

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 12367-N	DOT-E 12367	Airgas-Nor Pac, Inc., Portland, OR.	49 CFR 173.24(b) .....	Request for an emergency exemption to transport a leaking cylinder fitted with a B chemical kit. The cylinder contains anhydrous ammonia. (Mode 1.)
EE 12375-N	DOT-E 12375	Alexander Chemical Corp., LaPorte, IN.	49 CFR 173.24 .....	Request for an emergency exemption to transport a leaking chlorine cylinder that has been fitted with an "A Kit". (Mode 1.)
EE 12376-N	DOT-E 12376	Biotech Research Labs Inc., Gaithersburg, MD.	49 CFR 173.196, 178.609	Request for emergency exemption to move 115 freezers that contain specimen collections involved in novel drug and vaccine therapies. (Mode 1.)
EE 12384-N	DOT-E 12384	Oilair Hydraulics Inc., Houston, TX.	49 CFR 173.302 (a)(1), 175.3.	Request for an emergency exemption to transport non-flammable gas in a package (accumulator) which is not authorized under the HMR. (Modes 1, 2, 3, 4.)
EE 12387-N	DOT-E 12387	DXI Industries, Houston, TX.	49 CFR 173.31 (B)(2) .....	Request for an emergency exemption to transport a DOT spec tank car tank that has a leading valve fitted with a kit attached. (Mode 1.)

DENIALS

11699-N .....	Request by GEO Specialty Chemicals Bastrop, LA to authorize the installation of a 1" plugcock valve on the air inlet line located on the dome of rail cars that are not equipped with dome vents or safety relief valves that are used for transporting aluminum sulfate, solution, Division 2.3 denied September 13, 1999.
12249-N .....	Request by Breed Technologies, Inc., Lakeland, FL to authorize the manufacture, mark and sale DOT-Specification 39 compressed gas cylinders (pressure vessels) for use as components of automobile vehicle safety systems with relief from the 30 second holdtime required at test pressure denied October 27, 1999.
12282-N .....	Request by Defense Technology Corp., Casper, WY to authorize the manufacture, marking and sale of compressed gas, Division 2.2, in non-DOT specification cylinders comparable to DOT-Specification 39 denied October 27, 1999.
12291-N .....	Request by Jean Phillippe Fragrances, Inc., New York, NY to authorize the transportation in commerce of aerosol fragrance products not to exceed 5 ounces to be transported in aluminum containers with overpack denied October 28, 1999.
12300-N .....	Request by Container Products Corp., Wilmington, NC to authorize the manufacture, marking and sale of intermediate bulk containers which exceed the quantity limitations presently authorized for use in transporting Package Groups II and III liquid hazardous materials and Packing Groups I, II, & III solid hazardous materials denied September 29, 1999.
23059-N .....	Request by Fragrance Materials Association of the U.S., Washington, DC to authorize the transportation of samples of flavor and fragrance materials in Class 3, 9 and Division 6.1 to be transported without required marking, labeling and shipping papers denied September 16, 1999.
12305-P .....	Request by Flavor & Extract Manufacturers', Washington, DC to authorize the transportation of samples of flavor and fragrance materials in Class 3, 9 and Division 6.1 to be transported without required marking, labeling and shipping papers denied September 16, 1999.
12327-N .....	Request by International Federation of Inspection Agencies, Houston, TX to authorize the transportation in commerce of Packing Group 1 material in non-bulk glass containers denied September 16, 1999.
12347-N .....	Request by Strainrite Corporation, Lewiston, ME to authorize the manufacture, mark and sale of non-DOT specification polyethylene flexible boxes for materials currently authorized in UN 4H2 boxes denied September 20, 1999.
12365-N .....	Request by Merck KGaA Darmstradt, GR to authorize the manufacture, mark and sale of non-DOT specification polyethylene flexible boxes for materials currently authorized in UN 4H2 boxes denied November 8, 1999.
12374-N .....	Request by B & K Equipment Co., Lansing, IL to authorize the manufacture, mark and sale of non-DOT specification polyethylene flexible boxes for materials currently authorized in UN 4H2 boxes denied December 10, 1999.

[FR Doc. 00-5808 Filed 3-8-00; 8:45 am]

BILLING CODE 4909-60-M

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date of action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590-0001, (202) 366-4535.

*Key to "Reasons for Delay"*

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of exemption applications.

*Meaning of Application Number Suffixes*

- N—New application.
- M—Modification request.

PM—Party to application with  
modification request.

Issued in Washington, DC, on February 23,  
2000.

