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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption****AGENCY:** Research and Special Programs Administration, DOT.**ACTION:** List of applications for modification of 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. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These

applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before (15 days after publication).

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 number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW, Washington, DC.

Application No.	Docket No.	Applicant	Modification of exemption
8723-M		Dyno Nobel, Inc., Salt Lake City, UT ¹	8723
10821-M		BFI Waste Systems of North America, Inc., Atlanta, GA ²	10821
10826-M		BFI Waste Systems of North America, Inc., Atlanta, GA ³	10826
10832-M		Autoliv ASP, Inc., Ogden, UT ⁴	10832
10874-M		BFI Waste Systems of North America, Inc., Atlanta, GA ⁵	10874
11248-M		HAZMATPAC, Houston, TX ⁶	11248
11380-M		Baker Atlas, Houston, TX ⁷	11380
11447-M		SAES Pure Gas, Inc., San Luis Obispo, CA ⁸	11447
11485-M		Zeneca, Inc., Wilmington DE ⁹	11485
11537-M		Los Angeles Chemical Company, South Gate, CA ¹⁰	11537
11537-M		Hasa, Inc., Santa Clarita, CA ¹¹	11537
11537-M		Hawkins Chemical, Inc., Minneapolis, MN ¹²	11537
11769-M		Great Western Chemical Company, Portland, OR ¹³	11769
11881-M	RSPA-1997-2132	Wampum Hardware Company, New Galilee, PA ¹⁴	11881
11903-M	RSPA-1997-2604	Comptank Corporation, Bothwell, Ontario, CA ¹⁵	11903
11986-M	RSPA-1998-3171	Department of Defense (MTMC), Falls Church, VA ¹⁶	11986
12063-M	RSPA-1998-3827	The Hydrocarbon Flow Specialist, Morgan City, LA ¹⁷	12063
12074-M	RSPA-1998-3841	Van Hool NV, B-2500 Lier Koningshooikt, BE ¹⁸	12074
12118-M	RSPA-1998-4210	Taylor-Wharton Gas Equipment, Theodore, AL ¹⁹	12118
12143-M	RSPA-1998-4477	Suburban Propane, Anchorage, AK ²⁰	12143
12232-M	RSPA-1999-5204	Bell Helicopter, Hurst, TX ²¹	12232
12255-M	RSPA-1999-5579	TI/Martin JAVELIN Joint Venture, Lewisville, TX ²²	12255

¹ To modify the exemption to allow for an additional design for the emulsion tote bin for bulk shipments of certain Division 1.5 explosives and/or Division 5.1 oxidizers.

² To modify the exemption to relieve the marking requirements of inner packages, inside roll off containers, when transporting regulated medical waste from a single offeror.

³ To modify the exemption to eliminate the quantity requirement for puncture-resistant sharps containers and film thickness of plastic bags as inner containers for use in transporting regulated medical waste.

⁴ To modify the exemption to provide for additional facilities and Class 9 material.

⁵ To modify the exemption to eliminate the quantity requirement for puncture-resistant sharps containers and film thickness of plastic bags as inner containers for use in transporting regulated medical waste.

⁶ To modify the exemption to allow for passenger-carrying aircraft as an additional mode of transportation for the transportation of certain hazardous materials in specially designed combination type packagings without required labelling and placarding in limited quantities.

⁷ To modify the exemption to allow for design changes of the non-DOT specification cylinder for the transportation of certain compressed hydrocarbon gases.

⁸ To modify the exemption to allow for regulatory changes to the design, fabrication and marking of the pressure vessel as set forth in the requisite design code in the country of final destination for the transportation of certain Division 4.2 hazardous materials.

⁹ To modify the exemption to provide for Division 4.3 as an additional class of material for tank cars authorized to remain standing with unloading connections attached when no product is being transferred, provided that a minimal level of monitoring is maintained.

