To modify the exemption to increase the service life limit to 24 years of the non-DOT specification pressure vessels for the transportation of certain Division 2.2 compressed gases.

To modify the exemption to allow for the transportation of an additional Division 2.2 material in an alternative non-DOT specification cylinder.

To modify the exemption to eliminate the marking requirements of certain DOT specification and AAR specification tank cars containing a residue of Class 8 materials.

To modify the exemption to authorize additional Division 2.2 materials transported in DOT-3AL aluminum cylinders.

To modify the exemption to indicate applicability to companies under subcontract operating under exclusive use for Federal Express for the transportation in commerce of dry ice by cargo aircraft only.

To reissue the exemption originally issued on an emergency basis authorizing the use of hazard warning labels that do not conform with the specifications in the HMR.

To reissue the exemption originally issued on an emergency basis for the transportation of anhydrous ammonia in DOT specification cylinders.

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 June 22, 2000.

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

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, Room P.F.-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 May 12, 2000.

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

NEW EXEMPTIONS

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Docket No.</th>
<th>Applicant</th>
<th>Regulation(s) affected</th>
<th>Nature of exemption thereof</th>
</tr>
</thead>
<tbody>
<tr>
<td>8299-M ......</td>
<td>RSPA-1999-6568</td>
<td>Federal Express, Memphis, TN (See Footnote 5)</td>
<td>49 CFR 173.34(e)</td>
<td>To reissue the exemption originally issued on an emergency basis for the transportation of anhydrous ammonia in DOT specification cylinders.</td>
</tr>
<tr>
<td>10555-M ..</td>
<td>RSPA-2000-7244</td>
<td>Akzo Nobel Coatings, Inc., Norcross, GA (See Footnote 6)</td>
<td>49 CFR 180.509(e).</td>
<td>To authorize an alternative testing method for DOT class 105 tank cars for use in transporting various classes of hazardous materials. (modes 2)</td>
</tr>
<tr>
<td>11761-M ..</td>
<td>RSPA-1999-6568</td>
<td>Pacific Scientific HTL/KIN-Tech Division, Durate, CA (See Footnote 2)</td>
<td>49 CFR 173.196, 178.609</td>
<td>To authorize the transportation in commerce of biological specimens classed as infectious substance (Etiologic agent) in specially designed packagings inside mechanical freezers. (mode 1)</td>
</tr>
<tr>
<td>11826-M ..</td>
<td>RSPA-2000-7244</td>
<td>Spectra Gases, Inc., Birmingham, AL (See Footnote 3)</td>
<td>49 CFR 173.34(e)</td>
<td>To authorize the transportation in commerce of dry ice by cargo aircraft only.</td>
</tr>
<tr>
<td>12378-M ..</td>
<td>RSPA-2000-7244</td>
<td>Pacific Scientific HTL/KIN-Tech Division, Durate, CA (See Footnote 2)</td>
<td>49 CFR 173.196, 178.609</td>
<td>To authorize the transportation in commerce of biological specimens classed as infectious substance (Etiologic agent) in specially designed packagings inside mechanical freezers. (mode 1)</td>
</tr>
<tr>
<td>12447-M ..</td>
<td>RSPA-2000-7244</td>
<td>Onyx Environmental Services, L.L.C., Flanders, NJ (See Footnote 7)</td>
<td>49 CFR 173.34(e)</td>
<td>To authorize the transportation in commerce of dry ice by cargo aircraft only.</td>
</tr>
<tr>
<td>12448-M ..</td>
<td>RSPA-2000-7244</td>
<td>Onyx Environmental Services, L.L.C., Flanders, NJ (See Footnote 7)</td>
<td>49 CFR 173.34(e)</td>
<td>To authorize the transportation in commerce of dry ice by cargo aircraft only.</td>
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1 To modify the exemption to allow for the transportation of an additional Division 2.2 material in an alternative non-DOT specification cylinder.

2 To modify the exemption to authorize additional Division 2.2 materials transported in DOT-3AL aluminum cylinders.

3 To modify the exemption to eliminate the marking requirements of certain DOT specification and AAR specification tank cars containing a residue of Class 8 materials.

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6 To reissue the exemption originally issued on an emergency basis for the transportation of anhydrous ammonia in DOT specification cylinders.
NEW EXEMPTIONS—Continued

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<tr>
<td>12457–N ......</td>
<td>RSPA–00–7371</td>
<td>Arch Chemicals, Inc., Norwalk, CN.</td>
<td>49 CFR 172.101(i)(3) Col. 8C.</td>
<td>To authorize the transportation in commerce of dry calcium hypochlorite mixture, Division 5.1, in DOT specification flexible intermediate bulk containers. (model 1)</td>
</tr>
<tr>
<td>12460–N ......</td>
<td>RSPA–00–7355</td>
<td>M&amp;M Service Company, Carinville, IL.</td>
<td>49 CFR 173.315(k) ..........</td>
<td>To authorize the interstate transportation in commerce of a non-DOT specification tank built to MC 330 or MC 331 specifications for use in transporting propane, Division 2.1. (mode 1)</td>
</tr>
</tbody>
</table>

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department’s General Counsel involving veterans’ benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. The summary is published to provide the public, and, in particular, veterans’ benefit claimants and their representatives, with notice of VA’s interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department’s General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans’ benefits under laws administered by VA. The General Counsel’s interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist veterans’ benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

New Precedent Opinions

VAOPGCPREC 01–2000

Question Presented

a. Is the last sentence of 38 CFR 3.272(b) consistent with 38 U.S.C. 1503(a)(3) in providing that expenses of a veteran’s last illness paid by a surviving spouse subsequent to the veteran’s death, but prior to the date of entitlement to improved death pension, may not be excluded from countable income for the purpose of determining death pension entitlement?

b. If so: (1) What is the basis for the differing treatment accorded by section 3.272(b) to expenses paid prior to the date of death and those paid after the date of death but before the date of entitlement; and, (2) does Congress’ intent in enacting Pub. L. No. 98–369 to limit retroactive payments of pension in the case of claimants who file claims more than 45 days after the date of a veteran’s death provide an adequate basis for prohibiting consideration of expenses in determining prospective entitlement for the period following the date of claim?

Held

a. The last sentence of 38 CFR 3.272(b) is inconsistent with 38 U.S.C. 1503(a)(3) in providing that expenses of a veteran’s last illness paid by the veteran’s surviving spouse subsequent to the veteran’s death, but prior to the date of the surviving spouse’s entitlement to death pension, may not be deducted from countable income for the purpose of determining entitlement to improved death pension. VA may not rely upon the last sentence of 38 CFR 3.272(b) as a basis for denying a death pension claim or reducing the amount of benefits payable.

b. (1) There is no basis for the differing treatment currently accorded under 38 CFR 3.272(b) for expenses of a veteran’s last illness paid prior to the...