (P/N 1812-161-01) to be shipped as a separate item; use of a different description/classification for the inflator assembly.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10407-M	DOT-E 10407	TN Technologies, Inc., Round Rock, TX.	49 CFR 173.302, 175.3 ...	To modify the exemption to increase the water capacity of the non-DOT specification, stainless steel, radiation detection device, filled with a Division 2.2, nontoxic gas, from 30 cubic inches to 1000 cubic inches.
10458-M	DOT-E 10458	Marsulex, Inc., Sudbury, Ontario, CN.	49 CFR 174.67(j), Part 107, Appendix B, Sub- part B.	To modify the exemption to provide for Sulfur dioxide, Division 2.2 as an additional class of material for transportation in DOT Specification 111A100W2 tank cars.
11054-M	DOT-E 11054	Welker Engineering Com- pany, Sugar Land, TX.	49 CFR 178.36, Subpart C.	To modify the exemption to waive the requirement for inspection by an independent inspection agency by authorizing use of a competent manufacturer's inspector.
11270-M	DOT-E 11270	The Specialty Chemicals Div. of B.F. Goodrich Co., Cleveland, OH.	49 CFR 174.67 (i) & (j) ...	To modify the exemption to provide for unloading valves to remain open when rail cars are standing with unloading connections attached.
11380-M	DOT-E 11380	Baker Atlas (a division of Baker Hughes, Inc.), Houston, TX.	49 CFR 173.34(d), 178.37-13, 178.37-15, 178.37-5.	To modify the exemption to allow for several design changes of the non-DOT specification cylinder for the transportation of certain compressed hydrocarbon gases.
11447-M	DOT-E 11447	SAES Pure Gas, Inc., San Luis Obispo, CA.	49 CFR 173.187	To modify the exemption to include several design changes for the transportation of certain Division 4.1 & 4.2 materials in non-DOT specification packaging that exceed the maximum net quantity allowed per package.
11447-M	DOT-E 11447	SAES Pure Gas, Inc., San Luis Obispo, CA.	49 CFR 173.187	To modify the exemption to allow for a design change of the stainless steel pressure vessel; an increase of catalyst material not to exceed 8,000 pounds; increase of nickel content within the catalyst not to exceed 5,200 pounds.
11686-M	DOT-E 11686	Bridgeview, Inc., Morgan- town, PA.	49 CFR 171.8, 172.101(8.c), 173.197.	To modify the exemption to provide for several modifications to existing plastic bags.
11856-M	DOT-E 11856	Olin Corp/Motorola Corp ..	49 CFR 173.304(a)(2), 173.34(d), 175.3.	To modify the exemption to increase the satellite fuel tank capacity from 33 gallons to 35 gallons and to authorize rail freight as an additional mode of transportation for certain Division 2.3 and Class 8 materials.
11859-M	DOT-E 11859	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 178.65	To modify the exemption to authorize changes to the testing procedures and an additional configuration of the glass bottle system consisting of two cylindrical/spherical halves fabricated from stainless steel for use in transporting Division 1.4S material.
11916-M	DOT-E 11916	CP Industries, Inc., McKeesport, PA.	49 CFR 173.302(e) (2), (4) and (5), 173.34 (e) (1), (3) (4).	To modify the exemption to alter the Rejection Criteria for isolated pits and line corrosion for DOT-3AX and DOT-3AAX cylinders for the transportation in commerce of 2.1, 2.2 and 2.3 compressed gases.
12022-M	DOT-E 12022	Taylor-Wharton, Harris- burg, PA.	49 CFR 173.302(c) (2), (c)(3), (c)(4), (c)(5), 173.34(e) (1), (e)(1), (e)(3), (e)(4), (e)(8), 173.34(e) (14), (e)(15)(vi).	To modify the exemption to provide for alternative testing criteria of 3AA cylinders for use in transporting Division 2.1, 2.2 and 2.3 hazardous materials.
12162-M	DOT-E 12162	U.S. Department of De- fense, Falls Church, VA.	49 CFR 178.35, 178.36(e)(j).	To reissue the exemption originally issued on an emergency basis to use non-DOT specification containers for certain compressed gases.
12178-M	DOT-E 12178	STC Technologies, Inc., Bethlehem, PA.	49 CFR 173.301(e)(f), 173.304 (a) (1) and (a)(3).	To reissue the exemption originally issued on an emergency basis to use a non-DOT specification container for liquefied gas, flammable, n.o.s.
12200-M	DOT-E 12200	Autoliv ASP, Inc., Ogden, UT.	49 CFR 173.28(b) (4)	To reissue the exemption originally issued as an emergency for the use of UN 1A2 steel drums that do not meet the minimum thickness requirements for drums with a maximum capacity of less than 20 liters for the transportation of certain Division 1.3C materials.
12211-M	DOT-E 12211	BJ Coiltech division of BJ Services Company USA, Lafayette, LA.	49 CFR 173.320(a)	To reissue the exemption originally issued on an emergency basis to authorize the transportation in commerce of liquid nitrogen, cryogenic liquid by cargo vessel in non-DOT specification insulated portable tanks manufactured before 2/1/99, used in support of the offshore oil and gas exploration and production in the Gulf of Mexico.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12212-M	DOT-E 12212	Daniel P. Dupuis, Windsor Locks, CT.	49 CFR 171.8	To reissue the exemption originally issued on an emergency basis to authorize the holder of this exemption to perform the function of a registered inspector for cargo tanks without meeting the requirements in 49 CFR 171.8.
12214-M	DOT-E 12214	Energetic Solutions Inc., Englewood, CO.	49 CFR 172.400, 172.407, 172.411.	To reissue the exemption originally issued on an emergency basis authorizing the use of UN 4G fiberboard boxes inadvertently marked with the wrong proper shipping name.

