

**ACTION:** List of applications for 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. 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 December 23, 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 November 16, 2004.

**R. Ryan Posten,**  
*Exemptions Program Officer, Office of Hazardous Materials Safety Exemptions & Approvals.*

NEW EXEMPTION

Application number	Docket number	Applicant	Regulation(s) affected	Nature of exemption thereof
13998-N .....	RSPA-2004-19651.	3AL Testing Corp. Miami, FL.	49 CFR 180.205(f)(g); 180.209(a),(b)(1)(iv); 172.203(a); 172.302a(b)(2),(4)(5).	To authorize an alternative requalification method for DOT-3A, DOT-3AA, DOT-3ADX and DOT-3AAX steel cylinders. (modes 1,3,4)
13999-N .....	RSPA-2004-19659.	Kompozit-Praha s.r.o. Dysina u Plzne Czech Republic.	49 CFR 173.304a(1);175.3.	To authorize the manufacture, marking, sale and use of a non-DOT specification fully-wrapped fiberglass composite cylinder with a seamless, specially designed liner for use in transporting certain hydrocarbon gases. (modes 1,2,3,4)
14001-N .....	RSPA-2004-19646.	Koch Hydrocarbon LP Medford, OK.	49 CFR 177.834(i)(3); 177.840(q)(1).	To authorize the use of video cameras and monitors to observe the loading and unloading operations of certain hazardous materials from a remote control station in place of personnel remaining within 7.62 meters (25 feet) of cargo tank motor vehicles. (mode 1)
14002-N .....	RSPA-2004-19645.	BOC Gases Murray Hill, NJ.	49 CFR 178.338-11(c)	To authorize the use of a cargo tank in oxygen, refrigerated liquid service that is not equipped with a remotely controlled self closing shut-off valve. (mode 1)
14003-N .....	RSPA-2004-19647.	INOCOM Inc. Riverside, CA.	49 CFR 173.302(a)(1), 173.304(a), 175.3 and 180.205.	To authorize the manufacture, mark, sale and use of non-DOT specification fully wrapped carbon fiber reinforced aluminum lined cylinders for the transportation in commerce of certain Division 2.2 materials. (modes 1,2,3,4,5)
14004-N .....	RSPA-2004-19657.	Praxair, Inc. Danbury, CT.	49 CFR 179.13 .....	To authorize the transportation in commerce of certain Division 2.2 gases in DOT Specification 105J500W tank cars with a maximum gross weight on rail greater than currently authorized.
14008-N .....	RSPA-2004-19656.	Air Products and Chemicals, Inc. Allentown, PA.	49 CFR 173.301(f)(3); 180.205(c)(4).	To authorize an alternative retesting method for DOT-3, 3A, 3AA cylinders used in transporting Division 2.1 hazardous materials. (modes 1,2,3)
14009-N .....	.....	United States Can Company Elgin, IL.	49 CFR 178.33a-7; ....	To authorize the transportation in commerce of DOT-2Q receptacles with an alternative wall thickness for use in transporting ORM-D, Division 2.1 and Division 2.2. (modes 1, 2, 3, 4)
14010-N .....	RSPA-2004-19644.	Varsal, LLC Warminster, PA.	49 CFR 173.202 .....	To authorize the one-way transportation in commerce of a 50% solution of Hypophosphorous Acid in alternative UN 3H2 packagings. (mode 1)

[FR Doc. 04-25887 Filed 11-22-04; 8:45 am]  
BILLING CODE 4909-60-M

**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. There applications have been separated from the new

application for exemption to facilitate processing.

**DATES:** Comments must be received on or before December 8, 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 November 16, 2004.

