

Notice of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

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 Regulations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes October 24, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the

application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

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-only aircraft, 5-Passenger-carrying aircraft.

New Exemptions

Application No.	Applicant	Regulations affected	Nature of exemption thereof
8266-N	Industrial Plastic Container Co., Long Beach, Calif.	49 CFR Part 173 Subpart D, F, and H, 178.211.	To manufacture, mark and sell DOT specification 12P packagings having inside two 2½ gallon Specification 2U containers for shipment of various hazardous materials. (Modes 1, 2, 3.)
8267-N	GTE Sylvania, Inc., Needham, Mass.	49 CFR 172.101, 173.206(a)(1), 173.247.	To authorize shipments of lithium batteries in a submodule configuration packed in non-DOT specification plywood packaging. (Mode 1.)
8268-N	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.119(m)(14).	To authorize shipment of certain amines meeting both the flammable and corrosive definition in DOT Specification 105A class tank cars. (Mode 2.)
8269-N	M-D Trailer Co., Fort Worth, Tex.	49 CFR 173.119(a)(17), 173.245(a)(31), 178.342-5, 178.345-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-312 except for bottom outlet valve variation for the transport of flammable or corrosive waste liquids or semisolids. (Mode 1.)
8270-N	3M Co., St. Paul, Minn.	49 CFR 173.134.	To authorize shipment of pyrophoric solids in solvents, classed as flammable liquids in DOT Specification 6A, 6B or 6C drums. (Mode 1.)
8271-N	Constructors John Brown Ltd., Hampshire, England	49 CFR 173.134.	To ship a pyrophoric solid dispersed in a flammable liquid in a non-DOT specification portable tank comparable to DOT Specification 51. (Modes 1, 2, 3.)
8272-N	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302, 178.65.	To authorize shipment of helium in a non-DOT specification steel cylinder similar to a DOT specification 39. (Modes 1, 4.)
8273-N	Hamill Manufacturing Co., Washington, Mich.	49 CFR Parts 171 through 178.	To qualify shipments of explosive power device, class B or C, when shipped as an integral part of a passive restraint system, as a non-regulated material. (Mode 1.)
8274-N	ANF Industrie, Paris, France	49 CFR Part 173, Subpart D, F, and H.	To authorize shipments of various hazardous materials in non-DOT specification IMCO Type 1 portable tanks. (Modes 1, 2, 3.)
8275-N	ANF Industrie, Paris, France	49 CFR Part 173, Subpart D, F, and H.	To authorize shipment of various hazardous materials in non-DOT specification IMCO Type II portable tanks. (Modes 1, 2, 3.)
8276-N	Safeway Stores, Inc., Oakland, Calif.	49 CFR 173.1200(a).	To ship materials classed as ORM-D in wire baskets on rollers via private carriage. (Mode 1.)
8277-N	Interox America, Houston, Tex.	49 CFR 173.221.	To authorize use of a plastic bottle comparable with DOT Specification 2E except for maximum capacity of 5 liters for hazardous materials for which DOT Specification 2E is prescribed (Modes 1, 2, 3.)
8278-N	Maintenance Mechanical Corp., Houston, Tex.	49 CFR 173.304, 173.315.	To authorize shipments of liquid hydrocarbons transported in a container affixed to a truck or trailer used to calibrate meters. (Mode 1.)
8279-N	Hamler Industries, Inc., Chicago Heights, Ill.	49 CFR 178.337-17.	To authorize shipments of anhydrous ammonia in a tank motor vehicle which does not contain the metal identification plate. (Mode 1.)
8281-N	IMC Chemical Group, Inc., Allentown, Pa.	49 CFR 173.93.	To authorize shipment of a propellant explosive, solid, class B, in various types of packages involving polyethylene bags, fiber tubes, burlap bags or fiberboard boxes, BA 832, 912, and 1040 (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on September 13, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-29386 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-60-M

Materials Transportation Bureau**Notice of Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption**

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application To Become a Party to an Exemption.

