

NEW EXEMPTIONS—FEBRUARY 2004—Continued

Application number	Docket number	Applicant	Regulation(s) affected	Nature of exemption thereof
13487-N	University of Colorado Health Services Center, Denver, CO.	49 CFR 173.197	To authorize the one-way transportation in commerce of certain infectious materials in alternative packaging. (mode 1).
13522-N	Green-Port Environmental Managers, LTD., Scipio Center, NY.	49 CFR 173.25; 173.29(a); 173.301(a)(9); 177.840.	To authorize the transportation in commerce of DOT-Specification 39 cylinders for disposal in alternative outside packaging. (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 Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the

application 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. Request of 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. Their applications have been separated from the new application for exemption to facilitate processing.

DATES: Comments must be received on or before April 12, 2004.

ADDRESS COMMENTS TO: Record 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 exemption 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 23, 2004.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions & Approvals.

MODIFICATION EXEMPTIONS—FEBRUARY 2004

Application number	Docket number	Applicant	Modification of exemption	Nature of exemption thereof
8495-M .....	.....	Kidde Aerospace Wilson, SC	8495	To modify the exemption to clarify and authorize the use of the service pressure to determine the maximum allowable sidewall stress for the non-DOT specification cylinders.
7280-M .....	.....	Department of Defense, Ft. Eustis, VA.	7280	To modify the exemption to authorize the use of 5,000 or 7,500 gallon fuel-servicing tanker semi-trailers and the transportation of Class 3 and additional Class 9 materials.
9894-M .....	.....	Luxfer Gas Cylinders, Riverside, CA.	9894	To modify the exemption to authorize the transportation of additional Division 2.2 materials in non-DOT specification fiber reinforced plastic hoop wrapped cylinders.
11043-M .....	.....	Onyx Environmental Services, L.L.C., Ledgewood, NJ.	11043	To modify the exemption to authorize the transportation of Division 2.1 materials on the same transport vehicle with Class 3, 4, 5, and 8 materials.
11440-M .....	.....	PPG Industries, Inc., Pittsburgh, PA.	11440	To modify the exemption to authorize the use of wooden pallets for the transportation of Division 6.1 materials in polyethylene drums or composite packaging.
12122-M	RSPA-98-4313	ARC Automotive, Inc., Knoxville, TN.	12122	To modify the exemption to authorize an increase of the maximum service pressure to 8,000 psig at 70 degrees F for the non-DOT specification pressure vessels for use as components of automobile vehicle safety systems.
12844-M	RSPA-01-10753 ...	Delphi Automotive Systems, Vandalia, OH.	12844	To modify the exemption to authorize an increase of maximum service pressure from 5,000 to 6,000 psig for the non-DOT specification pressure vessels used as components of automobile vehicle safety systems.

MODIFICATION EXEMPTIONS—FEBRUARY 2004—Continued

Application number	Docket number	Applicant	Modification of exemption	Nature of exemption thereof
12899-M	RSPA-02-11387 ...	Pencor Reservoir Fluid Specialists, Broussard, LA.	12899	To modify the exemption to authorize the use of an optional pressure compensating end cap closure for the non-DOT specification oil well sampling cylinders.
13221-M	RSPA-03-14967 ...	Toxo, Inc., Oak Ridge, TN	13221	To modify the exemption to authorize bulk containers to be shipped in sealed freight containers and increase the number of authorized non-bulk containers to 83 for the transportation of Division 4.3 materials.
13305-M	RSPA-03-16420 ...	Matheson Tri-Gas, East Rutherford, NJ.	13305	To modify the exemption to authorize the one-way transportation, for cleaning and final disposition, of older DOT Specification 5A drums containing a Division 4.3 material.
13323-M	RSPA-03-16488 ...	Integrated Ocean Drilling Program/Texas A&M University (Former Grantee: Ocean Drilling Program/Texas A&M University), College Station, TX.	13323	To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.1 material in non-DOT specification cylinders.
12135-M	RSPA-98-4418	Daicel Safety Systems, Inc., Washington, DC.	12135	To modify the exemption to authorize an increase in the maximum allowable service pressure for the non-DOT specification pressure vessels from 4560 PSIG to 8990 PSIG.

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UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION**Notice of Availability of the Decision Notice and Finding of No Significant Impact for the Warm-Water Interim Hatchery Facility in Cache County, UT****AGENCY:** Utah Reclamation Mitigation and Conservation Commission.**ACTION:** Notice of availability.

SUMMARY: On September 24, 2003 the Utah Reclamation Mitigation and Conservation Commission (Commission) and the Utah Division of Wildlife Resources (Division) released an Environmental Assessment (EA) evaluating construction and operation of an interim warm-water fish hatchery to produce stockable June sucker (*Chasmistes liorus*), which is listed as endangered by the U.S. Fish and Wildlife Service (USFWS). The EA considers two potential sites for the Interim Facility: the first site is on approximately 2.4 acres of Utah State land at Goshen Warm Springs in the City of Genola, Utah County, Utah (Goshen Warm Springs Alternative); the second site is on approximately 0.1 acre of Utah State land operated as the Fisheries Experiment Station (FES) in Logan, Utah (FES Alternative).

The June sucker, a fish endemic to Utah Lake that spawns in the Provo River, is a species targeted for recovery. The USFWS listed the species as endangered with critical habitat in 1986.

In 1999, the USFWS adopted a June Sucker Recovery Plan with a stated goal to prevent the extinction of the species and eventually remove the fish from the endangered species list. A 1998 Fish Hatchery Production Plan developed by the Commission and the Division identified an immediate need for June sucker production. In order to offset a further decline in June sucker numbers until a permanent Production Facility could be planned and constructed, the Interim Facility is proposed for immediate construction and operation.

After careful review of impacts to affected resources analyzed in the EA, and examination of public comments, the Commission and the Division have selected the preferred alternative (FES Alternative), to construct the Interim Facility at the existing facility in Logan, Utah, for implementation. The FES is managed by the Division and is currently rearing June sucker for use as broodstock. The facility will be an approximately 4,200 square-foot addition to an existing building, allowing space for fish tanks as well as equipment necessary for water recirculation and heating, and will have an annual production capacity of 36,000 stockable June sucker at 8.5 inches in length.

The Commission and the Division selected the FES Alternative because no significant impacts will be created, and because the FES Alternative provides the best opportunity to meet interim production needs for June sucker while maintaining cost efficiency. Additional security will not have to be provided, as at Goshen Warm Springs, because of

existing coverage at the FES. The FES Alternative would be substantially less expensive to construct and operate, because of the existing infrastructure (parking, utilities, etc.) and proximity to existing June sucker brood stock production at FES.

The Environmentally Preferred Alternative is the FES Alternative. The FES Alternative has less overall associated environmental impacts than the Goshen Warm Springs Alternative. The FES Alternative would: be sited, primarily, on Utah State lands currently developed for aquaculture operations; require less land conversion and development; result in no surface water quality impacts; and result in no direct wetland impacts. The action, along with identified requisite mitigation, is consistent with Commission and Division policies and other laws and regulations.

The FES alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). Information derived from public involvement, including that from other agencies, was considered and factored into the decision. Since the preferred alternative, as mitigated, will not cause unacceptable impacts, or create unsafe or unhealthful conditions, it is appropriate to approve the action considering governing laws and policies. Based on the foregoing, it was determined that an EIS is not required for this project and thus will not be prepared.

ADDRESSES: Copies of the FONSI can be obtained from the Utah Reclamation