

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 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. 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 June 10, 2002.

**ADDRESSES:** 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 May 21, 2002.

**J. Suzanne Hedgepeth,**

*Director, Office of Hazardous Materials Exemptions and Approvals.*

Application number <sup>1</sup>	Docket number	Applicant	Modification of exemption
7657-M .....	.....	Welker Engineering Company, Sugar Land, TX (See Footnote 1)	7657
8125-M .....	.....	Bristol Bay Contractors, Inc., King Salmon, AK (See Footnote 2) ..	8125
8915-M .....	.....	E.I. DuPont de Nemours and Company, Wilmington, DE (See Footnote 3).	8915
9508-M .....	.....	Callery Chemical Company, Pittsburgh, PA (See Footnote 4) .....	9508
10882-M .....	.....	Espar Products, Inc., Mississauga, Ontario L5T 1Z8, CN (See Footnote 5).	10882
12102-M .....	RSPA-98-4005 .....	Onyx Environmental Services, L.L.C., Ledgewood, NJ (See Footnote 6).	12102
12882-M .....	RSPA-01-11125 ....	Eagle-Picher Technologies, LLC, Joplin, MO (See Footnote 7) .....	12882

(1) To modify the exemption to authorize the transportation of additional Division 2.1, 2.2, 2.3 and Class 3 materials in a non-DOT specification stainless steel cylinder.

(2) To modify the exemption to authorize the installation of a nozzle for a roto gage in the non-DOT specification IMO Type 5 portable tank for the transportation of certain Division 2.1, 2.2 and Class 3 materials.

(3) To modify the exemption to authorize the transportation of an additional Division 2.1 material in a manifolded DOT Specification cylinder.

(4) To modify the exemption to authorize the transportation of an additional Division 4.3 material in DOT Specification cylinders.

(5) To modify the exemption to authorize the use of additional temperature controlled systems for use in motor vehicles transporting Division 2.1 and Class 3 materials.

(6) To modify the exemption to authorize the transportation of an additional Division 1.1D explosive material desensitized in an appropriate solvent to be shipped as a Class 3 material.

(7) To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.1 material in a non-DOT specification pressure vessel.

[FR Doc. 02-13129 Filed 5-23-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Notice to Operators of Natural Gas and Hazardous Liquid Pipelines To Encourage Continued Implementation of Safe Excavation Practices

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

**ACTION:** Notice: Protecting buried pipelines by using safe excavation practices.

**SUMMARY:** RSPA is issuing this advisory notice to operators of natural gas and hazardous liquid pipelines to remind them of the importance of safe

excavation practices. We have also asked our partners in the Common Ground Alliance, a new national non-profit damage prevention organization, and the Associated General Contractors of America and the National Utility Contractors Association, to help distribute this advisory.

#### I. Supplementary Information

Several recent incidents have provided the impetus to remind the pipeline operators of the importance of safe excavation practices. Increase in construction activity coincides with the arrival of spring in many parts of the country and extends through the summer months. Construction activity requires excavators to work around buried pipelines and other underground facilities, such as water, sewer, electrical and phone lines. Many private citizens also undertake excavation

projects in the spring and summer months such as gardening, installing mailboxes, outdoor lights and other projects that require digging. Figures for excavation damage from RSPA's Office of Pipeline Safety (OPS) show an upward trend in the warmer months.

To protect construction workers and the general public and to guard the integrity of the nation's underground infrastructure, RSPA has implemented several damage prevention programs.

These programs were developed in partnership with pipeline operators, excavators, one-call centers, locators, state pipeline safety agencies, and others involved in damage prevention for underground facilities.

The Common Ground Study, issued by OPS, contains best practices for all

phases of damage prevention. In particular, pipeline operators need to provide accurate maps of their facilities to one-call centers; these maps must be updated regularly to reflect any changes. When locate requests are received, facility operators need to be sure that their facilities are marked in a timely and accurate manner whether this is done by operator staff or by contract locators. When facility operators are excavating, they need to call for locates of other facilities, observe the markings of those facilities and take care to avoid coming into contact with other lines while digging. RSPA urges pipeline operators to review the procedures identified in this study and to implement them.