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 Regulation of the Materials Transportation Bureau 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. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes on or before October 9, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

Application No.	Applicant	Re-nu-al of Exemption
3630-X	Allied Chemical Corporation, Morristown, N.J.	3630
3657-X	Union Carbide Corporation, Tarrytown, N.Y. (See Footnote 1).	3657
4354-X	Minerco Corporation, Baltimore, Md.	4354
4354-X	Pennwalt Corporation, Buffalo, N.Y.	4354
4390-X	Mallinckrodt, Inc., St. Louis, Missouri	4390
5022-X	Department of the Army, Washington, D.C.	5022
5652-X	Air Products and Chemicals, Inc., Allentown, Pennsylvania.	5652
5876-X	FMC Corporation, Philadelphia, Pa. (See Footnote 2).	5876
5923-X	Union Carbide Corporation, Tarrytown, N.Y. (See Footnote 3).	5923
5945-X	Chemtron Corporation, Countryside, Illinois.	5945
6126-X	Dow Chemical Company, Midland, Michigan.	6126
6232-X	Department of the Army, Washington, D.C.	6232
6253-X	Cheminova, A/S, Lemvig, Denmark	6253
6253-X	Containertechnik, Hamburg, Germany (See Footnote 4).	6253
6452-X	Pennwalt Corporation, Buffalo, N.Y.	6452
6526-X	Dow Chemical Company, Midland, Michigan.	6526
6768-X	PPG Industries, Inc., Pittsburgh, Pa. (See Footnote 5).	6768
6883-X	Hedwin Corporation, Baltimore, Maryland (See Footnote 6).	6883
7071-X	Philip A. Hunt Chemical Corporation, Palisades Park, N.J.	7071
7440-X	Roux Laboratories, Inc., Jacksonville, Fla. (See Footnote 7).	7440
7725-X	Economics Laboratory, Inc., St. Paul, Minnesota.	7725
7731-X	Minnesota Valley Engineering, New Prague, Minn. (See Footnote 8).	7731
7772-X	Fauvet Girel, Paris, France (See Footnote 9).	7772
7840-X	Douglas Aircraft Company, Long Beach, California.	7840
7869-X	Oxy Metal Industries Corporation, Morenci, Michigan.	7869

Application No.	Applicant	Re-nu-al of Exemption
7924-X	Ray-O-Vac Division, ESB Inc., Madison, Wisconsin (See Footnote 10).	7924
7969-X	Royalvac, Inc., Fort Lauderdale, Florida.	7969
8099-X	Union Carbide Corporation, Bound Brook, N.J. (See Footnote 11).	8099
8126-X	Transport International Containers, S.A. Paris, France (See Footnote 12).	8126

¹To renew and to add liquefied natural gas as an additional commodity to be shipped in Cosmodyne Cryogenics cargo tanks FB-1 and FB-3.

²To authorize Furadan 80 and Furadan 85 wettable powder as an additional commodity.

³To authorize water as an additional mode of transportation and to add monoethylamine (anhydrous) as an additional commodity.

⁴To provide for tank design modifications involving insulation and heating systems.

⁵To renew and to amend paragraph 8(g) by deleting the reference to Mine Safety Appliance Company's equipment and to provide for another type of self contained breathing device equivalent to that presently prescribed.

⁶To authorize shipment of various Poison B liquids as an additional commodity in non-DOT Specification 55-gallon polyethylene drum.

⁷To authorize use of an additional aluminum alloy 1050 in manufacturing the 32 ounce aerosol cans to ship solutions containing isopropyl alcohol and ammonia.

⁸To provide for various design modifications to the portable tank, e.g., vent line, baffling system and support rings.

⁹To provide for fittings and valve modifications for portable tanks.

¹⁰To expand the exemption to include certain lithium batteries.

¹¹To authorize an additional Class B poison solid mixture.

¹²To add additional tanks similar to those presently authorized and to accommodate monomethylamine as an additional commodity.