New Exemptions

11883-N	DOT-E 11883	Brownie Tank Mfg., Co., Minneapolis, MN.	49 CFR 172.200, 173.242(b), 173.243(b).	To authorize the transportation in commerce of meter provers in assorted sizes with residual amounts of Class 3 hazardous materials. (mode 1).
11947-N	DOT-E 11947	Patts Fabrication & Services, Odessa, TX.	49 CFR 178.253	To authorize the manufacture, mark and sale of non-specification 60 gallon portable metal tanks designed and constructed in accordance with DOT-Specification 57, with certain exceptions, for use in transporting Flammable liquids, n.o.s., Class 3. (mode 1).
12022-N	DOT-E 12022	Taylor-Wharton Co., Harrisburg, PA.	49 CFR 173.302 (c) (2), (c) (3), (c) (4), (c) (5), 173.34(e) (1), (e) (3), (e) (4), (e) (8), 173.34(e) (14), (e) (15) (vi).	To authorize the use of ultrasonic inspection in lieu of hydrostatic pressure test and internal visual inspection of 3AA cylinders for use in transporting hazardous materials classed as Division 2.1, 2.2 and 2.3 (modes 1, 2, 3, 4, 5).
12063-N	DOT-E 12063	The Hydrocarbon Flow Specialist, Inc. Morgan City, LA.	49 CFR 172.102, SP T-18.	To authorize the transportation in commerce of Hydrofluoric Acid solutions, Class 8, in IM 101 tanks equipped with valve to allow for bottom discharge. (modes 1, 3).
12073-N	DOT-E 12073	Patriotic Fireworks, North East, MD.	49 CFR 173.56(j)	To authorize to transportation in commerce of certain approved Division 1.3G fireworks Devices in specially designed packagings to be offered for transportation as Division 1.4G fireworks. (modes 1, 2).
12097-N	DOT-E 12097	Qual-X Inc. Powell, OH ...	49 CFR 173.140, 173.412	To authorize the one-time transportation in commerce of a specially designed device containing small quantities of gas, Division 2.2 contained in Type A package used as part of a leak detector console. (mode 1.)
12098-N	DOT-E 12098	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 178.65	To authorize the transportation in commerce of certain compressed gases, Division 2.2, in non-DOT specification pressure vessels. (modes 1, 2, 4).
12102-N	DOT-E 12102	AETS/CWM, Flanders, NJ	49 CFR 173.56(i)	To authorize the transportation of certain Division 1.1D, unstable waste laboratory mixtures that have been densitized to remove their explosive characteristics, as Division 4.1 flammable solids. (mode 1).
12104-N	DOT-E 12104	Hoechst Celanese, Spartanburg, SC.	49 CFR 174.67(i)	To authorize rail cars to remain connected throughout the unloading of Class 9 material without the physical presence of an unloader. (mode 2).
12105-N	DOT-E 12105	Becton Dickinson Microbiology Systems, Sparks, MD.	49 CFR 172.504, 174.81, 177.848.	To authorize the transportation in commerce of specially-designed combination packaging for use in transporting Division 4.3 and Class 8 material be exempt from segregation and placarding requirements. (modes 1, 2).
12116-N	DOT-E 12116	Proserv (North Sea) Ltd., Aberdeen, UK.	49 CFR 178.36	To authorize the transportation in commerce of certain flammable gases, Division 2.1, in non-DOT specification cylinder used for oil well sampling. (modes 1, 2, 3, 4).
12120-N	DOT-E 12120	The Sherwin-Williams Co., Cleveland, OH.	49 CFR 172, Subpart C, D, E, F.	To authorize the transportation in commerce of Class 3 and Division 4.1 hazardous materials in DOT-specification and non-DOT specification drums for intra-plant shipments as essentially unregulated. (mode 1).
12121-N	DOT-E 12121	Lufthansa Cargo, D-60546 Frankfurt/Main, GR.	49 CFR 175.75(a)(2)(i)	To authorize the transportation in commerce of hazardous materials classed in Division 2.2 in quantities that exceed the weight limitation permitted aboard passenger-carrying aircraft. (mode 5).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12129-N	DOT-E 12129	Kenyon International Emergency Services, Houston, TX.	49 CFR 175.75(a)(1)(2) ...	To authorize the transportation in commerce of small quantities of various hazardous materials that exceed the specified quantity limitation. (mode 5).
