

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by March 8, 1999, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 20 copies to the Executive Director, or by bringing the copies to him at the meeting. Public statements will only be considered if time permits.

In addition, sign and oral interpretation as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on February 12, 1999.

**Ida M. Klepper,**

*Acting Director, Office of Rulemaking.*

[FR Doc. 99-4174 Filed 2-18-99; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**Actions on Exemption Applications**

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

**ACTION:** Notice of actions on exemption applications.

**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 of the actions on exemption applications in SEPTEMBER—DECEMBER 1998. The modes of transportation involved are identified 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. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on February 11, 1999.

**J. Suzanne Hedgepeth,**

*Director, Office of Hazardous Materials Exemptions and Approvals.*

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
<b>MODIFICATION EXEMPTIONS</b>				
1862-M .....	DOT-E 1862	Greer Hydraulics, Inc., Rockford, IL.	49 CFR 173.302(a)(1), 175.3 .....	To modify the exemption to provide for several design changes.
6610-M .....	DOT-E 6610	ARCO Chemical Company, Newtown Square, PA.	49 CFR 173.225(e) .....	To modify the exemption to provide for water and rail as additional modes of transportation for shipment of Division 5.2 Type F, liquid.
7657-M .....	DOT-E 7657	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To modify the exemption to provide for Class 2.3 as an additional class of material for the transportation of certain compressed gases in non-DOT specification cylinders.
8556-M .....	DOT-E 8556	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To modify the exemption to provide for an additional design portable tank for use in transporting liquefied hydrogen.
8650-M .....	DOT-E 8650	Ethyl Corporation, Richmond, VA.	49 CFR 173.354, 174.63(b) .....	To modify the exemption to provide for Class 3 as an additional class of material for transportation in a non-DOT specification steel portable tank.
10365-M .....	DOT-E 10365	U.S. Enrichment Corporation, Bethesda, MD.	49 CFR 178.121-1(b) .....	To modify the exemption to provide for 21PF-1A and 21PF-1B packages with gross weights greater than indicated in the specification and relief from marking requirement.
10429-M .....	DOT-E 10429	Baker Performance Chemicals, Inc., Houston, TX.	49 CFR 177.834(h), Part 107 appendix B(1), Part 173 Subpart D and F.	To modify the exemption to increase the capacity allowance to 793 gallons for IBC's mounted on vehicles for use in transporting Class 3 and Class 8 liquids.
10429-M .....	DOT-E 10429	HCI USA Distribution Companies, Inc., Santa Ana, CA.	49 CFR 177.834(h), Part 107 appendix B(1), Part 173 Subpart D and F.	To modify exemption to allow UN31A IBCs having capacities not exceeding 660 gallons for the discharge of certain Class 3 and Class 8 liquids from DOT Specification 57 stainless steel portable tanks without removing tanks from vehicle on which it is transported; the addition of certain Class 9 materials.
10672-M .....	DOT-E 10672	Burlington Packaging, Inc., Brooklyn, NY.	49 CFR 173.3(a), 174.25(a), 175.3, 177.848(b), Part 172 Subpart E and F, Part 173, Subpart D, E, F, and H.	To modify exemption to provide for alternative absorbent material and plastic ringlock on specially-designed composite type packaging.