Application No.	Applicant	Parties of Exemption
4453-P	Casebier Bulk Transport Co., Inc., Beaver Dam, Kentucky.	4453
6113-P	Roadway Express, Inc., Akron, Ohio.	6113
6518-P	Arapahoe Chemicals, Inc., Boulder, Colorado.	6518
6762-P	TEXO Corporation, Cincinnati, Ohio.	6762
6806-P	Barnebey Cheney Company, Columbus, Ohio.	6806
6932-P	Fauvet Girel, Paris, France.	6932
6984-P	Ireco Chemicals, Salt Lake City, Utah.	6984
7052-P	The Charles Stark Draper Lab., Inc., Cambridge, Massachusetts.	7052
7060-P	Petroleum Air Transport, Inc., Hazelwood, Missouri.	7060
7716-P	Kinepak, Inc., Lewisville, Texas.	7716
7770-P	Fauvet Girel, Paris, France.	7770
7772-P	Fauvet Girel, Paris, France.	7772
7835-P	Airco Industrial Gases, Murray Hill, N.J.	7835
7929-P	C-I-L Chemicals, Southfield, MI. (See Footnote 1).	7929
7998-P	FMC Corporation, Philadelphia, Pennsylvania.	7998
8002-P	Lowaco S.A., Geneva, Switzerland.	8002
8156-P	Scott Environmental Technology Inc., Plumsteadville, Pennsylvania.	8156
8171-P	Sea Containers Inc., London, England.	8171
8229-P	W. A. Murphy, Inc., El Monte, California.	8229
8229-P	R. L. Owens, Inc., Keene, New Hampshire.	8229
8229-P	J. D. Shea & Sons, Inc., W. Quincy, Mass.	8229
8229-P	Olson Explosives, Inc., Decorah, Iowa.	8229
8229-P	Rock Energy Products, Inc., Lithia Springs, Georgia.	8229
8229-P	W. H. Burt Explosive, Inc., Moab, Utah.	8229
8229-P	IMC Chemical Group, Inc., Allentown, Pennsylvania.	8229

Application No.	Applicant	Parties of Exemption
8229-P	Laverty Supply, Inc., Indianapolis, Iowa.	8229
8273-P	Ford Motor Company, Dearborn, Michigan.	8273
8274-P	Eurotainer, Paris, France.	8274
8274-P	Societe Auxiliaire de Transports et d Industries, Paris, France.	8274
8274-P	Compagnie des Containers Reservoirs Neuilly-Sur-Seine Cedex, France.	8274
8275-P	Eurotainer, Paris, France.	8275
8275-P	Societe Auxiliaire de Transports et d Industries, Paris, France.	8275
8275-P	Compagnie des Containers Reservoirs Neuilly-Sur-Seine Cedex, France.	8275

¹Request for party status and to amend exemption to include 25 kg of flaked TNT.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on September 14, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-29385 Filed 9-21-79; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Petition for Rulemaking

This notice denies a petition submitted by Mr. William H. Page, Jr. requesting rulemaking to require side underride protection devices on large trailers. Mr. Page indicated that the problems of smaller vehicles underriding the sides of trailers are now significant and will increase as the size of passenger cars decreases.

The National Highway Traffic Safety Administration (NHTSA) has reviewed Mr. Page's request. Currently, the NHTSA is pursuing rulemaking in the area of truck rear underride devices. In the course of that rulemaking, the agency will collect information relating to the problem of side underride. Until the agency has gathered this material on side underride, it does not consider it appropriate to invest more of its limited agency resources in this area.

The agency will continue to gather information on side underride during the rear underride rulemaking. If the evidence gathered by the agency indicates that side underride rulemaking could contribute significantly to safety, the agency will commence rulemaking.

At the present, however, the agency concludes that side underwrite rulemaking should not be commenced and Mr. Page's petition is denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50.)

Issued on September 17, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-29384 Filed 9-21-79; 8:45 am]

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[Docket No. IP79-1; Notice 2]

International Harvester Corp.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by International Harvester Corp. of Fort Wayne, Indiana, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of a petition was published on February 15, 1979, and an opportunity afforded for comment (44 FR 9824).