**R. Ryan Posten,**

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

#### MODIFICATION EXEMPTIONS

Application number	Docket number	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
10798-M .....	.....	Olin Corporation Cleveland, TN.	49 CFR 174.67(i), (j) ..	10798	To modify the exemption to authorize the transportation of an additional Class 8 material in DOT Specification tank cars.
10985-M .....	.....	Georgia-Pacific Corporation Atlanta, GA.	49 CFR 174.67(i), (j) ..	10985	To modify the exemption to authorize the transportation of Class 3, Division 6.1 and additional Class 8 materials in DOT Specification tank cars.
12274-M .....	RSPA-99-5707.	Snow Peak USA, Inc. Clackamas, OR.	49 CFR 173.304(a)(d)(3)(ii).	12274	To modify the exemption to authorize the transportation of an additional Division 2.1 material in non-DOT specification nonrefillable inside containers.
12783-M .....	RSPA-01-10309.	CryoSurgery, Inc. Nashville, TN.	49 CFR 173.304a(a)(1); 173.306(a).	12783	To modify the exemption to allow up to 18 oz. non-DOT specification nonrefillable containers be filled to 55% filling density for the transportation of ORM-D materials.
12920-M .....	RSPA-02-11638.	Epichem, Inc. Haverhill, MA.	49 CFR 173.181(c) ....	12920	To modify the exemption to authorize the transportation of an additional Division 4.2 material in combination packagings with inner containers that exceed currently authorized quantities.
12988-M .....	RSPA-02-12215.	Air Products and Chemicals, Inc. Allentown, PA.	49 CFR 173.304; 179.300.	12988	To modify the exemption to update the non-DOT specification design drawings, the material of construction requirements and the minimum burst pressure from 249 bar to 240 bar.
13182-M .....	RSPA-02-14023.	Cytec Industries Inc. West Paterson, NJ.	49 CFR 173.304a(b) ..	13182	To modify the exemption to authorize domestic distribution of DOT Specification cylinders containing a certain Division 2.3 material filled to liquid full at 130 degrees F.
13208-M .....	RSPA-03-14944.	Provensis Limited, Keaton House.	49 CFR 171.11(d)(7) and (14); 171.12(b)(17); 173.302(a)(1); Part 174; Part 177;.	13208	To modify the exemption to authorize the transportation of an additional Division 2.2 material in DOT Specification 2Q containers and relief from certain operational controls and modal requirements.
13344-M .....	RSPA-04-16868.	Precision Technik Atlanta, GA.	49 CFR 173.301(a)(d)(1); 180.209; 173.201; 173.202; 173.203; 173.302; 173.304.	13344	To modify the exemption to authorize the addition of a bottom liquid drain valve and rail mount brackets to the non-DOT specification salvage cylinder.
13565-M .....	RSPA-04-17863.	H.C. Starck, Inc. Newton, MA.	49 CFR 173.211 .....	13565	To reissue the exemption originally issued on an emergency basis for the transportation of Division 4.3 material in alternative packaging (an accumulator).
13601-M .....	RSPA-04-18713.	DS Containers, Inc. Lemont, IL.	49 CFR 173.306(b)(1); 175.3.	13601	To modify the exemption to authorize a pressure relief device in the bottom end of the non-DOT specification inner nonrefillable metal container with a venting pressure not below 175 psi.

[FR Doc. 04-25888 Filed 11-22-04; 8:45 am]  
BILLING CODE 4909-60-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket No. RSPA-04-18975; Notice No. 04-07]

#### Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Safety advisory notice.

**SUMMARY:** This is to notify the public that RSPA is investigating the unauthorized marking of DOT specification high-pressure carbon dioxide fire extinguishers serviced by Statewide Fire Equipment, Inc. (Statewide), West Buxton, ME. Note that non-DOT specification dry chemical fire extinguishers are not at issue. RSPA has evidence that suggests Statewide marked, certified and returned to service numerous high-pressure DOT specification carbon dioxide fire extinguishers when the cylinders had not been properly requalified in accordance with the Hazardous Materials Regulations (HMR). In addition, the evidence suggests that Statewide used the Retester Identification Numbers (RINs) of several other licensed retest facilities without the permission or knowledge of these facilities.