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

#### NEW EXEMPTION APPLICATIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
11767-N	Ausimont USA, Inc., Thorofare, NJ	1	03/31/2000
11862-N	The BOC Group, Murray Hill, NJ	4	03/31/2000
11927-N	Alaska Marine Lines, Inc., Seattle, WA	4	03/31/2000
12106-N	Air Liquide America Corporation, Houston, TX	4	03/31/2000
12125-N	Mayo Foundation, Rochester, MN	4	03/31/2000
12138-N	Gas Supply Resources, Inc., Albany, NY	4	03/31/2000
12142-N	Aristech Chemical Corp., Pittsburgh, PA	4	03/31/2000
12146-N	Luxfer Gas Cylinders, Riverside, CA	1	03/31/2000
12148-N	Eastman Kodak Company, Rochester, NY	4	03/31/2000
12158-N	Hickson Corporation, Conley, GA	4	03/31/2000
12181-N	Aristech, Pittsburgh, PA	4	03/31/2000
12205-N	Independent Chemical Corp., Glendale, NY	4	04/28/2000
12248-N	Ciba Specialty Chemicals Corp., High Point, NC	4	04/28/2000
12269-N	Solutia, Inc., St. Louis, MO	4	04/28/2000
12277-N	The Indian Sugar & General Engineering Corp. ISGE, Haryana, IX	1	04/28/2000
12280-N	Combined Tactical Systems, Inc., Jamestown, PA	4	04/28/2000
12281-N	ABS Group, Inc., Houston, TX	4	04/28/2000
12290-N	Savage Industries, Inc., Pottstown, PA	4	04/28/2000
12292-N	Westway Trading Corporation, New Orleans, LA	4	04/28/2000
12293-N	Intercontinental Packaging Corp., Tuckahoe, NY	4	03/31/2000
12297-N	Applied Companies, Valencia, CA	4	04/28/2000
12301-N	Niklor Chemical Co., Long Beach, CA	4	03/31/2000
12307-N	Kern County Dept. of Weights & Measures, Bakersfield, CA	4	04/28/2000
12316-N	The Dow Chemical Co., Channahon, IL	4	04/28/2000
12325-N	Lifeline Technologies, Inc., Sharon Hill, PA	4	04/28/2000
12332-N	Automotive Occupant Restraints Council, Lexington, KY	4	04/28/2000
12333-N	BFI, Atlanta, GA	4	04/28/2000
12336-N	AC Plastiques Canada (1992), Inc., Les Cedres, Quebec, CA	1	04/28/2000
12338-N	Aeronex, Inc., San Diego, CA	4	04/28/2000
12339-N	BOC Gases, Murray Hill, NJ	4	04/28/2000
12343-N	City Machine & Welding, Inc. of Amarillo, Amarillo, TX	1	04/28/2000
12350-N	BAC Technologies, Ltd., West Liberty, OH	4	04/28/2000
12360-N	EMCORE Corp., Somerset, NJ	4	04/28/2000
12361-N	PurePak Technology Corp., Gilbert, AZ	4	03/31/2000

#### MODIFICATIONS TO EXEMPTIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
6611-M	Gardner Cryogenics, Lehigh Valley, PA	1	03/31/2000
6765-M	Gardner Cryogenics, Lehigh Valley, PA	1	03/31/2000
7277-M	Structural Composites Industries, Pomona, CA	4	03/31/2000
8556-M	Gardner Cryogenics, Lehigh Valley, PA	4	03/31/2000
8723-M	Buckley Powder Company, Englewood, CO	4	03/31/2000
9266-M	ERMEWA, Inc., Houston, TX	4	03/31/2000
10480-M	Gardner Cryogenics, Lehigh Valley, PA	1	03/31/2000
10656-M	Conf. of Radiation Control Program Directors, Inc., Frankfort, KY	4	03/31/2000
10672-M	Burlington Packaging, Inc., Brooklyn, NY	4	03/31/2000
10821-M	BFI Waste Systems of North America, Inc., Atlanta GA	4	03/31/2000
10921-M	The Proctor & Gamble Company, Cincinnati, OH	4	03/31/2000
10928-M	Matheson Tri-Gas, Parsippany, NJ	4	04/28/2000
10929-M	Consolidated Rail Corporation, Philadelphia, PA	4	03/31/2000
10929-M	Matheson Tri-Gas, Parsippany, NJ	4	03/31/2000
10945-M	Structural Composites Industries (SCI), Pomona, CA	4	03/31/2000
10945-M	Structural Composites Industries, Pomona, CA	4	03/31/2000
10962-M	International Compliance Center, Mississauga ON L4Z 1X8, CA	4	03/31/2000
10977-M	Federal Industries Corporation, Plymouth, MN	4	03/31/2000
10987-M	Air Products and Chemicals, Inc., Allentown, PA	4	03/31/2000
11186-M	Cryenco, Inc., Denver, CO	4	03/31/2000
11248-M	HAZMATPAC, Houston, TX	4	03/31/2000
11380-M	Baker Atlas, Houston, TX	4	02/28/2000

