

[FR Doc. 01-10570 Filed 4-27-01; 8:45am]

BILLING CODE 4910-60-M

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****Office of Hazardous Materials Safety;  
Notice of Delays in Processing of  
Exemption Applications****AGENCY:** Research and Special Programs Administration, DOT.**ACTION:** List of applications delayed more than 180 days.**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of

exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590-0001, (202) 366-4535.

**Key to "Reasons for Delay"**

1. Awaiting additional information from applicant
2. Extensive public comment under review

3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of exemption applications

**Meaning of Application Number Suffixes**

N—New application

M—Modification request

PM—Party to application with modification request

Issued in Washington, DC, on April 24, 2001.

**J. Suzanne Hedgepeth,***Director, Office of Hazardous Materials Exemptions and Approvals.***NEW EXEMPTION APPLICATIONS**

| Application   | Applicant                                                        | Reason for delay | Estimated date of completion |
|---------------|------------------------------------------------------------------|------------------|------------------------------|
| 11862-N ..... | The BOC Group, Murray Hill, NJ .....                             | 4 .....          | 05/31/2001                   |
| 11927-N ..... | Alaska Marine Lines, Inc., Seattle, WA .....                     | 4 .....          | 05/31/2001                   |
| 12142-N ..... | Aristech Chemical Corp., Pittsburgh, PA .....                    | 4 .....          | 05/31/2001                   |
| 12158-N ..... | Hickson Corporation, Conley, GA .....                            | 4 .....          | 05/31/2001                   |
| 12181-N ..... | Aristech, Pittsburgh, PA .....                                   | 4 .....          | 05/31/2001                   |
| 12248-N ..... | Ciba Specialty Chemicals Corp., High Point, NC .....             | 1, 4 .....       | 05/31/2001                   |
| 12290-N ..... | Savage Industries, Inc., Pottstown, PA .....                     | 4 .....          | 05/31/2001                   |
| 12339-N ..... | BOC Gases, Murray Hill, NJ .....                                 | 4 .....          | 05/31/2001                   |
| 12353-N ..... | Monson Companies, South Portland, ME .....                       | 4 .....          | 05/31/2001                   |
| 12355-N ..... | Union Tank Car Company, East Chicago, IN .....                   | 4 .....          | 05/31/2001                   |
| 12381-N ..... | Ideal Chemical & Supply Co., Memphis, TN .....                   | 4 .....          | 05/31/2001                   |
| 12406-N ..... | Occidental Chemical Corporation, Dallas, TX .....                | 4 .....          | 05/31/2001                   |
| 12412-N ..... | Great Western Chemical Company, Portland, OR .....               | 4 .....          | 05/31/2001                   |
| 12422-N ..... | Connecticut Yankee Atomic Power Co., East Hampton, CT .....      | 1, 4 .....       | 06/29/2001                   |
| 12434-N ..... | Salmon Air, Salmon, ID .....                                     | 4 .....          | 05/31/2001                   |
| 12440-N ..... | Luxfer Inc., Riverside, CA .....                                 | 4 .....          | 06/29/2001                   |
| 12454-N ..... | Ethyl Corp., Richmond, VA .....                                  | 4 .....          | 06/29/2001                   |
| 12456-N ..... | Baker Hughes, Houston, TX .....                                  | 4 .....          | 06/29/2001                   |
| 12476-N ..... | Fisher-Rosemount Petroleum, Tulsa, OK .....                      | 4 .....          | 06/29/2001                   |
| 12497-N ..... | Henderson International Technologies, Inc., Richardson, TX ..... | 4 .....          | 06/29/2001                   |
| 12516-N ..... | Poly-Coat Systems, Inc., Houston, TX .....                       | 4 .....          | 05/31/2001                   |
| 12518-N ..... | Air Products & Chemicals, Inc., Allentown, PA .....              | 4 .....          | 05/31/2001                   |
| 12544-N ..... | LKQ Corporation, Lecanto, FL .....                               | 4 .....          | 05/31/2001                   |
| 12566-N ..... | General Atomics, San Diego, CA .....                             | 4 .....          | 06/29/2001                   |
| 12571-N ..... | Air Products & Chemicals, Inc., Allentown, PA .....              | 4 .....          | 06/29/2001                   |
| 12574-N ..... | Weldship Corporation, Bethlehem, PA .....                        | 4 .....          | 06/29/2001                   |
| 12590-N ..... | US Airways, Pittsburgh, PA .....                                 | 4 .....          | 06/29/2001                   |
| 12591-N ..... | SGL Carbon, LLC, Morgantown, NC .....                            | 1 .....          | 06/29/2001                   |
| 12592-N ..... | Matson Navigation Co., San Francisco, CA .....                   | 4 .....          | 06/29/2001                   |

