

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. Requests 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 November 9, 2000.

ADDRESSES: 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 or at <http://dms.dot.gov>.

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 October 19, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Application	Modification of exemption
8698-M		Taylor-Wharton Gas Equipment (Div of Harsco Corp.) Theodore, AL (See Footnote 1)	8698
11044-M		ChemiTech, Ltd., Des Moines, IA (See Footnote 2)	11044
11202-M		Newport News Shipbuilding & Dry Dock Co., Newport News, VA (See Footnote 3)	11202
11379-M		TRW Automotive Occupant Restraint Systems, Washington, MI (See Footnote 4)	11379
11864-M	RSPA-1997-2453	International Paper, Moss Point, MS (See Footnote 5)	11864
12334-M	RSPA-1999-6177	Autoclave Engineers, Erie, PA (See Footnote 6)	12334
12442-M	RSPA-2000-7208	Cryogenic Vessel Alternatives, La Porte, TX (See Footnote 7)	12442

¹ To modify the exemption concerning the pressure relief value, specified retest pressure and OWTT recordkeeping requirements of non-DOT specification portable tanks transporting certain Division 2.2 materials.

² To modify the exemption to authorize the use of additional cylinders without exceeding cylinder service pressure for the transportation of a reformulated organophosphate product.

³ To modify the exemption to allow for the transportation of Division 6.1 and additional Class 8, Class 9 and Division 5.1 materials to cross a public road, from one part of a plant to another.

⁴ To modify the exemption to authorize a design change of the pressure vessel to increase the maximum fill pressure to 7,500 psi charged with non-toxic, non-liquefied gases, or mixtures thereof.

⁵ To modify the exemption to authorize party status and to include the offering of tank cars containing a residue of sulfuric acid without removing the frangible disc in the pressure relief device during inspection.

⁶ To modify the exemption to authorize the transportation of Division 2.2, Class 3, Division 6.1 and additional Division 2.1 materials in non-DOT specification cylinders.

⁷ To modify the exemption to waive the impact test requirements for stainless steel portable tanks for materials used in a lading warmer than -425 degrees.

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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 November 24, 2000.

ADDRESSES: 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 or at <http://dms.dot.gov>.

This notice of receipt of applications for new 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 October 19, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12547-N	RSPA-00-8006	Rohm and Haas Company, Philadelphia, PA.	49 CFR 177.834(i)(3)	To authorize the loading and/or unloading of hazardous materials to/from cargo tank motor vehicles without the physical presence of an unloader. (mode 1)
12548-N	RSPA-00-8005	TriCal Inc., Hollister, CA	49 CFR 174.67(i) & (j), 174.67(j)	To authorize rail car connectors to remain attached while standing without the physical presence of an unloader. (mode 2)
12549-N	RSPA-00-8004	Griro S.A., Romania	49 CFR 178.245-1(a)	To authorize the manufacture, marking, sale and use of DOT Specification 51 steel portable tanks permanently installed in an ISO frame that have been designated, constructed and stamped in accordance with Section VIII, Division 2 instead of Division 1 of the ASME Code. (modes 1, 2, 3)
12552-N	RSPA-00-8001	Illbruck Sealant Systems, B.V., The Netherlands.	49 CFR 173.306(a)(3)(v)	To authorize an alternative testing method for specially designed aerosol containers for use in transporting limited quantities of Division 2.1 material. (modes 1, 2, 3)
12554-N	RSPA-00-8116	LKQ Corporation, Lecanto, FL.	49 CFR 173.166(d)(3)	To authorize the transportation in commerce of recycled airbags in bulk shipment without intermediate form of containment. (mode 1)

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 00-21]

Notice of Request for Preemption Determination

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is publishing for comment a request for the OCC's opinion about whether Federal law would preempt certain provisions of Ohio law that limit the manner in which reclaimed leased vehicles may be sold. The purpose of this notice and request for comment is to provide interested persons with an opportunity to submit comments prior to the OCC's issuance of an opinion.

DATES: Comments must be received on or before November 24, 2000.

ADDRESSES: Comments should be sent to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Third Floor, Attention: Docket No. 00-21, Washington, DC 20219. You may submit comments electronically to regs.comments@occ.treas.gov or by facsimile transmission to (202) 874-5274. You can inspect and photocopy the comments at the OCC's Public Reference Room, 250 E Street, SW.,

Washington, DC, between 9 a.m. and 5 p.m. on business days. You can make an appointment to inspect the comments by calling (202) 874-5043.

FOR FURTHER INFORMATION CONTACT:

Michele Meyer, Senior Attorney, or Mark Tenhundfeld, Assistant Director, Legislative and Regulatory Activities Division, (202) 874-5090.

SUPPLEMENTARY INFORMATION: The requester is a national bank that engages in motor vehicle leasing in Ohio. On November 12, 1993, the Registrar of the Ohio Bureau of Motor Vehicles (OBMV) issued a memorandum in which it concluded that Ohio Revised Code section 4517¹ prohibits the public sale of reclaimed leased vehicles.² Under this interpretation, reclaimed leased vehicles can only be sold at wholesale to persons licensed under section 4517 as "dealers."

The requester has asked our opinion whether the National Bank Act would preempt section 4517 as interpreted by the OBMV. Under the National Bank Act, 12 U.S.C. 24(Seventh) and 12 U.S.C. 24(Tenth), a national bank is authorized to conduct a leasing business consistent with the provisions of 12 CFR part 23. The requester contends that its leasing authority includes the authority to dispose of reclaimed or off-lease vehicles in the manner that is economically most beneficial to the bank and that the bank is typically able to get the best price for its reclaimed or off-lease vehicles by selling directly to

the public. The requester therefore asserts that the OBMV's construction of the Ohio law to prohibit public sales of reclaimed leased vehicles impairs a national bank's ability to exercise its leasing authority.

Section 114 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (Pub. L. 103-328, 108 Stat. 2338) generally requires the OCC to publish in the **Federal Register** a descriptive notice of certain requests that the OCC receives for preemption opinions.³ Under section 114, the OCC must publish notice before it issues any opinion letter or interpretive rule opining that Federal law preempts the application to a national bank of any State law in four designated areas: community reinvestment, consumer protection, fair lending, or the establishment of intrastate branches. Pursuant to section 114, interested persons have at least 30 days to submit written comments. Without making a determination as to whether section 114 applies to this request, the OCC has decided that it is appropriate to use notice and comment procedures.

The OCC invites comments on the issues described above. We will publish in the **Federal Register** any final opinion letter we issue in response to the request.

Dated: October 16, 2000.

John D. Hawke, Jr.,

Comptroller of the Currency.

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¹ Ohio Rev. Code Ann. § 4517.

² Memorandum from Mitchell J. Brown, Registrar, Ohio Bureau of Motor Vehicles, to All Ohio Auto Auctions, Leasing Dealers, and Banks (November 12, 1993).

³ 12 U.S.C. 43.