

Application No.	Docket No.	Applicant	Modification of Exemption
11753-M		Ashland, Inc., Columbus, OH (See Footnote 9)	11753
11970-M	RSPA-97-2993	ExxonMobil Chemical Company, Houston, TX (See Footnote 10)	11970
12690-M	RSPA-01-9656	Air Liquide America Corporation, Houston, TX (See Footnote 11)	12690
12750-M	RSPA-01-10121	Questar, Inc., North Canton, OH (See Footnote 12)	12750
12844-M	RSPA-01-10753	Delphi Automotive Systems, Troy, MI (See Footnote 13)	12844
12855-M	RSPA-01-10914	Kraton Polymers U.S. LLC, Belpre, OH (See Footnote 14)	12855
12917-M	RSPA-02-12038	Northwest Ohio Towing & Recovery, Inc., Beavertown, OH (See Footnote 15)	12917
12981-M		Airgas, Inc., Cheyenne, WY (See Footnote 16)	12981

- (1) To modify the exemption to authorize the transportation of additional Division 2.1 and 2.2 materials in non-DOT specification stainless steel cylinders.
- (2) To modify the exemption to authorize the transportation of a Division 2.2 material in non-DOT specification portable tanks.
- (3) To modify the exemption to authorize the transportation of a Division 6.1 and additional Class 8 material in tank cars.
- (4) To modify the exemption to authorize the retest period from 2 to 5 years for non-DOT specification fully open-head steel salvage cylinders and the use of a 3AA480 cylinder for the transportation of Division 2.3 materials.
- (5) To modify the exemption to authorize retesting of DOT Specification 3A and 3AA cylinders by acoustic emission (AE) and ultrasonic examination (UE) method for the transportation of Division 2.1 and 2.2 materials.
- (6) To modify the exemption to authorize the transportation of Division 5.2, 6.1 and additional Division 5.1 materials across a public road via motor vehicle.
- (7) To modify the exemption to authorize the transportation of an additional Class 8 material in an intermediate bulk container (IBC) that is securely mounted to a flatbed trailer.
- (8) To modify the exemption to authorize an additional design qualification of the non-DOT specification pressure vessel sidewall opening for the transportation of Division 2.2 materials.
- (9) To modify the exemption to authorize the use of a 300 kpa rated container for the transportation of a Class 8 material.
- (10) To modify the exemption to authorize the use of alternative size non-DOT specification steel portable tanks for the transportation of a Division 4.2 material.
- (11) To modify the exemption to authorize cargo vessel as an additional mode for the transportation of a Division 2.3 material in DOT Specifications 3AA steel cylinders.
- (12) To modify the exemption to authorize an additional 11HH2 Rigid Combination Intermediate Bulk Container (IBC) marking code for use as outer packaging for lab pack applications transporting various Class and Division materials.
- (13) To modify the exemption to authorize relief from the requirement for each non-DOT specification pressure vessel longitudinal weld seam to be 100% radiographically inspected for the transportation of Division 2.2 materials.
- (14) To reissue the exemption originally issued on an emergency basis for the transportation of non-DOT specification pressure vessels containing a Class 3 material.
- (15) To reissue the exemption originally issued on an emergency basis for the transportation of Class 3 materials in non-DOT specification cargo tanks (aviation refuelers).
- (16) To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.2 material in DOT Specification MC-330 and MC-331 cargo tank motor vehicles with an alternate means to shut down the flow of product.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for 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. 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 August 19, 2002.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comment 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 application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL-401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street SW., Washington, DC 20590 or at <http://dms.dot.gov>.

This notice of receipt of applications for new 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 July 12, 2002.

