

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of Exemption thereof
13176-N	RSPA-02-14016	Union Pacific Railroad Company, Omaha, NE.	49 CFR 174.83	To authorize a bulk packaging of aluminum smelting by-products, Division 4.3, transported by rail to be switched under its own momentum. (Mode 2.)
13177-N	RSPA-02-14015	Quality Containment Company, Owensboro, KY.	49 CFR 173.304(a)(2), 173.34(d)&(e).	To authorize the manufacturing, mark, sell and use of non-DOT specification full opening head, steel salvage cylinders for over packaging damaged or leaking chlorine and sulfur dioxide cylinders. (Modes 1, 3.)
13178-N	RSPA-02-14019	ConocoPhillips, Anchorage, AK.	49 CFR 172.101, Table Col. (9B).	To authorize the transportation in commerce of 350 gallon DOT Specification bulk containers for use in transporting flammable liquids, n.o.s by cargo aircraft. (Mode 4.)
13179-N	RSPA-02-14020	EnviroTech Systems Inc., Lynnwood, WA.	49 CFR 173-21, 173.308	To authorize the transportation in commerce of lighters that have been removed from their approved inner packaging, are partially used, and are being transported for disposal without further approval. (Mode 1.)
13180-N	RSPA-02-14021	The Association of HazMat Shippers, Washington, DC.	49 CFR 123, 172.203(a), 172.301 (c), 173.22, 173.306, 173.306(a)(1).	To authorize the transportation in commerce of aerosols with a capacity of 50 ml or less containing Division 2.2 gas and no other hazardous materials be transported without certain hazard communication requirements. (Modes 1, 2, 3.)
13181-N	RSPA-02-14022	Thermo MF Physics, Colorado Springs, CO.	49 CFR 173.403, 173.424	To authorize the transportation in commerce of a specially designed device consisting of a non-DOT specification cylinder for use in transporting sulfur hexafluoride, Division 2.2. (Modes 1, 3, 4, 5.)
13182-N	RSPA-02-14023	Cytec Industries Inc., West Paterson, NJ.	49 CFR 173.304(b)	To authorize the transportation in commerce of foreign designed cylinders with relief from filling limits for use in transporting phosphine, Division 2.3 (Modes 1, 3.)
13186-N	RSPA-02-14014	Quality Containment Company, Owensboro, KY.	49 CFR 173.301(f), 173.304(a)(2).	To authorize the manufacture, marking, sell and use of non-DOT specification full opening head, steel salvage cylinders for overpacking damaged or leaking chlorine cylinders. (Modes 1, 3.)

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions

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 January 10, 2003.

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 December 19, 2002.

R. Ryan Posten,

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

Application No.	Docket No.	Applicant	Modification of exemption
8554-M		American West Explosives, Inc., Springfield, MO (See Footnote 1)	8554
9778-M		Baker Atlas, Houston, TX (See Footnote 2)	9778
9929-M		Orbital Sciences Corporation, Dulles, VA (See Footnote 3)	9929
11194-M		Carleton Technologies, Inc. (Pressure Tech. Div.), Glen Burnie, MD (See Footnote 4)	11194
11380-M		Baker Atlas (Houston Technology Ctr), Houston, TX (See Footnote 5)	11380
12056-M	RSPA-98-3730	Department of Defense (MTMC), Fort Eustis, VA (See Footnote 6)	12056
12102-M	RSPA-98-4005	Roche Diagnostics Corporation, Indianapolis, IN (See Footnote 7)	12102
12130-M	RSPA-98-4386	FIBA Technologies, Inc., Westboro, MA (See Footnote 8)	12130
13102-M	RSPA-02-13784	Watts Regulator Company, North Andover, MA (See Footnote 9)	13102
13127-M	RSPA-02-13477	American Pacific Corporation, Cedar City, UT (See Footnote 10)	13127

¹ To modify the exemption to authorize the transportation of a Class 8 material in a specialized container mounted on a bulk truck.

² To modify the exemption to authorize the transportation of an additional Class 7 material in non-DOT specification packaging.

³ To modify the exemption to update the list of authorized transporters and airports for the transportation of certain Division 1.3C materials in unauthorized packaging that exceed the quantity limitation.

⁴ To modify the exemption to authorize utilization of an S-Glass outer overwrap for the non-DOT specification fiber reinforced plastic full composite cylinders transporting certain Division 2.1 and 2.2 gases.

⁵ To modify the exemption to authorize changes to an existing tank design assembly and the addition of a new tank design for the transportation of Division 2.1 materials.

⁶ To modify the exemption to authorize two additional destination facilities and authorize an increased number of round trip shipments containing Division 2.3 and 6.1 materials.

⁷ To modify the exemption to authorize transportation by common or contract carrier of certain unapproved Class 1 explosive materials desensitized by wetting with water, alcohol or other suitable diluent so as to eliminate their explosive properties.

⁸ To modify the exemption to authorize optional inspection access hole (manholes) for the non-DOT specification insulated portable tanks transporting certain Division 2.2 materials.

⁹ To reissue the exemption originally issued on an emergency basis for the transportation of certain non-DOT specification packagings, described as actuators, charged with limited quantities of various hazardous materials.

¹⁰ To reissue the exemption originally issued on an emergency basis for the transportation of certain Division 5.1 materials in lined flexible intermediate bulk containers (FIBC).

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34290]

CSX Transportation, Inc.—Corporate Family Merger Exemption—The Western Railway of Alabama

CSX Transportation, Inc. (CSXT)¹ and The Western Railway of Alabama (WRA),² have filed a verified notice of exemption with respect to a proposed corporate restructuring, through which WRA, which is controlled by CSXT, will be merged into CSXT, with CSXT as the surviving entity. Under the agreement and plan of merger, CSXT will own all of the assets of WRA and will be

¹ CSXT, a Class I carrier, owns and operates approximately 23,297 miles of railroad. CSXT and its railroad subsidiaries operate in the States of Alabama, Connecticut, District of Columbia, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the Provinces of Ontario and Quebec.

² WRA owns and operates approximately 128.23 miles of railroad in the State of Alabama.

responsible for all debts, liabilities, and obligations of WRA.

The transaction was scheduled to be consummated on or after December 3, 2002, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the transaction is to simplify the corporate structure and reduce corporate overhead and duplication.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Although applicants do not expect any employees to be adversely affected by this merger and control transaction, they have agreed to apply employee protective conditions pursuant 49 U.S.C. 11326(a). Therefore, any employees adversely affected by the merger and control transaction will be protected by the conditions set forth in

New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34290 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, BALL JANIK LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: December 19, 2002.

By the Board, David M. Konschnick,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-32567 Filed 12-24-02; 8:45 am]

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