

NEW EXEMPTIONS

| Application No. | Docket No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|-----------------|------------|---|---|--|
| 13297-N | | WGM Inc., Peekskill, NY | 49 CFR 173.403, 173.427(a), (b) & (c), 173.465(c) & (d). | To authorize the manufacture, marking, sale and use of a specially designed device containing Class 7 radioactive materials. (Mode 1) |
| 13301-N | | United Technologies Corporation, West Palm Beach, FL. | 49 CFR 172 Subparts C, D, E and F. | To authorize the transportation in commerce of certain hazardous materials for a distance of approximately 400 feet without proper hazard communication. (Mode 1) |
| 13303-N | | Koch Materials Company, Wichita, KS. | 49 CFR 174.67(c)(2) and (i). | To authorize an alternative monitoring system for rail cars throughout the steam-heating operation when no product is being transferred. (Mode 2) |
| 13304-N | | Matheson Tri Gas, East Rutherford, NJ. | 49 CFR 173.304, 173.40 | To authorize the transportation in commerce of hydrogen sulfide in DOT specification cylinders with a service pressure of 480 PSIG. (Modes 1, 3) |
| 13305-N | | Matheson Tri Gas, East Rutherford, NJ. | 49 CFR 171.14 | To authorize the transportation in commerce of DOT 5A drums containing a residual amount of certain hazardous materials for disposal. (Mode 1) |
| 13306-N | | Ecolab Inc., St. Paul, MN | 49 CFR 172.312(a), 173.22a, 173.24a(a)(1). | To authorize the transportation in commerce of a combination packaging having inner receptacles with closures on the side, i.e., not oriented in the upward direction for use in transporting Organic peroxide, Division 5.2. (Modes 1, 2, 3) |
| 13307-N | | United Phosphorous, Inc., Trenton, NJ. | 49 CFR 172.504 | To authorize the transportation in commerce of an aluminum phosphide based pesticide which meets the definition of a Division 4.3 material to be shipped as aluminum phosphide pesticide, a Division 6.1 material. (Mode 1) |
| 13308-N | | Florida Air Transport, Pembroke Park, FL. | 49 CFR 172.101 Col. 9b, 172.204(c)(3), 173.27(b)(2)(3), 175.30(a)(1). | To authorize the transportation in commerce of Class 1 explosives which are forbidden or exceed quantities presently authorized. (Mode 4) |
| 13309-N | | OPW Engineered Systems, Lebanon, OH. | 49 CFR 174.67(i) & (j) | To authorize tank cars containing hazardous materials to remain standing with connections attached provided a minimal level of monitoring is maintained and a specially designed hose capable of preventing uncontrolled release is used. (Mode 2) |
| 13311-N | | HazMat Services, Inc., Anaheim, CA. | 49 CFR 173.12 | To authorize the transportation in commerce of laboratory reagent chemicals packaged in lab packs to facilitate relocation of laboratory facilities. (Mode 1) |
| 13312-N | | Air Products & Chemicals, Inc., Allentown, PA. | 49 CFR 173.301(f)(3), 180.205(c)(4). | To authorize the transportation in commerce of DOT-3, 3A, and 3AA cylinders in chlorine service with a pressure relief device set to discharge at 75% of the test pressure. (Modes 1, 3) |
| 13314-N | | Sunoco Inc., Philadelphia, PA. | 49 CFR 177.834(h) | To authorize the discharge of Division 6.1 liquids from DOT 51 portable tanks without removing the tanks from the vehicle on which it is transported. (Mode 1) |

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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, 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 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 10, 2003.

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 20, 2003.
R. Ryan Posten,
Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

| Application No. | Docket No. | Applicant | Modification of exemption |
|-----------------|----------------|--|---------------------------|
| 10323-M | | Air Products and Chemicals, Inc., Allentown, PA (See Footnote 1) | 10323 |
| 10504-M | | Air Products and Chemicals, Inc., Allentown, PA (See Footnote 2) | 10504 |
| 11598-M | | Metalcraft, Inc., Baltimore, MD (See Footnote 3) | 11598 |
| 11646-M | | Bundit, Vesta, MN (See Footnote 4) | 11646 |
| 12443-M | RSPA-00-7209. | Kinder Morgan Materials Services, Sewickley, PA (See Footnote 5) | 12443 |
| 12698-M | RSPA-01-9652. | Precision Technik, Inc., Atlanta, GA (See Footnote 6) | 12698 |
| 13169-M | RSPA-02-13894. | ConocoPhillips Alaska, Inc., Anchorage, AK (See Footnote 7) | 13169 |
| 13179-M | RSPA-02-14020. | Onyx Environmental Services, L.L.C., Flanders, NJ (See Footnote 8) | 13179 |

¹ To modify the exemption to update testing requirements of the non-DOT specification full-open head salvage cylinders and add a Division 2.2 material.