12131-N	DOT-E 12131	Gamma Laboratories, Ltd., Houston, TX.	49 CFR 173.302, 173.306(b)(4), 175.3.	To authorize the manufacture, mark and sale of non-DOT specification packagings, used as radiation detectors, for shipments of certain non-flammable compressed gases. (modes 1, 2, 3, 4, 5).
12132-N	DOT-E 12132	Carleton Technologies, Inc., Orchard, NY.	49 CFR 178.65	To authorize the transportation in commerce of a specifically designed device consisting of a hermetically sealed high pressure gas cylinder, containing argon gas, Division 1.4S. (modes 1, 2, 3, 4).
12134-N	DOT-E 12134	Institute of Shortening and Edible Oils (ISEO), Washington, DC.	49 CFR Parts 100-180	To authorize the transportation in commerce of sift-proof dump or hopper-type vehicles and sift-proof roll-on/roll-off bulk with tarpaulins, metal covers or equivalent covers for use in transporting Division 4.2 material. (mode 1).
12149-N	DOT-E 12149	CP Industries, Inc., McKeesport, PA.	49 CFR 178.45(h)	To provide for ultrasonically scanning of DOT 3T cylinders at time of manufacturing for use in transporting Division 2.1, 2.2 and 2.3 gases. (modes 1, 2, 3, 4).
12155-N	DOT-E 12155	S&C Electric Co., Chicago, IL.	49 CFR 172.301(c), 173.304.	To authorize the transportation in commerce of a specially designed non-DOT specification packaging containing compressed sulfur hexafluoride, Division 2.2. (modes 1, 2, 3, 4).
12157-N	DOT-E 12157	Raytheon Systems Co., Fort Wayne, IN.	49 CFR 173.306	To authorize the transportation in commerce of a specially designed packaging consisting of a gas cylinder containing limited quantities of hazardous materials to be transported as essentially unregulated by air. (mode 4).
12177-N	DOT-E 12177	Just In Time Certified Packaging Inc, St. Louis, MO.	49 CFR Part 172, Subpart E&F.	To authorize the manufacture, marking and sale of a specifically designed packaging for use in transporting various classes of hazardous materials without required labels and placards. (modes 1, 2, 3, 4).
12190-N	DOT-E 12190	Indiana Michigan Power Co., Buchanan, MI.	49 CFR 173.403	To authorize the transportation in commerce of steam generators which contain small quantities of Class 7 radioactive material. (modes 1, 2).
12195-N	DOT-E 12195	Custom Metalcraft, Inc., Springfield, MO.	49 CFR 172.203(a), 172.302(c), 173.240-243, 178.705(c)(iv)(A).	To authorize the manufacturer, mark and sale, of metal intermediate bulk containers meeting design type UN31A, except for minimum thickness requirements and marking requirements for use in the transportation of certain hazardous materials. (modes 1, 2, 3).
12196-N	DOT-E 12196	HR Textron Inc., Pacoima, CA.	49 CFR 173.302(a), 178.35, 178.37.	To authorize the manufacture, mark and sale of non-DOT specification stainless steel alloy cylinders to be used for the transportation in commerce of nitrogen or nitrogen or nitrogen mixtures classed as Division 2.2 materials. (modes 1, 2, 3, 5).
12199-N	DOT-E 12199	Flight International Newport News, VA.	49 CFR 171.11, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize the transportation in commerce of Division 1 explosives that are not permitted for shipment by air or are in quantities greater than those prescribed. (mode 4).
12202-N	DOT-E 12202	Vicksburg Chemical Co., Vicksburg, MS.	49 CFR 172.302(c), 173.24b(d)(2).	Request for an emergency exemption to transport two overloaded hopper cars containing a Division 5.1 material. (mode 2).
12222-N	DOT-E 12222	iSi GmbH, Vienna, AU	49 CFR 173.304(a)(2)	To authorize the transportation in commerce of DOT 39 Specification cylinders, containing a Division 2.2 gas, with a filling density which exceeds those presently authorized. (modes 1, 2, 3, 4).