The Common Ground Study can be viewed on line at [www.commongroundalliance.com](http://www.commongroundalliance.com).

These best practices have been adopted by many professional associations including the Associated General Contractors, the National Utility Contractors Association, National Utility Locating Contractors Association and others in the damage prevention community. Promotion of these practices is now under the auspices of the Common Ground Alliance (CGA) which represents virtually every segment of the damage prevention community. CGA has also assumed responsibility for promotion of the Dig Safely Campaign launched by DOT in 1999 which identified four key steps in safe excavation:

- Call Before You Dig
- Wait the Required Time in Your State for Operators to Mark Their Facilities
- Observe Marks Indicating the Presence of Facilities When You Dig
- Dig With Care—protect both yourself and the facilities where you are digging.

The National Transportation Safety Board has recommended an important additional step, that excavators should notify the pipeline operator immediately if their work damages a pipeline and that excavators should call 911 immediately if the damage results in a release of natural gas or other hazardous substances or potentially endangers, life, health or property.

## II. Advisory Bulletin (ADB-02-01)

*To:* Owners and Operators of Natural Gas and Hazardous Liquid Pipeline Systems

*Subject:* Notification to Stress the Importance of Safe Excavation Practices

*Advisory:* The arrival of warmer weather coincides with a significant increase in construction activity both by professional excavators and home owners and renters. To protect

excavators and private citizens from injury and to guard the integrity of buried pipelines and other underground facilities, OPS reminds all concerned to implement the best practices of the Common Ground Study and the four steps of the Dig Safely Campaign.

—Call Before You Dig

—Wait the Required Time in Your State for Operators to Mark Their Facilities

—Observe Marks Indicating the Presence of Facilities When You Dig

—Dig With Care—protect both yourself and the facilities where you are digging.

We ask pipeline operators to undertake the following steps as part of their damage prevention efforts:

- increasing their vigilance on right-of-way inspections;
- reviewing their own procedures for following up on locate requests;
- ensuring that operator employees and contract employees follow Best Practices; and
- increasing outreach efforts to the excavator community during the spring season.

Issued in Washington, DC, on May 17, 2002.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 02-13142 Filed 5-23-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-598X]

#### BHP Nevada Railroad Company— Discontinuance of Service Exemption—in Elko and White Pine Counties, NV

BHP Nevada Railroad Company (BHP Nevada) filed a notice of exemption under 49 CFR part 1152 Subpart F-*Exempt Abandonments and Discontinuances* to discontinue service over 146 miles of railroad between milepost 0.0 in Cobre and milepost 146.1 in Keystone, in Elko and White Pine Counties, NV. The line traverses United States Postal Service Zip Codes 89835, 89301, 89315 and 89318.

BHP Nevada certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within

the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 25, 2002, unless stayed pending reconsideration. Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2)<sup>1</sup> must be filed by June 3, 2002.<sup>2</sup> Petitions to reopen<sup>3</sup> must be filed by June 13, 2002, with: Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants' representative: Edward D. Greenberg, Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., Canal Square, 1054 Thirty-First Street, NW., Suite 200, Washington, DC 20007.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 15, 2002.

<sup>1</sup> Each offer of financial assistance must be accompanied by the filing fee, which, as of April 8, 2002, is currently set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>2</sup> While applicant initially indicated a proposed consummation date of June 22, 2002, and because applicant failed to publish notice in the newspaper as required, and a new filing date of May 6, 2002, was entered when proof of publication was received. Because the verified notice was not complete until May 6, 2002, and hence was not deemed filed until then, the earliest possible date for consummation is 50 days from May 6, 2002 (June 25, 2002). Applicant's representative has confirmed that the correction consummation date is on or after June 25, 2002.

<sup>3</sup> Because this is a discontinuance proceeding and abandonment is not proposed, trail use/rail banking or public use conditions are not appropriate. Likewise, no environmental or historic documentation is required because the circumstances here are similar to those for which exceptions are provided under 49 CFR 1105.6(c)(6) and 1105.8.