

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12221-N	RSPA-1999-5160	Advanced Technology Materials, Inc., Danbury, CT.	49 CFR 173.301, 173.302, 173.304, 173.315, 173.34.	To authorize the transportation in commerce of Division 2.1 and 2.3 gas molecules filled at sub-atmospheric pressure and packaged as a solid in non-DOT specification cylinders. (mode 1)
12222-N	RSPA-1999-5162	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)
12228-N	RSPA-1999-5159	E.I. DuPont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.315(a)	To authorize the transportation in commerce of certain non-DOT specification IMO Type 5 portable tanks, each mounted in an ISO frame, containing certain compressed gases classed in Division 2.1 and 2.2. (modes 1, 2, 3)
12230-N	RSPA-1999-5195	Chemtran Services, USA, Inc., Houston, TX.	49 CFR 172.203, 172.400, 172.402, 172.504, 173.150, 173.152, 173.153, 173.154, 173.201, 173.202, 173.203, 173.211, 173.213, 173.25, 175.3.	To authorize the manufacture, mark, and sell of specially designed combination packagings without required labels, markings, placards, or segregation for use in transporting various classes of hazardous materials. (modes 1, 2, 3, 4)

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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 modifications 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. 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 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 April 2, 1999.

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: 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 .....	.....	Buckley Powder Company, Englewood, CO (See Footnote 1)	8723
10066-M .....	.....	Conax Florida Corporation, St. Petersburg, FL (See Footnote 2)	10066
10429-M .....	.....	HCI USA Distribution Companies Incorporated, Santa Ana, CA (See Footnote 3)	10429
10480-M .....	.....	Gardner Cryogenics, Lehigh Valley, PA (See Footnote 4)	10480
10921-M .....	.....	The Procter & Gamble Company, Cincinnati, OH (See Footnote 5)	10921
11379-M .....	.....	TRW Vehicle Safety Systems Inc., Washington, MI (See Footnote 6)	11379
11526-M .....	.....	BOC Gases, Murray Hill, NJ (See Footnote 7)	11526
12122-M .....	.....	Atlantic Research Corporation, Auto Products Group, Knoxville, TN (See Footnote 8).	12122
12200-M	RSPA-1998-4953	Autoliv ASP, Inc., Ogden, UT (See Footnote 9)	12200
12212-M	RSPA-1999-5075	Daniel P. Dupuis, Windsor Locks, CT (See Footnote 10)	12212
12214-M	RSPA-1999-5092	Energetic Solutions Inc., Englewood, CO (See Footnote 11)	12214

¹ To modify the exemption to authorize the addition of two bulk pneumatic tankers for the transportation in commerce in bulk of certain 1.5 explosives and/or Division 5.1 oxidizers.

² 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.

³ To modify the exemption to provide for Class 9 as an additional class of material for the discharge of certain liquids from stainless steel UN31A Intermediate Bulk Containers and DOT Specification 57 portable tanks without removing the tanks from the vehicle on which it is transported.

⁴To modify the exemption to provide for design changes of the non-DOT specification portable tank manufactured in accordance with ASME Code criteria resulting in an increase of the Maximum Allowable Working Pressures; the addition of a 6700 gallon liquid helium tank.

⁵To modify the exemption to authorize shipments of solutions containing ethyl alcohol in inner packagings not exceeding 50 ounces each and that the total contents of the package not exceed 300 fluid ounces.

⁶To modify the exemption to eliminate the maximum service pressure requirement for the cylinders in this exemption for use as components of automobile vehicle safety systems. These pressure vessels may be charged with non-toxic, non-liquefied gases, or mixtures thereof.

⁷To modify the exemption to allow, on exclusive use carrier, condemned cylinders to be transported back to their originating location for gas disposal and cylinder destruction.

⁸To modify the exemption to authorize an alternative to the 100% radiographic inspection of longitudinal welds for the non-DOT specification cylinders for use as components of automotive vehicle safety systems.

⁹To 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.

¹⁰To 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.

¹¹To 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.

This notice of receipt of applications for modifications 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 March 12, 1999.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. AB-559 (Sub-No. 1X) and AB-55 (Sub-No. 572X)]

Gauley River Railroad, LLC— Abandonment and Discontinuance of Service—In Webster and Nicholas Counties, WV; SX Transportation, Inc.—Discontinuance of Service—In Webster and Nicholas Counties, WV

On February 26, 1999, Gauley River Railroad, LLC (GRIV) and CSX Transportation, Inc. (CSXT) jointly filed with the Surface Transportation Board (Board) petitions under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. GRIV seeks to abandon and discontinue service over: (1) a 10-mile line of railroad extending between milepost BUE-119 at Cowen, WV, and milepost BUE-129 at Allingdale, WV (Line A), and (2) a 8.3-mile line of railroad extending between milepost BUE-12.4 at Muddlety Falls, WV, and milepost BUE-20.7 at Muddlety, WV (including the McMillion Creek Branch and Delmont Branch) (Line C). Both GRIV and CSXT seek to discontinue service over a 12.4-mile line of railroad between milepost BUE-0.0 at Allingdale and milepost BUE-12.4 at Muddlety Falls (Line B).¹ The three lines total 30.7 miles in

¹Line B is owned by the Strouds Creek and Muddlety Railroad Company (SC&M). It was leased to CSXT's predecessor company on November 1, 1943, and then subleased to GRIV as part of the transaction in *Gauley River Railroad, LLC—Purchase, Lease and Operation Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 33579 (STB served July 14, 1998). Petitioners

Webster and Nicholas Counties, WV (collectively, the Line). The Line traverses U.S. Postal Service ZIP Codes 26205, 26651, 26266 and 26206, and includes the stations of Gauley Mill, Allingdale, Delphi, Ticoal, Gauley Eagle 4, and Muddlety.

The Line does not contain federally granted rights-of-way. Any documentation in the GRIV's and CSXT's possession will be made available promptly to those requesting it.

In STB Docket No. AB-559 (Sub-No. 1X), GRIV is proposing to abandon lines that constitute its entire rail system. When issuing abandonment authority for railroad lines that constitute the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. See *Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785-86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, no labor protective conditions would be imposed. In STB Docket No. AB-55 (Sub-No. 572X), the interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting exemption proceedings pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 16, 1999.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petitions for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under

certified that a copy of the petition was served on SC&M.

49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 7, 1999. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket Nos. AB-559 (Sub-No. 1X) and AB-55 (Sub-No. 572X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001, and (2) Robert A. Wimbish, Rea, Cross & Auchincloss, 1707 L Street, NW, Suite 570, Washington, DC 20036, and Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202. Replies are due April 7, 1999.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: March 12, 1999.