Emergency Exemptions

EE 12178-N	DOT-E 12178	STC Technologies, Inc., Bethlehem, PA.	49 CFR 173.301 (e) (f), 173.304(a)(1) and (a)(3).	Request for an emergency exemption to use a non-DOT specification container for liquefied gas, flammable, n.o.s. (modes 1, 4).
EE 12200-N	DOT-E 12200	Autoliv, Ogden, UT	49 CFR 173.28(b)(4)	Request the use of UN 1A2 steel drums that do not meet the minimum thickness requirements for drums with a maximum capacity of less than 20 liters. (mode 1).
EE 12201-N	DOT-E 12201	Wills Trucking, Richfield, OH.	49 CFR 173.24b(d)(2)	To authorize the transport of two overloaded gondola railcars containing a Class 9 material. (mode 2).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 12211-N	DOT-E 12211	B.J. Coil Tech, Inc., Lafayette, LA.	49 CFR 173.320(a)	To authorize the use of non-DOT specification portable tanks containing liquid nitrogen, cryogenic liquid. (modes 1, 3).
EE 12212-N	DOT-E 12212	Daniel Dupuis, Rocky Hill, CT.	49 CFR 171.8	Request for an emergency exemption to perform the function of a registered inspector for cargo tanks without meeting the requirements in 171.8. (mode 1).
EE 12214-N	DOT-E 12214	Energetic Solutions, Englewood, Co.	49 CFR 172.400, 172.407, 172.411.	Request for an emergency exemption to authorize the use of boxes that were inadvertently marked with the wrong proper shipping names. (modes 1, 3).
EE 12218-N	DOT-E 12218	Air Liquide Electronics, Dallas, TX.	49 CFR 178.801(c)(1), 178.810, 178.811, 178.812, 178.815.	Request for an emergency exemption to authorize modifications to closures on IBCs. (modes 1, 2, 3, 4, 5).
EE 12219-N	DOT-E 12219	TRW Applied Technology, Redondo Beach, CA.	49 CFR 173.302, 173.305, 173.306, 173.307.	Application for an emergency exemption to transport compressed gas in a non-DOT specification container. (modes 1, 4, 5).
EE 12223-N	DOT-E 12223	Micro-Med Industries, Inc., Jacksonville, FL.	49 CFR 172.101(8)(b)(c), 173.197.	To authorize the transportation in commerce of roll-off containers, containing regulated medical waste. (mode 1).
EE 12224-N	DOT-E 12224	BioCor, Inc., Jacksonville, FL.	49 CFR 172.202(8)(b)(c), 173.197.	To authorize the emergency transportation in commerce of regulated medical waste in roll-off bins. (mode 1).
EE 12225-N	DOT-E 12225	Safety Disposal System, Inc., Norfolk, VA.	49 CFR 172.101(8)(b)(c), 173.197.	To authorize the emergency transportation in commerce of regulated in medical waste roll-off bins. (mode 1).