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

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13046-N		Consani Engineering, Elsie River, South Africa.	49 CFR 178.245-1(a)	To authorize the manufacture, marking, sale and use of certain DOT Specification 51 steel portable permanently fixed within ISO frames designed in accordance with Section VIII, Division II of the ASME Code instead of Section VIII, Division 1 for use in transporting Division 2.1, 2.2 and 2.3 hazardous materials. (modes 1, 2, 3)
13047-N		Brenntag Mid-South, Inc., Henderson, KY.	49 CFR 173.34(d), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation of cylinders containing hazardous materials equipped with emergency A&B kits. (mode 1)
13048-N		Department of Energy/Richland Operations Office, Richland, WA.	49 CFR 173.244	To authorize the one-time, one-way transportation in commerce of a non-DOT specification containment system for waste disposal. (mode 1)
13049-N		Honeywell International Inc., Morristown, NJ.	49 CFR 177.834(i)(3)	To authorize cargo tanks to remain connected while standing without the physical presence of an unloader. (mode 1)
13050-N		Honeywell International, Morristown, NJ.	49 CFR 172.704(c)	To authorize the transportation in commerce of cylinders containing Division 2.3 hazardous materials to transported with alternative labels. (modes 1, 2, 3)
13051-N		IBC Product Group of the Reusable Industrial Assoc, Landover, MD.	49 CFR 107.601, 171.2(a) & (b), 172 Subpart G, 172.202, 172.204, 172.504.	To authorize the transportation in commerce of certain emptied intermediate bulk containers (IBCs) for purposes of reconditioning, remanufacturing, repair, routine maintenance, or recertification with a modified shipping document and no placarding. (mode 1)
13052-N		Questar, Inc., North Canton, OH.	49 CFR 172.301(a), 172.301(c), 172.400(a), 173.173(b)(2), 173.242.	To authorize the manufacture, marking, sale and use of UN 11G fiberboard intermediate bulk containers for use as the outer packaging for certain waste paints and waste paint related material, Class 3 in 5 gallon pails. (mode 1)
13053-N		Honeywell International Inc., Morristown, NJ.	49 CFR 174.67(i) & (j)	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (mode 2)
13054-N		CHS Transportation, Mason City, IA.	49 CFR 173.315(e)	To authorize the transportation in commerce of MC330 & MC331 cargo tanks equipped with an alternative gauging device for use in transporting Division 2.1 and 2.2 material. (mode 1)
13055-N		Stenstrom Petroleum, Equipment Group, Rockford, IL.	49 CFR 172.504(c)(1)(d)	To authorize the transportation in commerce of specially designed equipment with residual amounts of hazardous materials to be transported without placarding. (mode 1)
13056-N		American Type Culture Collection (ATCC), Manassas, Va.	49 CFR 172, Subpart C, 173.134	To authorize the transportation in commerce of certain infectious substances in special packagings. (mode 1)
13057-N		MINTEQ International Inc. Eastern, PA.	49 CFR 172 Subparts D, E & F, 173.24(c) Subparts E & F of Part 173.	To authorize the transportation in commerce of metal tubing containing hazardous materials to be transported with minimal regulation. (modes 1, 2, 3)
13059-N		GE Plastics, Burkville, AL.	49 CFR 177.834(i)(3)	To authorize cargo tanks to remain connected while standing without the physical presence of an unloader. (mode 1)
3060-N		Spence Engineering Company, Inc., Walden, NY.	49 CFR Parts 171-180	To authorize the manufacture, mark, sale and use of specially designed equipment containing various limited quantities of hazardous materials with minimal regulation. (modes 1, 3, 4)
13061-N		Dow AgroSciences L.L.C., Indianapolis, IN.	49 CFR 172.302(a), 172.504(a)	To authorize the transportation in commerce of Division 6.1 liquid fumigants in non-DOT specification cargo tanks equipped with an alternative pressure relief system. (mode 1)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13062-N		Safety-Kleen (BDT), Inc., Columbia, SC.	49 CFR 173.40(c)(2)	To authorize the transportation in commerce of non-DOT specification cylinders filled with a Division 2.3 Inhalation Hazard Zone A, material or a Division 6.1 material. (mode 1)
13063-N		Air Products Polymers, L.P., Dayton, NJ.	49 CFR 174.67(i) & (j)	To authorize the transportation in commerce of rail cars containing Class 3 hazardous materials to remain connected while standing without the physical presence of an unloader. (mode 2)
13064-N		Pressed Steel Tank Co., Milwaukee, WI.	49 CFR 173.300a, 173.34(e)	To authorize the manufacture, marking, sale and use of a non-DOT specification cylinder for use in transporting Division 2.3 hazardous materials. (modes 1, 2, 3)

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 34079]

San Jacinto Rail Limited—Construction Exemption—And The Burlington Northern and Santa Fe Railway Company—Operation Exemption—Build-Out to the Bayport Loop Near Houston, Harris County, TX

AGENCIES: *Lead:* Surface Transportation Board. *Cooperating:* U.S. Coast Guard, Federal Aviation Administration, National Aeronautics and Space Administration.