10672-M .....	DOT-E 10672	Burlington Packaging, Inc., Brooklyn, NY.	49 CFR 173.3(a), 174.25(a), 175.3, 177.848(b), Part 172, Subpart E and F, Part 173, Subpart D, E, F, and H.	To modify the exemption to provide for passenger air as an additional mode of transportation for shipping liquid and solid hazardous materials required to bear the POISON, KEEP AWAY FROM FOOD, FLAMMABLE LIQUID, FLAMMABLE SOLID OR CORROSIVE labels in specially-designed composite type packaging.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10966-M .....	DOT-E 10966	Columbia Helicopters, Inc., Portland, OR.	49 CFR 173.119, 173.263, 175.320.	To modify the exemption to provide for an additional non-DOT specification container for the transportation by helicopter of a Class 3 material, a combustible liquid, and a Class 8 material in non-DOT specification rotationally molded, cross-linked polyethylene portable tanks.
11167-M .....	DOT-E 11167	ECO-Pak Specialty Packaging, Elizabethton, TN.	49 CFR 173.240-244 .....	To modify the exemption to provide for a similar type portable tank suitable for transporting solids and liquids specified as Packaging Group 1 materials, as well as materials poisonous by inhalation.
11352-M .....	DOT-E 11352	PepsiCo, Inc., Arlington, TX.	49 CFR 172.200, 172.300, 172.400, 172.500.	To authorize party-status and additional classes of hazardous materials.
11516-M .....	DOT-E 11615	Falcon Safety Products, Inc., Somerville, NJ.	49 CFR 173.306(a)(3) .....	To modify the exemption to provide for certain DOT Specification 2Q containers in size greater than presently authorized.
11537-M .....	DOT-E 11537	Industrial Chemtex, Inc., Longview, TX.	49 CFR 177.834(h) .....	To modify the exemption to include UN31HA1 intermediate bulk containers for the transportation in commerce of certain Class 8 material in IBCs that are securely mounted to a flatbed trailer, but not removed from the vehicle prior to loading or unloading of container.
11725-M .....	DOT-E 11725	Dynatherm Corporation, Hunt Valley, MD.	49 CFR 173.301, 173.302(a), 173.304(a)(2), 173.34(d), 173.40, 175.3.	To authorize party status and to authorize a similar non-DOT specification heat pipe assembly for shipment of certain liquefied and compressed gases.
11984-M .....	DOT-E 11984	Trans World Airlines, Inc., Kansas City, MO.	49 CFR 172.102(c)(1) special provision 60.	To modify the exemption to provide for rail as an additional mode of transportation for the movement of motor-vehicle (piggy-back trailers) when shipping oxygen generators.
12062-M .....	DOT-E 12062	Vulcan Chemicals, Birmingham, AL.	49 CFR 173.242 .....	To reissue the exemption originally issued on an emergency basis to continue to use a non-DOT specification tank to transport a 6.1 material.
12062-M .....	DOT-E 12062	Wood Protection Products, Inc., Charlotte, NC.	49 CFR 173.242 .....	To authorize party status and to authorize a similarly designed non-DOT specification, pneumatic hopper trailer for the transportation of a 6.1 material.
12094-M .....	DOT-E 12094	Suburban Propane, Inc., Anchorage, AK.	49 CFR 1234 .....	To reissue the exemption originally issued on an emergency basis to authorize the transportation of propane, Division 2.1, in DOT 51M portable tanks, that exceed the quantity limitations.
12095-M .....	DOT-E 12095	Railway Progress Institute, Inc., Alexandria, VA.	49 CFR 172.301(c), 180.503, 180.509, 180.517.	To reissue an exemption originally issued on an emergency basis (as an extension) to authorize an alternative inspection and test program for tank cars.
12107-M .....	DOT-E 12107	Toyota Motor Sales, U.S.A., Inc., Torrance, CA.	49 CFR 100-180, except as provided in exemption.	To reissue the exemption originally issued on an emergency basis for the manufacture, mark and sale of certain shock absorbers, struts, stays and dampers for transportation in commerce as accumulators.
12112-M .....	DOT-E 12112	HRD Aero Systems, Inc., Valenica, CA.	49 CFR 173.301(1) .....	To reissue the exemption originally issued on an emergency basis for the transportation in commerce of certain 2.2 gases in non-DOT specification copper cylinders used as components (fire extinguishers) in aircraft of foreign manufacturers.
12113-M .....	DOT-E 12113	Bemis Company, Inc., Omaha, NE.	49 CFR 178.3(a)(4) .....	To reissue the exemption originally issued on an emergency basis for the transportation in commerce of bags (UN5M2) which were not marked to correct size specifications.