EE 12226-N	DOT-E 12226	American Environmental Group, Inc., Norfolk, VA.	49 CFR 172.101(8)(b)(c), 173.197.	To authorize the emergency transportation in commerce of regulated medical waste in roll-off bins. (mode 1).
EE 12227-N	DOT-E 12227	American Waste Industries, Inc., Norfolk, VA.	49 CFR 172.101(8)(b) & (c), 173.197.	To authorize the emergency transportation in commerce of regulated medicalwaste in roll-off bins. (mode 1).
EE 12229-N	DOT-E 12229	Gulf South Systems, Port Allen, LA.	49 CFR 173.24b (d)(2)	Request for an emergency exemption to authorize the transport of an overloaded tank car containing a Class 9 material. (mode 2).
EE 12231-N	DOT-E 12231	EQ—The Environmental Quality Co., Wayne, MI.	49 CFR 173.24b(d)(2), 173.26.	Request for an emergency exemption to transport hazardous waste, Class 9, in 8 overloaded gondola rail cars. (mode 2).
EE 12232-N	DOT-E 12232	Bell Helicopter, Hurst, TX	49 CFR 173.62	To authorize the emergency transportation in commerce of a Division 1.3C explosive device in non-DOT specification packaging. (mode 1).
EE 12233-N	DOT-E 12233	EM Industries, Hawthorne, NY.	49 CFR 173.227	Request for an emergency exemption to ship phosphorus oxychloride in packagings not authorized in the HMR. (mode 1).
EE 12235-N	DOT-E 12235	Thatcher Co., Salt Lake City, UT.	49 CFR 173.24(c)	Request for an emergency exemption to transport a leaking ton container that is fitted with a chlorine institute "B" kit. (mode 1.)
EE 12244-N	DOT-E 12244	Lone Star Industries, New Orleans, LA.	49 CFR 173.24b(a)(iii), 173.24b(d)(ii), 173.26, 173.31(a).	Request for an emergency exemption to authorize the transportation of a rail car that is overloaded with a 5.1 material. (mode 2).
EE 12255-N	DOT-E 12255	Raytheon Systems Co., Lewisville, TX.	49 CFR 173.306	Request for an emergency exemption to transport a cylinder containing helium in a alternative container. In addition, the applicant requests an exemption from the hazard communication requirements in 49 CFR Part 172. (modes 1, 4).
EE 12257-N	DOT-E 12257	D/K Environmental, Vernon, CA.	49 CFR 173.24b(a)(iii)	Request for an emergency exemption to transport hazardous material in a gondola rail car that exceeds the maximum gross weight by 7,500 lbs. (mode 2).
EE 12265-N	DOT-E 12265	Blu-Gas Co., Inc., Gastonia, NC.	49 CFR 173.302(c), 173.33(a)(3), 180.407(c).	To authorize the emergency transportation in commerce of Propane in certain MC-331 cargo tanks that were not retested and inspected by an authorized registered inspector. (mode 1).

