

(4) To modify the exemption to allow for a shortened buffer zone for the transportation of certain lab pack quantities of hazardous materials with other materials in lab packs, with partial relief from certain segregation requirements.

(5) To reissue the exemption originally issued on an emergency basis to continue to use a non-DOT specification tank to transport a 6.1 material.

(6) To reissue the exemption originally issued on an emergency basis for the transportation in commerce of bags (UN5M2) which were not marked to correct size specifications.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 13, 1998.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

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 that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated 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.

DATES: Comments must be received on or before September 18, 1998.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL-401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW, Washington, DC 20590.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 13, 1998.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application number	Docket number	Applicant	Regulation(s) affected	Nature of exemption thereof
12114-N	RSPA-1998-4244.	GPU Nuclear, Inc. Middletown, PA.	49 CFR 173.403, 173.427.	To authorize transportation in commerce of a nuclear steam generator and pressurizer. (mode 2)
12115-N	RSPA-1998-4266.	GPU Nuclear, Inc. Middletown, PA.	49 CFR 173.403, 173.427.	To authorize transportation in commerce of a nuclear reactor vessel. (mode 2)
12116-N	RSPA-1998-4206.	Proserv (North Sea) Ltd. Aberdeen, UK.	49 CFR 178.36	To authorize 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)
12117-N	RSPA-1998-4319.	Phibro-Tech, Inc. Joliet, IL	49 CFR 174.67(i)(j) & (k).	To authorize rail cars containing chlorine, Division 2.3, to remain connected during unloading operation without the physical presence of an unloader. (mode 2)
12118-N	RSPA-1998-4210.	Taylor-Wharton Theodore, AL	49 CFR 177.834 (i) (2), 178.316(c) (1) & (2).	To authorize the manufacture, marking, sale and use of DOT Specification 4L welded insulated cylinders and assemblies mounted to handling skid for use in transporting Division 2.2 material. (mode 1)
12120-N	RSPA-1998-4312.	The Sherwin-Williams Co. Cleveland, OH.	49 CFR 172	To authorize 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	RSPA-1998-4310.	Lufthansa Cargo D-60546 Frankfurt/Main, GR.	49 CFR 175.75(a)(2)(i).	To authorize transportation in commerce of hazardous materials classed in Division 2.2 in quantities that exceed the weight limitation permitted aboard passenger-carrying aircraft. (mode 1)
12122-N	RSPA-1998-4313.	Atlantic Research Corp. Knoxville, TN.	49 CFR 173.301(h) 173.302, 173.306(d)(3).	To authorize the manufacture, mark, sale and use of non-DOT specification cylinders for use as components of automotive vehicle safety systems. (modes 1, 2, 3, 4, 5)
12123-N	RSPA-1998-4314.	Eastman Chemical Co. Kingsport, TN.	49 CFR 172.203(a), 172.302(c), 174.67(i).	To authorize railcars to remain connected during unloading of liquid hazardous materials not under pressure, Classes 3, 6, 8, and 9 without the physical presence of an unloader and without required marking on shipping paper. (mode 2)

NEW EXEMPTIONS—Continued

Application number	Docket number	Applicant	Regulation(s) affected	Nature of exemption thereof
12124-N	RSPA-1998-4309.	Albermarle Corp. Baton Rouge, LA.	49 CFR 173.242, 178.245-1(c), 178.245-1(d)(4).	To authorize transportation in commerce of a non-DOT specification portable tank comparable to a specification DOT 51 portable tank equipped with bottom outlet and no internal shutoff valve for use in transporting various hazardous materials classed in Divisions 4.2 and 4.3. (modes 1, 3)
12125-N	RSPA-1998-4311.	Mayo Foundation Rochester, MN.	49 CFR 173.197, 173.24, 173.24a.	To authorize transportation in commerce of a bagged regulated medical waste that meet FDA guidelines overpackaged in molded plastic leak-proof plastic carts. (mode 1)
12126-N	RSPA-1998-4307.	LaRoche Industries Inc. Atlanta, GA.	49 CFR 179.13	To authorize transportation in commerce of rail tank cars containing Class 8 hazardous materials that exceed the quantity limitation presently authorized. (mode 2)

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33641]

Gulf & Ohio Railways Holding Co., Inc.—Continuance in Control Exemption—Laurinburg & Southern Railroad Co., Inc.

Gulf & Ohio Railways Holding Co., Inc. (GORH), a noncarrier, has filed a notice of exemption to continue in control of Laurinburg & Southern Railroad Co., Inc. (L&S), upon L&S becoming a Class III railroad.

The transaction was scheduled to be consummated on or shortly before July 30, 1998.

This proceeding is related to STB Finance Docket No. 33640, *Laurinburg & Southern Railroad Co., Inc.—Acquisition and Operation Exemption—Line of L&S Holding Company*, wherein L&S seeks to acquire and operate a rail line from L&S Holding Company.

In addition to L&S, GORH controls nine existing Class III railroads: Albany Bridge Company, operating in Georgia; Georgia & Florida Railroad Co., Inc., operating in Georgia and Florida; Gulf & Ohio Railways, Inc., operating in Mississippi and Georgia; Knoxville & Holston River Railroad Co., Inc., operating in Tennessee; Lexington & Ohio Railroad Co., operating in Kentucky; Live Oak, Perry & Georgia Railroad Company, Inc., operating in Georgia and Florida; Piedmont & Atlantic Railroad, Inc., operating in North Carolina; Rocky Mount & Western Railroad Co., Inc., operating in North Carolina; and Wiregrass Central

Railroad Company, Inc., operating in Alabama.¹

Applicant states that: (i) The railroads do not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the ten 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 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. 33641 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Mark H. Sidman, Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue,,

¹ H. Peter Claussen and Linda C. Claussen, who wholly own GORH also own and control H&S Railroad, Inc., which operates in Alabama.

N.W., Suite 800, Washington, DC 20005-4797.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: August 12, 1998.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33640]

Laurinburg & Southern Railroad Co., Inc.—Acquisition and Operation Exemption—Line of L&S Holding Company

Laurinburg & Southern Railroad Co., Inc. (L&S), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire from L&S Holding Company (LSHC) and to operate approximately 28.2 miles of rail line in North Carolina extending from the end of the line near Johns to the interchange with Aberdeen and Rockfish Railroad Co. near RaeFord. The notice states that the rail assets of LSHC may be conveyed to an affiliate of LSHC and then reconveyed from the affiliate to L&S, in contemporaneous transactions, and that because of the contemporaneous nature of the transactions, the common carrier obligation will transfer immediately from LSHC to L&S.¹

¹ L&S certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and its revenues are not projected to exceed \$5 million.