A hydrostatic retest and visual inspection are used to verify the structural integrity of compressed gas cylinders. If a hydrostatic retest and visual inspection are not performed within the time period required by the HMR, cylinders with compromised structural integrity may be returned to service when they should be condemned. Extensive property damage, serious personal injury, or death could result from rupture of a cylinder.

**SUPPLEMENTARY INFORMATION:** Through its investigation, RSPA believes that Statewide marked, certified and returned to service an undetermined number of high-pressure carbon dioxide fire extinguishers without the authority to perform such servicing or without ensuring that the cylinders were properly requalified by an authorized retest facility. The cylinders are owned by municipal school systems, fire departments, and a yet to be determined number of other customers in southern Maine. The HMR require that a cylinder requalification facility hold a current RIN issued by RSPA. Statewide has

never applied for or received a RIN; therefore it is not an authorized cylinder requalification facility. Cylinders serviced by Statewide were found to be marked with the RINs of four different authorized requalification facilities. The facilities and RIN numbers are: RIN A803 issued to AAA Fire Extinguisher Co., Inc. (AAA Fire Extinguisher), 328 Rodman Road, Auburn, ME, (207) 784-8306; RIN A887 issued to Simplex Grinnell LP (Simplex Grinnell), 20 Thomas Drive, Westbrook, ME, (207) 842-6440; RIN A813 issued to J. N. Johnson Sales & Service, Inc., (J. N. Johnson), 4200 West 76th Street, Edina, MN, (952) 835-4600; and RIN A857 issued to Orange County Fire Protection (Orange County Fire), 137 West Bristol Lane, Orange, CA, (714) 974-9025.

RSPA has reviewed the retester records from these four companies from 1995 to the present, and has determined that none of these companies have performed any cylinder requalification for Statewide. Although AAA Fire Extinguisher of Auburn, ME requalified DOT specification high pressure carbon dioxide fire extinguishers for Statewide until approximately 1995, it has not performed any services for Statewide since then. In addition to the four RIN numbers mentioned above, RSPA believes that Statewide may have marked cylinders with other unauthorized RINs. The RIN and date of retest are marked on the shoulders of cylinders in the following pattern:

A 8

M Y

30

M is the month of retest (e.g., 10), and Y is the year of the retest (e.g., 04).

This safety advisory covers all high-pressure DOT specification fire extinguishers that have been marked and certified as having been requalified while in the custody of Statewide. These cylinders may pose a safety risk to the public and should be considered unsafe for use in hazardous materials service until requalified by an authorized retest facility. Furthermore, cylinders described in this safety advisory must not be filled with a hazardous material unless the cylinders are first properly retested by an authorized retest facility. A list of authorized requalification facilities sorted by state or by RIN number may be obtained at RSPA's Web site: [http://hazmat.dot.gov/files/approvals/hydro/hydro\\_retesters.htm](http://hazmat.dot.gov/files/approvals/hydro/hydro_retesters.htm).

**FOR FURTHER INFORMATION CONTACT:** Anthony Lima, Senior Hazardous Materials Enforcement Specialist, Eastern Region, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, U.S. Department of Transportation, 820 Bear Tavern Road, Suite 306, West Trenton, NJ 08628. Telephone: (609) 989-2252.

RSPA requests that any person possessing a high pressure DOT specification fire extinguisher serviced by Statewide since 1995 contact inspector Anthony Lima with the following information for each cylinder: (1) The DOT specification number and service pressure, (2) the serial number which should be marked in association with the specification number and service pressure, (3) the RIN number and the month and year of the last marked requalification, (4) invoices from Statewide that have the line item, "Hydrostatic Tests" completed, and (5) the customer name, address, contact person and telephone number so the inspector may contact you if necessary. Please provide the requested information via facsimile to: (775) 307-4971.

Issued in Washington, DC, on November 17, 2004.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 04-25889 Filed 11-22-04; 8:45 am]  
BILLING CODE 4910-60-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Harkins Cunningham on behalf of Canadian National Railway Company (WB525-9-11/9/2004), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.