## NEW EXEMPTIONS

11098-N .....	DOT-E 11098	Alcan Smelters and Chemicals Ltd., Montreal, CN.	49 CFR 49 CFR 173.242 .....	To authorize the transport of (aluminum dross) substances which in contact with water emit flammable gases, solid, n.o.s. UN 2813 classed as Division 4.3 in vented rail box car. (mode 2)
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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11540-N .....	DOT-E 11540	Convenience Products, Fenton, MO.	49 CFR 173.1200(a)(8)(ii) .....	To authorize an alternative test of aerosol containers with polyurethane prepolymer components to attain internal pressure of at least 130 degrees. (modes 1, 2, 3, 4, 5)
11682-N .....	DOT-E 11682	Cryolor, Argancy 57365 Ennery—France.	49 CFR 178.338-2(a)&(e) .....	To authorize the transportation in commerce of a vacuum insulated, non-DOT specification portable tank permanently fitted within an ISO frame for the use in transporting certain refrigerated liquid, Division 2.2. (modes 1, 2, 3)
11774-N .....	DOT-E 11774	Safety Disposal System, Inc., Opa Locka, FL.	49 CFR 171.8, 172.101 Col 8c, 173.197.	To authorize the transportation in commerce of a specially designed outer packaging equipped with liner for use in transporting regulated medical waste, Division 6.2. (mode 1)
11783-N .....	DOT-E 11783	Peoples Natural Gas, Rosemount, MN.	49 CFR 173.242 .....	To authorize the one-time transportation of natural gas odorant in portable tanks comparable to DOT Specification 51. (mode 1)
11943-N .....	DOT-E 11943	ICI Americas, Inc., Wilmington, DE.	49 CFR 174.680, 175.630, 176.600, 177.841.	To authorize the transportation of co-loading of materials meeting Packing Group III toxic (poison) class, bearing "harmful—keep away from food" labels. (modes 1, 2, 3, 4)
11982-N .....	DOT-E 11982	Webasto Thermosystems, Inc., Madison Heights, MI.	49 CFR 177.834(1)(2)(i) .....	To authorize the manufacture, mark and sale of cargo heaters for use in transporting Class 3 or Division 2.1 hazardous materials in enclosed trucks or trailers on highway vehicles. (mode 1)
12004-N .....	DOT-E 12004	Alfa SA, Portugal .....	49 CFR 173.304, 173.34(e)(9), 175.3, 178.51.	To authorize the manufacture, mark and sale of non-specification cylinders comparable to DOT-Specification 4BA for use in transporting certain Class 2 material. (mode 1, 2, 4)
12022-N .....	DOT-E 12022	Taylor-Wharton Co., Harrisburg, PA.	49 CFR (e)(15)(vi), 173.302(c)(2), (3), (4) & (5), 173.34(e)(1), (e)(3), (e)(4), (e)(8), (e)(14), 173.34(e)(1), (e)(3), (e)(4), (e)(8), (e)(14), (e).	To authorize the use of ultrasonic inspection in lieu of hydrostatic pressure test and internal visual inspection of 3AA cylinders for use in transporting hazardous materials classed as Division 2.1., 2.2 and 2.3. (mode 1, 2, 3, 4, 5)
12054-N .....	DOT-E 12054	Gulf & Caribbean Cargo, Inc., Fort Lauderdale, FL.	49 CFR 172.101, Col. 9B .....	To authorize the transportation in commerce of explosives, Division 1, that are forbidden or exceed the quantity limitation for transportation by air. (mode 4)
12067-N .....	DOT-E 12067	United Parcel Service Company (UPSCO), Louisville, KY.	49 CFR 171.2(a), 173.3(a), 173.301(e), 173.302(a), 173.34(a)(1) & (e).	To authorize the transportation in commerce of compressed gases, n.o.s, Division 2.2 in non-DOT specification cylinders used as part of an aircraft component (mode 1)
12084-N .....	DOT-E 12084	AlliedSignal, Inc., Morristown, NJ.	49 CFR 173.34(e)(11) .....	To authorize an alternative schedule for retesting of DOT 4B, 4BA, and 4BW cylinders used in transporting refrigerant gases and blends. (modes 1, 2, 3)