DENIALS

2787-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the shipment of certain Division 2.2 materials in non-DOT specification pressure vessels equipped with regulating valve denied as incomplete March 12, 1999.
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DENIALS—Continued

3121-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the transportation of certain poisonous material classed as Division 2.3, in DOT Specification MC 338 cargo tanks denied as incomplete March 12, 1999.
3128-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the use of a non-DOT specification cylinder for transportation of Division 1.4 explosive and Division 2.2 gas denied as incomplete March 12, 1999.
4242-X	Request by U.S. Department of Defense falls Church, VA to renew exemption to authorize the use of a non-DOT specification aluminum pressure vessel for transportation of pyroforic mixture denied as incomplete March 12, 1999.
6232-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the shipment of Division 1.1 and 1.2 gases and a Division 4.1 solid in the same outside package denied as incomplete March 12, 1999.
6250-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the transport of partially dis-assembled aircraft with Division 1 materials components (ejection seat and canopy related devices) remaining installed denied as incomplete March 12, 1999.
6250-X	Request by the U.S. Department of Defense, Falls Church, VA. to renew exemption to authorize the transport of partially dis-assembled aircraft with Division 1 materials components (ejection seat and canopy related devices) remaining installed denied as incomplete March 12, 1999.
6557-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize deviation from the requirements of the inspector's report for DOT specification 3A, 3AA, and 4B cylinders of shipment of certain Division 2.2 materials denied as incomplete March 12, 1999.
6658-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize the use of a non-DOT specification open-head steel drum for transportation of a certain Division 1.1 and 1.2 material denied as incomplete February 23, 1999.
7255-X	Request by U.S. Department of Defense Falls Church, VA to renew exemption to authorize simultaneous loading of two holds within the same hatch when handling military explosives denies as incomplete March 12, 1999.
7887-M	Request by Kosdon Enterprises Ventura, CA to modify the exemption to provide for rocket motors and reloadable kits which are classified as Division 1.3G that exceed the 25 gram limitation to be excepted from labeling requirements denied March 15, 1999.
11938-N	Request by Steel Shipping Container Institute Washington, DC to authorize the transportation in commerce of non-bulk container with alternative markings for use in transporting various classes of hazardous materials denied January 26, 1999.
12052-N	Request by Engineered Carbons, Inc. Borger, TX to authorized rail cars to remain connected during the preheating process of various hazardous materials without the physical presence of an unloader denied January 6, 1999.
12215-N	Request by Bio-Tek Industries Atlanta, GA to authorize rail cars to remain connected during the preheating process of various hazardous materials without the physical presence of an unloader denied April 6, 1999.
12218-N	Request by Air Liquide Electronics Dallas, TX to authorize rail cars to remain connected during the preheating process of various hazardous materials without the physical presence of an unloader denied March 31, 1999.

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BILLING CODE 4909-60-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33768]

Grand Trunk Western Railroad Incorporated—Trackage Rights Exemption—Consolidated Rail Corporation¹

Consolidated Rail Corporation (Conrail) has agreed to grant limited,

¹ By decision served July 23, 1998, the Board approved, subject to certain conditions, the acquisition of control of Conrail, and the division of the assets thereof, by CSX Corporation and CSX Transportation, Inc. (referred to collectively as CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS). See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998). Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998. The division of the assets of Conrail was effected by CSX and NS on June 1, 1999. See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway

non-exclusive overhead trackage rights to Grand Trunk Western Railroad Incorporated (GTW), over segments of Conrail's lines as follows: (1) On Conrail's North Yard Branch between MP 6.7 (at Canadian National Railway Company's (CN) Milwaukee Junction, the proposed connection point between CN and Conrail) and MP 2.9 (the connection point between Conrail's North Yard Branch and Conrail's Detroit Line); and (2) on Conrail's Detroit Line between MP 2.9 and MP 18.9 (the proposed CN/Conrail connection near Gibraltar which is CN's Denby Station), for a total distance of approximately 20 miles.² The purpose of the trackage rights is to enable GTW to improve its service and expedite its trains through the congested Detroit, MI terminal area. The transaction was scheduled to be consummated on or after June 25, 1999,

Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 127 (STB served May 20, 1999).

² A redacted version of the draft trackage rights agreement between Conrail and GTW was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order, which will be addressed in a separate decision.

the effective date of the exemption (7 days after the exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk & Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease & 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. 33768, 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 Robert P. vom Eigen or Jamie P. Rennert, HOPKINS & SUTTER, 888 16th Street, NW, Washington, DC 20006.

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