ACTION: Notice of availability of final scope of study for the Environmental Impact Statement (EIS).

SUMMARY: On August 30, 2001, San Jacinto Rail Limited (SJRL) and The Burlington Northern and Santa Fe Railway (BNSF) (referred to collectively as the Applicants) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority for construction by SJRL and operation by BNSF of a new rail line near Houston, Harris County, Texas. The project would involve construction of approximately 12.8 miles of new rail line to serve the petro-chemical industries in the Bayport Industrial District (Bayport Loop). Trains operating over the new rail line would originate at BNSF's New South Yard and operate via trackage rights over the Union Pacific Railroad Company's (UP) Glidden Subdivision and UP's Galveston Subdivision, also known as the former Galveston, Henderson, and Houston Railroad (GH&H) line, to the beginning of the new rail line near

Ellington Field. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. To help determine the scope of the EIS, and as required by the Board's regulations at 49 CFR 1105.10(a)(2), SEA published in the *Federal Register* and made available to the public on November 26, 2001, the Notice of Availability of Draft Scope of Study for the EIS, Notice of Scoping Meetings, and Request for Comments. SEA held four public scoping meetings at the Pasadena Convention Center on January 14 and 15, 2002. The scoping comment period originally concluded February 1, 2002, but, in response to requests, SEA extended the scoping period an additional 30 days, to March 14, 2002. During the scoping comment period, the U.S. Coast Guard (USCG), the Federal Aviation Administration (FAA), and the National Aeronautics and Space Administration (NASA) requested cooperating agency status in the preparation of the EIS. After review and consideration of all comments received, this notice sets forth the Final Scope of the EIS. The Final Scope adopts the Draft Scope, which is provided as Attachment A, and reflects any changes to the Draft Scope as a result of the comments, summarizes and addresses the principal environmental concerns raised by the comments, and briefly discusses pertinent issues concerning this project that further clarify the Final Scope.

FOR FURTHER INFORMATION CONTACT: Ms. Dana White, SEA Project Manager, toll-free at 1-888-229-7857 (TDD for the hearing impaired 1-800-877-8339). The Web site for the Surface Transportation Board is <http://www.stb.dot.gov>.

Mr. Phil Johnson, U.S. Coast Guard, (504) 589-2965.
 Ms. Nan Terry, Federal Aviation Administration, (817) 222-5607.
 Ms. Perri Fox, National Aeronautics and Space Administration, (281) 483-3157.
 This document is available in English and Spanish at the repositories listed below or by calling the toll-free number at 1-888-299-7857. In addition, a set of frequently asked questions in English and Spanish is provided as Attachment B for quick reference.¹
 San Jacinto College, Central Campus Library, 8060 Spencer Highway, Pasadena, TX 77505, (281) 476-1850.
 San Jacinto College, North Campus Library, 5800 Uvalde Street, Houston, TX 77015, (281) 459-7116.
 San Jacinto College, South Campus, 13735 Beamer Road, Houston, TX 77089, (281) 922-3416.
 University of Houston, Clear Lake Campus, Alfred Neumann Library, 2700 Bay Area Boulevard, Houston, TX 77058, (281) 283-3930.
 Freeman Memorial Branch Library, 16602 Diana Lane, Houston, TX 77062, (281) 488-1906.
 Harris County Public Library, Evelyn Meador Branch, 2400 N. Meyer Road, Seabrook, TX 77586, (281) 474-9142.
 Harris County Public Library, South Houston Branch, 607 Avenue A, South Houston, TX 77587, (713) 941-2385.
 Pasadena Public Library, Fairmont Branch, 4330 Fairmont Pkwy, Pasadena, TX 77504, (713) 998-1095.
 Pasadena Public Library, Main Branch, 1201 Jeff Ginn Memorial, Pasadena, TX 77506, (713) 477-0276.
 Deer Park Public Library, 3009 Center Street, Deer Park, TX 77536-7099, (281) 478-7208.

¹In addition, SEA has distributed extra copies of numerous community groups that have previously distributed project information from SEA.