12087-N .....	DOT-E 12087	LND, Inc., Fairfield, CT	49 CFR 172.101, Co. 9, 173.306, 175.3.	To authorize the manufacture, mark, and sale of non-DOT specification metal containers containing Boron Trifluoride, classed as 2.3 for use in radiation detectors. (modes 1, 2, 3, 4, 5)
12114-N .....	DOT-E 12114	GPU Nuclear, Inc., Middletown, PA.	49 CFR 173.403, 173.427 .....	The authorize transportation in commerce of a nuclear steam generator and pressurizer. (mode 2)
12115-N .....	DOT-E 12115	GPU Nuclear, Inc., Middletown, PA.	49 CFR 173.403, 173.427 .....	To authorize the transportation in commerce of a nuclear reactor vessel. (mode 2)
12118-N .....	DOT-E 12118	Taylor-Wharton Theodore, AL.	49 CFR 177.834(i)(2), 178.316(c) (1) & (2).	To authorize the manufacture, marking, sale and use of DOT Specification 4L welded insulated cylinders and assemblies mounted to handling skid for use in transporting Division 2.2 material. (mode 1)
12122-N .....	DOT-E 12122	Atlantic Research Corp., Knoxville, TN.	49 CFR 173.301(h), 173.302, 173.306(d)(3).	To authorize the manufacture, mark, sale and use of non-Dot specification cylinders for use as components of automotive vehicle safety systems. (modes 1, 2, 3, 4, 5)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12124-N .....	DOT-E 12124	Albemarle Corp., Baton Rouge, LA.	49 CFR 173.242, 178.245-1(c), 178.245-1(d)(4).	To authorize the transportation in commerce of a non-DOT specification portable tank comparable to a specification DOT 51 portable tank equipped with bottom outlet and no internal shutoff valve for use in transporting various hazardous materials classed in Division 4.2 and 4.3. (modes 1, 3)
12128-N .....	DOT-E 12128	Ogden Waste Solutions, Inc., Okahumpka, FL.	49 CFR 171.8, 172.101 Column (8C), 173.197.	To authorize the transportation in commerce of non-DOT specification steel roll-off containers as outer packagings for transportation in commerce of regulated medical waste in dual packagings. (mode 1)
12133-N .....	DOT-E 12133	Polar Air Cargo, Washington, DC.	49 CFR 172.101(9B), 172.204 (a) & (c), 173.27, 173.54(j), 175.30(a)(1).	To authorize the transportation in commerce of certain Division 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden or exceed quantities authorized. (mode 4)
12135-N .....	DOT-E 12135	Daicel Safety Systems, Inc., Hyogo-Ken, JP.	49 CFR 173.301(h), 173.302, 173.306(d)(3).	To authorize the manufacture, mark and sale of non-DOT specification cylinders (pressure vessels) for use as components of automobile vehicle safety systems. (modes 1, 2, 3, 4)
12147-N .....	DOT-E 12147	Portland General Electric, Rainier, OR.	49 CFR 173.416(a), 173.467 .....	To authorize the one-time transportation in commerce of a reactor vessel for disposal containing Class 7, radioactive material. (modes 1, 3)
12168-N .....	DOT-E 12168	Chemical Leaman Tank Lines, Inc., Exton, PA.	49 CFR 171.101 (T27) .....	To authorize the emergency one-time transportation in commerce of a IM101 tank not in compliance with special provision T27 minimum shell thickness used for the transportation in commerce of Class 8 material. (mode 1)
12176-N .....	DOT-E 12176	Hoke Inc., Cresskill, NY.	49 CFR 123, 178.42 .....	To authorize the manufacture, marking and sale of non-DOT specification cylinders conforming to DOT 3E specification for use in transporting hazardous materials which are presently authorized in 3E. (modes 1, 2, 3)