**MODIFICATIONS TO EXEMPTIONS**

| Application No. | Applicant                                                               | Reason for delay | Estimated date of completion |
|-----------------|-------------------------------------------------------------------------|------------------|------------------------------|
| 7060-M .....    | Federal Express, Memphis, TN .....                                      | 4 .....          | 05/31/2001                   |
| 8013-M .....    | Praxair, Inc., Danbury, CT .....                                        | 4 .....          | 05/31/2001                   |
| 8086-M .....    | The Boeing Co (Mil Aircraft & Missiles Sys Group), Seattle, WA .....    | 4 .....          | 05/31/2001                   |
| 8308-M .....    | Tradewind Enterprises, Inc., Hillsboro, OR .....                        | 4 .....          | 05/31/2001                   |
| 8554-M .....    | Orica USA Inc., Englewood, CO .....                                     | 4 .....          | 05/31/2001                   |
| 9884-M .....    | Mallinckrodt, Inc. (Puritan Bennett Corp), Indianapolis, IN .....       | 4 .....          | 06/29/2001                   |
| 10656-M .....   | Conf. of Radiation Control Program Directors, Inc., Frankfort, KY ..... | 4 .....          | 06/29/2001                   |
| 10915-M .....   | Luxfer Gas Cylinders (Composite Cylinder Div), Riverside, CA .....      | 4 .....          | 05/31/2001                   |
| 11202-M .....   | Newport News Shipbuilding & Dry Dock Co, Newport News, VA .....         | 4 .....          | 06/29/2001                   |
| 11316-M .....   | TRW Automotive, Queen Creek, AZ .....                                   | 4 .....          | 05/31/2001                   |

## MODIFICATIONS TO EXEMPTIONS—Continued

| Application No. | Applicant                                             | Reason for delay | Estimated date of completion |
|-----------------|-------------------------------------------------------|------------------|------------------------------|
| 11526-M .....   | BOC Gases, Murray Hill, NJ .....                      | 4                | 05/31/2001                   |
| 11237-M .....   | JCI Jones Chemicals, Inc., Milford, VA .....          | 4                | 05/31/2001                   |
| 11769-M .....   | Great Western Chemical Company, Portland, OR .....    | 4                | 05/31/2001                   |
| 11769-M .....   | Great Western Chemical Company, Portland, OR .....    | 4                | 05/31/2001                   |
| 11769-M .....   | Hydrite Chemical Company, Brookfield, WI .....        | 4                | 05/31/2001                   |
| 11798-M .....   | Air Products and Chemicals, Inc., Allentown, PA ..... | 4                | 05/31/2001                   |
| 11798-M .....   | Anderson Development Company, Adrian, MI .....        | 4                | 06/29/2001                   |
| 11911-M .....   | Transfer Flow, Inc., Chico, CA .....                  | 4                | 06/29/2001                   |
| 12178-M .....   | STC Technologies, Inc., Bethlehem, PA .....           | 1                | 06/29/2001                   |

[FR Doc. 01-10572 Filed 4-27-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 34016]

**Livonia, Avon & Lakeville Railroad Corporation-Continuance in Control Exemption-Western New York & Pennsylvania Railroad, LLC**

Livonia, Avon & Lakeville Railroad Corporation (LAL), a Class III rail carrier, has filed a verified notice of exemption to continue in control of Western New York & Pennsylvania Railroad, LLC (WNYP), upon WNYP's becoming a carrier.

This transaction is related to STB Finance Docket No. 34017, *Western New York & Pennsylvania Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company and Pennsylvania Lines LLC*, wherein WNYP seeks to sublease and operate a line of railroad approximately 145.2 miles long in Steuben, Allegany, Cattaraugus and Chautauqua Counties, NY, and Erie County, PA.

According to the verified notice of exemption, LAL expects to continue in control of WNYP once WNYP becomes a rail carrier after approval or exemption of that transaction. The earliest the transaction could have been consummated was April 19, 2001, the effective date of the exemption (7 days after the exemption was filed).

At the time it filed the notice, LAL owned and controlled one existing Class III rail carrier: Ontario Central Railroad Corporation, which operates in New York.

LAL states that: (i) LAL will not connect with the rail lines of any existing carrier in the LAL family; (ii) the continuance in control is not part of a series of anticipated transactions that would result in such a connection; and

(iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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. 34016, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Esq., Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, Second Floor, Washington, DC 20036.

Board decisions and notices are available on our website at "www.stb.dot.gov."

Dated: April 23, 2001.

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

**Vernon A. Williams,**  
Secretary.

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 34017]

**Western New York & Pennsylvania Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company and Pennsylvania Lines LLC**

Western New York & Pennsylvania Railroad, LLC (WNYP), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to sublease (except for a 0.3-mile segment over which it will have trackage rights as described below) from Norfolk Southern Railway Company (NS) and operate a rail line in Steuben, Allegany, Cattaraugus and Chautauqua Counties, NY, and Erie County, PA (subject line).<sup>1</sup> The subject line extends between approximately milepost 332, at Hornell, NY, and approximately milepost 60.5, at Corry, PA, a total distance of approximately 145.2 route miles.<sup>2</sup> WNYP will acquire incidental trackage rights on the 0.3-mile portion of the subject line between approximately milepost 394.9 and approximately milepost 395.2. In addition, WNYP will acquire incidental trackage rights over 2.7 additional miles of passing track between milepost 395.1 and approximately milepost 397.8.

The parties report that they intend to consummate the transaction on the effective date of the exemption. The earliest the transaction could have been consummated was April 19, 2001 (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 34016, *Livonia, Avon & Lakeville Railroad—*

<sup>1</sup> The subject line is owned by the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority, currently leased by Pennsylvania Lines LLC, and operated by NS.

<sup>2</sup> According to the verified notice, the portions of the rail line east of Olean, NY, approximately milepost 394.9, and west of Lakewood, NY, approximately milepost 36.9, are presently out of service.