

## NEW EXEMPTION—Continued

| Application number | Docket number | Applicant                                     | Regulation(s) affected | Nature of Exemption Thereof   |
|--------------------|---------------|---|------------------------|---|
| 14173-N .....      | PHMSA-20905   | Dow Chemical Company Midland, MI.             | 49 CFR 179.13          | To authorize the transportation in commerce of ethylene oxide in DOT specification 105J400W tank cars that exceed the maximum allowable gross weight on rail (263,000 lbs.). (mode 2)   |
| 14175-N .....      | PHMSA-20903   | Air Products & Chemicals, Inc. Allentown, PA. | 49 CFR 180.209         | To authorize the transportation in commerce of certain DOT Specification 3A and 3AA cylinders where the re-test period is extended to 10 years, the cylinders need not be removed from the bundle at each filing and that the hammer test need not be performed. (models 1, 2, 3) |
| 14176-N .....      | PHMSA-20902   | Great Plains Industries, Inc. Wichita, KS.    | 49 CFR 173.242         | To authorize the manufacture, mark and sale of refueling tanks of up to 80 gallon capacity for use in transporting various Class 3 hazardous materials. (mode 1)  |
| 14178-N .....      |               | Bridger Fire Inc. Bozeman, MT.                | 49 CFR 173.202         | To authorize the transportation in commerce of gelled gasoline in a non-DOT specification steel drum with a pump installed, mounted in a helitorch frame. (mode 1)  |
| 14179-N .....      |               | USA Jet Airlines Belleville, MI.              | 49 CFR 175.33          | To authorize the transportation in commerce of hazardous materials by air with alternative notification to the plot. (modes 4, 5)   |

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## DEPARTMENT OF TRANSPORTATION

## Pipeline and Hazardous Materials Safety Administration

## Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

**AGENCY:** Pipeline and Hazardous Materials Safety 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" demote a modification request. These applications have been separated from the new application for exemption to facilitate processing.

**DATES:** Comments must be received on or before April 29, 2005.

*Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety 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 April 11, 2005.

**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  |
|--------------------|---------------|--|--|---------------------------|--|
| 11244-M .....      |               | Supercritical Thermal Systems, Inc. (formerly Aerospace Design & Development, Inc.), Longmont, CO. | 49 CFR 173.316(c); 178.57.                             | 11244 .....               | To modify the exemption to authorize an alternative outer shell material for the non-DOT specification titanium alloy cylinder transporting a Division 2.2 material. |
| 11281-M .....      |               | E.I. du Pont de Nemours & Company, Wilmington, DE.   | 49 CFR 172.101, Column 7, Special Provisions B14, T38. | 11281 .....               | To modify the exemption to authorize the use of an additional portable tank specification and the transportation of an additional Class 8 material.                  |

## MODIFICATION EXEMPTIONS—Continued

| Application number | Docket number  | Applicant  | Regulation(s) affected   | Modification of exemption | Nature of exemption thereof   |
|--------------------|----------------|--|--|---------------------------|---|
| 11903-M .....      | RSPA-97-2604   | Comptank Corporation,<br>Bothwell, ON.   | 49 CFR 107.503(b);<br>172.102(c)(3), SP B15,<br>B23, B30, B32,;<br>173.241; 173.242;<br>173.243; 178.340;<br>178.342; 178.343;<br>180.405; 180.413(d). | 11903 .....               | To modify the exemption to allow for alternative carog tank designs from the referenced drawings provided they are certified by a design certifying engineer.   |
| 12412-M .....      | RSPA-2000-6827 | Hawkins, Inc., Min-<br>neapolis, MN.   | 49 CFR 177.834(h);<br>172.203(a); 172.302(c).  | 12412 .....               | To modify the exemption to allow the transportation and unloading of certain UN IBC and DOT Specification portable tanks containing incompatible materials on the same motor vehicle.                           |
| 12842-M .....      | RSPA-01-10751  | Onyx Environmental<br>Services, L.L.C., Flan-<br>ders, NJ.                       | 49 CFR 173.156(b) .....  | 12842 .....               | To modify the exemption to authorize a reoffering provision of the package to a non-holder of the exemption and transportation of Division 2.1 and Division 2.2. materials to an alternative disposal facility. |
| 13245-M .....      | RSPA-03-15985  | Piper Metal Forming Cor-<br>poration (Formerly<br>Quanex), New Albany,<br>MS.    | 49 CFR 173.302(a)(1);<br>175.3.  | 13245 .....               | To modify the exemption to authorize the use of non-refillable, non-DOT specification cylinders for all gases approved for shipment in DOT-3AL Specification cylinders.   |
| 13323-M .....      | RSPA-03-16488  | U.S. Department of the<br>Interior/U.S. Geological<br>Survey, Woods Hole,<br>MA. | 49 CFR 173.302a .....  | 13323 .....               | To modify the exemption to authorize an alternative higher pressure-rated cover for the non-DOT specification cylinders transporting a Division 2.1 material.   |
| 13548-M .....      | RSPA-04-17545  | Battery Council Inter-<br>national (BCI).  | 49 CFR 173.159 .....   | 13548 .....               | To modify the exemption to authorize alternative classifica-<br>tions for the transportation of<br>battery fluid, acid.   |
| 13598-M .....      | RSPA-04-18706  | Jadoo Power Systems<br>Inc., Folsom, CA.   | 49 CFR 173.301(a)(1),<br>(d) and (f).  | 13598 .....               | To modify the exemption to authorize an increased maximum water capacity to 3.25 pounds for the hydride canister design and the use of UN4G fiberboard boxes.   |
| 14145-M .....      | PHMSA-05-20834 | T-AKE Naval Sea Sys-<br>tems Command,<br>Washington, DC.                         | 49 CFR 176.116 .....   | 14145 .....               | To reissue the exemption originally issued on an emergency basis for the transportation of certain Class 1 materials by vessel and provide relief from the general stowage requirements for Class 1 materials.  |

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