**EMERGENCY EXEMPTIONS**

EE 12018-N	DOT-E 12018	MVE, Inc., New Prague, MN.	49 CFR 173.320 .....	Request for emergency exemption to authorize the bulk transportation of refrigerated liquids in cargo tanks when the tanks are not mounted on motor vehicles. (modes 1, 3)
EE 12095-N	DOT-E 12095	Railway Progress Institute, Alexandria, VA.	49 CFR 172.301(c), 180.503, 180.509, 180.517.	Request for emergency exemption that authorizes an alternative inspection and test program for any class DOT tank car, and any non-DOT tank car when such car is used to transport hazardous material. (mode 2)
EE 12140-N	DOT-E 12140	Airgas, Inc. and Airgas Management, Inc., Radnor, PA.	49 CFR 173.3, 173.304 .....	Request for emergency exemption to transport cylinders that are not marked with the correct contents. (mode 1)
EE 12141-N	DOT-E 12141	Birmingham Southeast LLC, Cartersville, GA.	49 CFR 173.24(d)(2) .....	Request for emergency exemption that authorize the one-time transportation of a hopper car containing hazardous waste that exceeds the maximum weight of lading marked on the spec. plate. (mode 2)
EE 12143-N	DOT-E 12143	Suburban Propane, Anchorage, AL.	49 CFR 172.101, 176.83(b) .....	Request for emergency exemption to authorize the transportation of propane that exceed the quantity limitations per package, when offered for transportation by air. (mode 5)
EE 12150-N	DOT-E 12150	Midland Manufacturing Corp, Skokie, IL.	49 CFR 179.102-17 .....	Request for emergency exemption to authorize the transportation in commerce of DOT spec tank cars meeting all specs except that they are equipped with combination pressure relief devices that contain a frangible disk constructed of a non-authorized material. (mode 2)
EE 12151-N	DOT-E 12151	Energetic Solutions, Dallas, TX.	49 CFR 173.24b(d)(2) .....	Request for an emergency exemption to authorize the movement of a hopper type rail car overloaded with ammonium nitrate. (mode 2)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 12153-N	DOT-E 12153	Sandia National Labs, Albuquerque, NM.	49 CFR not provided .....	Request for emergency exemption to transport certain material in non-DOT spec containers. (mode 1)
EE 12154-N	DOT-E 12154	Hach company, Ames, IA.	49 CFR 171.11(d)(4)(ii) .....	Request for an emergency exemption to authorize shipments of hazmat by ICAO not to include notation on the shipping paper indicating that the shipment is being made under 49 CFR 171.11 or include the letters "ICAO". (modes 4, 5)
EE 12159-N	DOT-E 12159	United Parcel Service, Louisville, KY.	49 CFR 171.2(a), 172.200, 172.203, 173.220, 175.30, 175.33, 175.78, 175.79, 175.85.	Request for an emergency exemption to transport in commerce generators powered by internal combustion engines as "engines, internal combustion" on cargo-only aircraft. (mode 4)
EE 12160-N	DOT-E 12160	BAX Global Inc., Irvine, CA.	49 CFR 171.11(d)(4)(ii) .....	Request for an emergency exemption to authorize shipments of certain materials by air, without indicating on the shipping paper that the shipment is being made under the provisions of 49 CFR 171.11 or including the letters "ICAO", as currently required. (modes 1, 2, 4, 5)
EE 12161-N	DOT-E 12161	Clariant, Charlotte, NC	49 CFR 173.24(b)(2) .....	Request for an emergency exemption to transport bottles that have been scored (and therefore may leak) to one consolidation site. (mode 1)
EE 12162-N	DOT-E 12162	Dept of the Army (DOD), Falls Church, VA.	49 CFR 178.35, 178.36(e)(j) .....	Request for an emergency exemption to authorize the use of non-DOT specification containers for certain compressed gases. (modes 1, 2, 3, 4, 5)
EE 12163-N	DOT-E 12163	Safety-Kleen, Columbia, SC.	49 CFR 173.211 .....	Request for an emergency exemption to transport non-DOT specification cylinders containing sodium and mineral spirits. (mode 1)
EE 12169-N	DOT-E 12169	Dupont Victoria, TX .....	49 CFR 173.24b(d)(2) .....	Request for an emergency exemption to transport a rail car that is overloaded with class 9 material. (mode 2)
EE 12188-N	DOT-E 12188	BFI Waste Systems of North America, Baltimore, MD.	49 CFR 172.101 .....	Request for an emergency exemption to transport reg. med waste in a bulk container. (mode 1)
EE 12193-N	DOT-E 12193	Clariant, Charlotte, NC	49 CFR 173.24(b)(2) .....	Request for an emergency exemption to transport damaged DOT 56 portable tanks containing sodium hydrosulfite. (mode 1).

DENIALS

8914-X .....	Request by Amerijet International, Inc. Ft. Lauderdale, FL to authorize the shipment of certain Division 1 explosives which are forbidden or exceed quantity limitations authorized for transportation by cargo aircraft only denied November 6, 1998.
10138-M .....	Request by Betz Dearborn, Inc. Trevose, PA to modify the exemption to provide for the use of intermediate bulk containers for transporting different classes of hazardous materials denied December 18, 1998.
11540-N .....	Request by Convenience Products Fenton, MO to authorize an alternative test of aerosol containers with polyurethane prepolymer components to attain internal pressure of at least 130 degrees denied October 6, 1998.
12043-N .....	Request by United States Enrichment Corporation (USEC) Bethesda, MD to authorize an emergency exemption to permit the shipment of uranium hexafluoride cylinders with valves that are manufactured to the 1990 edition of ANSI N14.1 instead of the 1995 edition denied September 30, 1998.
12044-N .....	Request by Reagent Chemical & Research, Inc. Houston, TX to authorize the transportation in commerce of DOT 111A100W5 tank cars that exceed the authorized load capacity for use in transporting hydrochloric acid, Class 8 denied October 9, 1998.

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**DEPARTMENT OF TRANSPORTATION**  
**Research and Special Programs**  
**Administration**

**Office of Hazardous Materials Safety;**  
**Notice of Application for Modification**  
**of Exemption**

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

**ACTION:** List of Applications for Modifications 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