¹⁰ To modify the exemption to authorize Class 3 hazardous materials and those hazardous materials currently authorized to be shipped in UN31H2 IBCs that are securely mounted to a flatbed trailer, but not removed from the vehicle prior to loading or unloading of the container.

¹¹ To modify the exemption to increase packaging capacities not exceeding 610 gallons for the transportation of certain Class 8 materials in IBCs that are securely mounted to a flatbed trailer, but not removed from the vehicle prior to loading or unloading of the container.

¹² To modify the exemption to provide for additional Class 8 materials in IBCs that are securely mounted to a flatbed trailer, but not removed from the vehicle prior to loading or unloading of the container.

¹³ To modify the exemption to provide for Division 5.1 as an additional class of material and allow for UN-marked compatible IBCs having capacities not exceeding 550 gallons without removing the IBC from the vehicle on which it is transported.

¹⁴ To modify the exemption to provide for passengers and their respective vehicles to be permitted on the vessel during the transport of explosives for quarry operations.

¹⁵ To modify the exemption to allow for the manufacture, marking and sale of various size non-DOT specification cargo tanks from 600 gallon to 6,150 gallon vessels manufactured from glass fiber reinforced plastics for use in transporting various Division 6.1, Class 3, 8 or 9 hazardous materials.

¹⁶ To modify the exemption to allow for ventilation of cargo holds during maintenance operations.

¹⁷ To modify the exemption to provide for additional Class 8 hazardous materials in IM 101 tanks equipped with an external bottom discharge valve.

¹⁸ To modify the exemption to allow for minor editorial drawing changes/addition of Code Cases 2261 and 2265 for the manufacture, mark and sale of DOT Specification steel portable tanks designed, constructed and stamped in accordance with Division 2 of Section VIII of the ASME BPV Code for the transport of Division 2.1 and 2.2 materials.

¹⁹ To modify the exemption to add/update drawings to match manufacturing fabrication, assembly sequences and procedures for the manufacture, marking, sale and use of DOT Specification 4L welded insulated cylinders and assemblies mounted to a handling skid for transporting Division 2.2 material; approval to utilize an additional steel handling skid.

²⁰ To reissue the exemption originally issued on an emergency basis authorizing the transportation of propane that exceeds the quantity limitations per package, when offered for transportation by air.

²¹ To reissue the exemption originally issued on an emergency basis for the transportation in commerce of a Division 1.3 explosive device installed in an aircraft/helicopter wing with relief from marking, labeling and packaging requirements.

²² To reissue the exemption originally issued on an emergency basis for transportation in a non-DOT specification cylinder of a limited quantity compressed gas without shipping papers, marking, and labeling.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 20, 1999.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

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

Decided: May 19, 1999.

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

Vernon A. Williams,
Secretary.

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(newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 25, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 7, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 15, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. A copy of any petition filed with the Board should be sent to applicant's representative: Karl Morel, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

MMRR has filed an environmental report which addresses the effects, if any, of the abandonment on the

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33742]

Dakota, Missouri Valley & Western Railroad, Inc.—Lease and Operation Exemption—Canadian Pacific Railway

Dakota, Missouri Valley & Western Railroad, Inc., a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease and operate approximately 58.41 miles of rail line from Canadian Pacific Railway between milepost 264.37, at Oakes, and milepost 205.96, at Hankinson, in Dickey, Sargent and Richland Counties, ND.

The transaction is scheduled to be consummated on or after the May 19, 1999 effective date of the exemption.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33742, 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 Kevin M. Sheys, Esq., Oppenheimer Wolff

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-364 (Sub-No. 4X)]

Mid-Michigan Railroad, Inc.—Abandonment Exemption—in Kent and Ionia Counties, MI

Mid-Michigan Railroad, Inc. (MMRR) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 5-mile line of its railroad between milepost 105.5, near Lowell, and milepost 110.5, at Elmdale, in Kent and Ionia Counties, MI. The line traverses United States Postal Service Zip Codes 49331 and 49302.

MMRR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there has been no local or overhead traffic on the line during the past 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).