## MODIFICATIONS TO EXEMPTIONS—Continued

Application No.	Applicant	Reason for delay	Estimated date of completion
11406-M .....	Conf. of Radiation Control Program Directors, Inc., Frankfort, KY .....	4	04/28/2000
11769-M .....	Great Western Chemical Company, Portland, OR .....	4	04/28/2000
11769-M .....	Great Western Chemical Company, Protland, OR .....	4	02/28/2000
11903-M .....	Comptank Corporation, Bothwell, Ontario, CA .....	4	04/28/2000
11942-M .....	Niklor Chemical Company, Long Beach, CA .....	4	04/28/2000
12069-M .....	Compagnie des Containers Reservoirs, Paris, FR .....	4	03/31/2000
12074-M .....	Van Hool NV, B-2500 Lier Koningshooikt, BG .....	1	04/28/2000
12178-M .....	STC Technologies, Inc., Bethlehem, PA .....	1	04/28/2000

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BILLING CODE 4910-60-M

## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 33556 (Sub-No. 4)]<sup>1</sup>

**Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated—Control—Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company (General Oversight)**

**ACTION:** Decision No. 1; Notice of general oversight proceeding, and request for comments from interested persons on the progress of implementation of the CN/IC transaction and the workings of the various conditions imposed.

**SUMMARY:** In 1999, in *Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated—Control—Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company*, STB Finance Docket No. 33556, Decision No. 37 (STB served May 25, 1999) (*CN/IC Dec. No. 37*), we approved, subject to various conditions (including a 5-year general oversight condition): (1) the acquisition, by Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated (collectively, CN), of control of Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central & Pacific Railroad Company, and Cedar River Railroad Company (collectively, IC), and (2) the integration of the rail operations of CN and IC. We are now instituting a proceeding to implement the general oversight condition imposed in *CN/IC Dec. No. 37*. We are requiring

Canadian National Railway Company (CNR) to file a progress report respecting the CN/IC transaction and to make certain data available to interested persons. We are inviting interested persons to submit comments on the progress of implementation of the CN/IC transaction and the conditions we imposed.

**DATES:** CNR must file a progress report by July 3, 2000, and must make CN/IC's 100% traffic waybill tapes available to interested persons by July 17, 2000. Comments of interested persons will be due on August 18, 2000. Replies will be due on September 5, 2000.

**ADDRESSES:** An original and 25 copies of all documents must refer to STB Finance Docket No. 33556 (Sub-No. 4) and must be sent to: Surface Transportation Board, Office of the Secretary, Case Control Unit, Attn: STB Finance Docket No. 33556 (Sub-No. 4), 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each document filed in this proceeding must be sent to CNR's representative: Paul A. Cunningham, HARKINS CUNNINGHAM, 801 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004-2664.

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties must also submit, on 3.5-inch IBM-compatible floppy diskettes (disks) or compact discs (CDs), one electronic copy of each such document (e.g., textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence) and must clearly label pleadings and attachments and the corresponding disks/CDs with an identification acronym and pleading number.<sup>2</sup> Textual materials must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in some version of Lotus, Excel, or Quattro

<sup>1</sup> A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33556.

<sup>2</sup> A copy of each such disk or CD should be provided to any other party upon request.

Pro. Parties may individually seek a waiver from the disk/CD requirement.

**FOR FURTHER INFORMATION, CONTACT:** Julia M. Farr, (202) 565-1613. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** In *CN/IC Dec. No. 37*, we established general oversight for a period of up to 5 years so that we might assess the competitiveness of service provided by CN/IC and KCS under the Alliance Agreement<sup>3</sup> and the effectiveness of the various conditions we imposed. We reserved jurisdiction to implement the oversight condition and, if necessary, to impose additional conditions and/or to take other action if, and to the extent, we determined that it was necessary to impose additional conditions and/or to take other action to address matters respecting the CN/IC control transaction, including without limitation: (a) Concerns regarding the operation of the Alliance Agreement, particularly with respect to ongoing competition within the Baton Rouge-New Orleans corridor; (b) concerns of North Dakota grain shippers with respect to the Chicago gateway; (c) concerns with respect to investment in and operation of the Detroit River Tunnel; (d) concerns with respect to any merger-related link to any unfair pricing practices in the lumber industry; (e) concerns with respect to lack of appropriate labor protective conditions if unauthorized control of CN/IC and KCS should occur; and (f) any necessary monitoring of our environmental mitigating conditions. See *CN/IC Dec. No. 37*, slip op. at 8 (item 8), 39-40, 56 (ordering paragraph 1).

We are now instituting this proceeding to implement the general oversight condition imposed in *CN/IC*

<sup>3</sup> In *CN/IC Dec. No. 37*: The Kansas City Southern Railway Company and Gateway Western Railway Company, and all other wholly owned (directly or indirectly) subsidiaries of Kansas City Southern Industries, Inc., were referred to collectively as KCS; and a settlement agreement entered into on April 15, 1998, by CN, IC, and KCS was variously referred to as the Alliance Agreement or, on occasion, the CN/IC/KCS Alliance Agreement.