

adverse manner without adequate mitigation.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 12, 2002.

**Jaclyn Lawton,**

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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, exemption 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 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 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 September 13, 2002.

**R. Ryan Posten,**

*Exemptions Program Officer, Office of Hazardous Materials, Exemptions and Approvals.*

Application	Docket No.	Applicant	Modification of exemption
10798-M .....		Arch Chemicals, Inc., Norwalk, CT (See Footnote 1) .....	10798
10850-M .....		Ashland, Inc., Columbus, OH (See Footnote 2) .....	10850
10867-M .....		Pacific Scientific, Duarte, CA (See Footnote 3) .....	10867
10880-M .....		American West Explosives, Inc., Springfield, MO (See Footnote 4) .....	10880
11494-M .....		Atlantic Research Corp (Automotive Products Group), Knoxville, TN (See Footnote 5).	11494
12122-M .....	RSPA-98-4313	Atlantic Research Corp (Automotive Products Group), Knoxville, TN (See Footnote 6).	12122
12178-M .....	RSPA-99-5050	OraSure Technologies, Inc., Bethlehem, PA (See Footnote 7) .....	12178
12997-M .....	RSPA-02-12214	Albemarle Corporation, Baton Rouge, LA (See Footnote 8) .....	12997
103015-M .....	RSPA-02-12926	BOC Gases, Murray Hill, NJ (See Footnote 9) .....	13015

<sup>1</sup> To modify the exemption to authorize the transportation of Division 5.1 and additional Class 8 and Division 6.1 materials in DOT Specification tank cars.

<sup>2</sup> To modify the exemption to authorize the transportation of additional Class 3 materials in DOT Specification 4BW cylinders.

<sup>3</sup> To modify the exemption to authorize a change to the mechanical properties of the material by allowing for stress relief and hydrotest frequency for 3 to 5 years for the transportation of Division 2.2 materials in non-DOT specification cylinders.

<sup>4</sup> To modify the exemption to authorize transportation of Division 1.1D, 1.4D, 1.4B, 1.4S and additional 1.5D materials in reuseable flexible intermediate bulk containers.

<sup>5</sup> To modify the exemption to authorize the elimination of the flattening test requirement on non-DOT specification cylinders transporting Division 2.2 materials.

<sup>6</sup> To modify the exemption to authorize the elimination of the flattening test requirement on non-DOT specification cylinders transporting Division 2.2 materials.

<sup>7</sup> To modify the exemption to authorize expanding the distribution/sale region for export of the DOT Specification 2Q container containing certain Division 2.1 materials.

<sup>8</sup> To modify the exemption to authorize the additional of a Class 8 Packing Group II material transported in vented intermediate bulk containers.

<sup>9</sup> To modify the exemption to authorize label collars configured with cut-out windows and implementation of quality assurance procedures on cylinders containing Division 2.1 and 2.2 materials.

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BILLING CODE 4910-60-M

**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 October 21, 2002.**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, Pub. L. 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 September 13, 2002.

**R. Ryan Posten,**

*Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.*

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13104-N .....	RSPA-02-13279	Consumers Energy Corporation, Charlevoix, MI.	49 CFR 173.403, 173.427.	To authorize the transportation in commerce of a large component of an unpackaged surface contaminated object (SCO) used for transporting Class 7 radioactive materials. (Modes 1, 2)
13105-N .....	RSPA-02-13278	T.L.C.C.I, Inc., Nashville, TN.	49 CFR 173.22a, 173.304.	To authorize the manufacture, mark, sale, and use of non-DOT specification cylinders for use in transporting Division 2.1 materials. (modes 1, 2, 3, 4)
13106-N .....	RSPA-02-13280	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d)(a)&(2).	To authorize the transportation in commerce of hydrogen and nitrogen gas mixtures in manifolded DOT-Specification cylinders. (modes 1, 3)
13107-N .....	RSPA-02-13276	Sensors, Inc., Saline, MI	49 CFR 172 Subparts C&G.	To authorize the transportation in commerce of specially devices containing a DOT Specification 3AL1800 cylinder containing flammable compressed gas utilizing a small hydrogen/helium flame without required shipping papers. (mode 1)
13109-N .....	RSPA-02-13281	Canberra Industries, Inc., Meriden, CN.	49 CFR 173.302, 175.3	To authorize the manufacture, marking, sale and use of non-DOT specification containers described as hermetically-sealed electron tube devices for use in transporting Division 2.2 hazardous materials. (modes 1, 4, 5)
13110-N .....	RSPA-02-13282	Praxair, Inc., Danbury, CT.	49 CFR 173.242 .....	To authorize the transportation in commerce of non-DOT specification bulk packaging for use in transporting metal, catalyst, dry, Division 4.2. (modes 1, 3)
13111-N .....	RSPA-02-13284	Fisher Scientific Chemical Division, Fair Lawn, NJ.	49 CFR 173.158(f)7(h) ...	To authorize the transportation in commerce of 70% nitric acid, Class 8, in certain single and combination packagings which is currently forbidden. (modes 1, 2, 3, 4)
13112-N .....	RSPA-02-13286	Conax Florida Corporation St. Petersburg, FL.	49 CFR 173.302, 175.3	To authorize the manufacture, mark, sale and use of non-DOT specification non-reusable cylinders conforming with all regulations similiar to DOT specification 39 cylinder for use in transporting Division 2.2 material. (modes 1, 2, 3, 4, 5)
13114-N .....	RSPA-02-13303	Eagle Window & Door, Inc. Dubuque, IA.	49 CFR 172.202-204 .....	To authorize the transportation in commerce of non-bulk containers of paint to be transported within the facility without required shipping papers. (mode 1)
13116-N .....	RSPA-02-13306	Chromatography Research Supplies, Inc., Louisville, KY.	49 CFR 173.151(b) .....	To authorize the transportation in commerce of gas filters containing limited quantities of hazardous materials classed as self-heating solid, inorganic, n.o.s. to be transported under the limited quantity provisions as Division 4.1 without required labelling or placarding. (modes 1, 4, 5)
13117-N .....	RSPA-02-13307	TEN-Packaging Services, Newport, MN.	49 CFR 173.21(i) .....	To authorize the examination of cigarette lighters and their inner packagings. (mode 1)