Petitioner is the final stage manufacturer of multi-stage vehicles. From September 1, 1977, through November 1978 approximately 3,200 improper certification labels may have been provided through its service parts system to company-owned outlets and processing centers for use on medium and heavy duty trucks. Specifically, S5.3(a) of Standard No. 120 requires a manufacturer to provide on the vehicle's certification label (affixed pursuant to 49 CFR Part 567) or separate tire information label the size designation of tires appropriate for the vehicle's GAWR, the rims size and type designation appropriate for those tires, and the cold inflation pressure of the tire. In its compliance testing of a Harvester truck NHTSA discovered that all this information was missing (agency file CIR 2024).

Petitioner argued that this noncompliance is inconsequential because the correct tires and rims were supplied with each vehicle for the GAWR and GVWR of the wheels, and the tires and rims otherwise meet the requirements of Standard No. 120. In addition, the information is provided the vehicle operator by other means: line set tickets affixed to the vehicle, as well as

contained in the owner's manual, to which the operator is referred by the erroneous certification label.

No comments were received on the petition.

The NHTSA has decided to deny the petition by International Harvester. One of the major purposes of Standard 120 is to assure that vehicles are equipped with tires and rims of appropriate size and type and adequate load carrying capability. These must be related to GAWR-GVWR values. In the event that equipment becomes separated from the vehicle, the manufacturer's recommendation of tires and rims for the vehicle can be found on the vehicle's label. A standardized method of presenting this material is specified in Standard No. 120 for purposes of uniformity and to expedite the locating, reading, and understanding of vital information.

Although a quantity of 3200 labels (or vehicles) is specifically limited, the number is large enough not to be overlooked or disregarded as a source of potential safety hazards, and should not go uncorrected as a precaution for the future operation of the vehicles.

Since there is no assurance that tire and rim servicing will not be done outside the petitioner's service outlets, NHTSA cannot agree that line set tickets will serve adequately in place of the prescribed vehicle label. Life expectancy of perhaps 10 to 15 years must be considered and it is not unreasonable to expect a number of tire replacements will be made by different owners at different service shops during this time.

An owner could be permanently misled if tires or wheels were once improperly replaced. Although the manufacturer may refer to other publications and sources to provide additional information, the agency does not believe tire and rim information would be as useful in a location entirely separate from the certification label. NHTSA continues to reject the theory that providing tire and rim information elsewhere on the vehicle satisfies the needs of safety, a point argued when the standard was in its rulemaking stage.

Therefore, NHTSA cannot agree that noncompliance is inconsequential as it relates to motor vehicle safety. Notification and remedy is necessary and reasonable to minimize potential hazard associated with up to 3200 vehicles and particularly in those occasions where tires and rims require service attention and become separated from the vehicles. By providing a proper certification or tire information label, a simple but effective remedy can be achieved.

Petitioner has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 17, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 79-29383 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

[Notice No. 79-15a]

Citizen Participation Transportation Planning; Advance Notice of Proposed Policy

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Extend the Public Comment period on Advance Notice of Proposed Policy on Citizen Participation in Transportation Planning.

SUMMARY: To encourage full public comment on this notice, the Department of Transportation (DOT) is extending the deadline date for comments from October 9, 1979 to November 9, 1979. The extension is the result of requests from citizens and citizen groups asking for a longer comment period to prepare more thorough responses to the notice.

DATES: The new deadline for public comment is November 9, 1979.

ADDRESS: U.S. Department of Transportation, Office of Consumer Affairs, Room 9402, 400 Seventh Street, SW, Washington, DC 20590.

FOR MORE INFORMATION CONTACT: Lee Gray, Office of Consumer Affairs, Room 9402, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (202) 426-4520.

SUPPLEMENTARY INFORMATION: On Thursday, August 9, 1979, an Advance Notice of Proposed Policy on Citizen Participation in Transportation Planning appeared in the *Federal Register* (44 FR 46971) requesting Public Comment on a number of questions concerning public involvement. State and local agencies using U.S. DOT funds to provide transportation facilities or services are required by laws and regulation to provide for public involvement in the transportation planning and project development process. The Department is seeking a broad and representative response from persons with firsthand knowledge of local transportation planning, including individual citizens;