² To modify the exemption to authorize a design change of the non-DOT specification full removable head salvage cylinder, add a Class 8 material and add cargo vessel as an additional mode of transportation.

³ To modify the exemption to authorize the use of an additional DOT Specification cylinder equipped with an alternative pressure relief device system for transporting certain Division 2.2 materials.

⁴ To modify the exemption to authorize the transportation of additional Class 3 materials unloaded from drums and/or intermediate bulk containers without removal from motor vehicles.

⁵ To modify the exemption to authorize product hoses for a Class 9 elevated temperature, liquid material to remain connected provided monitoring occurs at least every 12 hours.

⁶ To modify the exemption to authorize design changes of the non-DOT specification full opening head salvage cylinders for overpacking a damaged or leaking cylinder containing various hazardous materials.

⁷ To reissue the exemption originally issued on an emergency basis for the transportation of certain Class 3 materials in DOT Specification UN31A intermediate bulk containers which exceed quantity limitations when shipped by air.

⁸ To modify the exemption to authorize cargo vessel as an additional mode of transportation for transporting Division 2.1 materials which has been removed from their inner packaging and are being sent for disposal.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. AB-124 (Sub-No. 2) and AB-279 (Sub-No. 3)]

Waterloo Railway Company—Adverse Abandonment—Lines of Bangor and Aroostook Railroad Company and Van Buren Bridge Company in Aroostook County, ME; Canadian National Railway Company—Adverse Discontinuance—Lines of Bangor and Aroostook Railroad Company and Van Buren Bridge Company in Aroostook County, ME

On October 6, 2003, the Trustee of the Bangor and Aroostook Railroad Company (BAR), *et al.* (the Trustee), filed with the Surface Transportation Board an application under 49 U.S.C. 10903 ¹ seeking: (a) In STB Docket No.

AB-279 (Sub-No. 3), the adverse (involuntary) discontinuance of certain trackage rights acquired by the Canadian National Railway Company (CN) from BAR and its wholly owned subsidiary, the Van Buren Bridge Company; and (b) in STB Finance Docket No. AB-124 (Sub-No. 2), the adverse (involuntary) abandonment of the operating easement acquired by a CN subsidiary, the Waterloo Railway Company (Waterloo), over the same lines.² The lines run between Madawaska, ME, and the Canadian border, and serve a mill owned by Fraser Papers Inc. (Fraser) at Madawaska, ME. The lines are now owned by the Montreal, Maine & Atlantic Railway, Ltd. (MMA), which purchased them from the estate of the bankrupt BAR on January 9, 2003. They

are fully operational rail lines used by CN to serve the plant of Fraser at Madawaska.

The Trustee seeks to terminate CN's authority to serve Fraser over the lines. This would leave MMA as the only carrier with authority to serve that shipper over the lines. For additional background information, see the Board's decision served on June 25, 2002, in *Canadian National Railway Company—Trackage Rights Exemption—Bangor and Aroostook Railroad Company and Van Buren Bridge Company*, STB Finance Docket Nos. 34014, *et al.*

The Trustee maintains that termination of CN's authority to serve Fraser, leaving MMA as the serving carrier, is required by the "present or future public convenience and necessity" under 49 U.S.C. 10903. The Trustee contends that, under either 49 U.S.C. 10903 or 11 U.S.C. 1170, the public interest will be served by discontinuance of the CN trackage rights and abandonment of the Waterloo easement, because the potential harm to the BAR estate, the new owner of the former BAR system (MMA), and its shippers and the communities it serves from the continued existence of the CN trackage rights and Waterloo easement substantially outweighs the potential

¹ The Trustee contends that the bankruptcy law at 11 U.S.C. 1170 applies to this application, meaning that the Board's decision would constitute an advisory report to the Bankruptcy Court. The matter is currently before the United States District Court for the District of Maine.

² The lines involved in the trackage rights and easement are more precisely described as follows: (1) A line between approximately Milepost (MP) 0.0 at Madawaska, ME, and approximately MP 22.72 at Van Buren (Canadian Junction), ME; and (2) a line between approximately MP 0.0 at Van Buren (Canadian Junction), ME, and approximately MP 0.31 at the United States-Canada border, a total distance of approximately 23 route miles in Aroostook County, ME. The lines include the stations of Madawaska (MP 0.0), N CL Sign Madawaska (MP 1.25), Saint David (MP 4.20), and Grand Isle (MP 8.66) and traverse Postal Service ZIP Codes 04756, 04773, 04746, 04749, and 04785.