

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

Issued in Washington, DC, on January 30, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

[FR Doc. 97-2784 Filed 2-4-97; 8:45 am]

BILLING CODE 4910-60-M

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 March 7, 1997.

ADDRESS COMMENTS TO: Dockets Unit, 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 application number.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW, Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulations(s) affected	Nature of exemption thereof
11807-N	Kirby Chemical Co., Longview, TX.	49 CFR 172.407(c)	To authorize the transportation in commerce of a current supply of labels in size smaller than the 3.9 inch minimum required for use in transporting various Class 8 material. (mode 1).
11808-N	Trinity Industries, Inc., Dallas, TX.	49 CFR 179.300-19(a)	To authorize the foreign inspection of certain multi-unit tank cars (one ton containers) manufactured in Mexico for use in transporting chlorine. (mode 5).
11809-N	Laidlaw Environmental Services Inc., Columbia, SC.	49 CFR 173.156(b)(1)(iii) ...	To authorize the transportation in commerce of consumer commodities from a manufacturer, a distribution center, or a retail outlet to a disposal facility from more than one offeror. (mode 1).
11811-N	Laidlaw Environmental, Services Inc., Columbia, SC.	49 CFR 172.202(c)	To authorize the transportation in commerce of various household hazardous wastes to be transported without having the quantity and unit measurement shown on the shipping paper. (mode 1).
11815-N	Union Pacific Railroad, Co. et al., Omaha, NE.	49 CFR 174.85(d)	To authorize alternative positioning of certain placarded rail cars in a train transporting various classes of hazardous materials. (mode 2).
11816-N	The Scotts Co., Marysville, OH.	49 CFR 171-180	To authorize the transportation in commerce of certain hazardous materials across a public road, from one part of a plant to another, as essentially not subject to the hazard communication requirements in Part 172. (mode 1).
11817-N	FIBA Technologies, Inc., Westboro, MA.	49 CFR 172.301(c), 173.302(c)(2)(3) & (4), 173.34(e)(1)(3) & (4).	To provide for ultrasonic retesting of DOT 3AL cylinders to be used in transporting various authorized gases. (modes 1, 2, 3, 4, 5).
11818-N	National Aeronautics & Space Administration, Washington, DC.	49 CFR 173.34(d)	To authorize the transportation in commerce of certain non-DOT specification containers containing certain Division 2.1, 2.2 and 2.3 liquidified and compressed gases not equipped with pressure relief devices to be used in connection with flight project spacecraft containing heat pipes. (modes 1, 3, 4).
11820-N	Grief Bros. Corp., Springfield, NJ.	49 CFR 173.23(g), 173.8(b)(4)(1).	To authorize the transportation and reuse or reconditioning of drums with ends thinner than 1.1mm for use in transporting various hazardous materials. (modes 1, 2, 3, 4, 5).
11821-N	Wyoming Department of Transportation, Cheyenne, WY.	49 CFR 173.202(c)	To authorize the use of a specifically designed steel tank, non-bulk container for use in transporting Gasoline, Class 3. (mode 1).
11822-N	Department of Energy, Germantown, MD.	49 CFR 178.244(c)	To authorize the transportation in commerce of non-specification storage tanks partially filled with sodium metal to off-site disposal processing facilities. (mode 2).
11824-N	The Dow Chemical Co., Freeport, TX.	49 CFR 172.203(a), 172.302(c), 180.509(6)(e).	To authorize the use of alternative testing method for tank car structural re-certification, extend the internal visual tank and service equipment inspection cycle to 15 years and provide relief from the shipping paper and marking requirements. (mode 2).
11825-N	Bevill Meter Service, Homer, LA.	49 CFR 173.304, 173.315	To authorize the transportation of a non-DOT specification container described as a meter prover for use in transporting various hydrocarbon products. (mode 1).

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulations(s) affected	Nature of exemption thereof
11830-N	North Coast Container Corp., Cleveland, OH.	49 CFR 178.3(a)(5), 178.503(a)(10).	To authorize the transportation of 55 gallon full removable head and non-removable head steel drums with alternative markings. (mode 1).

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

Issued in Washington, DC, on January 30, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

[FR Doc. 97-2785 Filed 2-4-97; 8:45 am]

BILLING CODE 4910-60-M

Surface Transportation Board

[STB Finance Docket No. 33220]

CSX Corporation and CSX Transportation, Inc.—Control and Merger—Conrail Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board, DOT.

ACTION: Decision No. 8; Notice of Issuance of Procedural Schedule.

SUMMARY: The Board is issuing a procedural schedule, following the receipt of public comments on a proposed procedural schedule and replies to those comments. This schedule provides for issuance of a final decision no later than 365 days after filing of the primary application.

EFFECTIVE DATE: The effective date of this decision is February 5, 1997. Notices of intent to participate in this proceeding will be due 45 days after the primary application is filed. All descriptions of inconsistent and responsive applications, as well as any petitions for waiver or clarification with respect thereto, will be due 60 days after the primary application is filed. All comments, protests, requests for conditions, inconsistent and responsive applications, and any other opposition evidence and argument will be due 120 days after the primary application is filed. For further information, see the procedural schedule set forth below.

ADDRESSES: An original plus 25 copies¹ of all documents, referring to STB

Finance Docket No. 33220, must be sent to the Office of the Secretary, Case Control Branch, ATTN: STB Finance Docket No. 33220, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.² Parties are requested also to submit all pleadings, and any attachments, on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all formal filings in this proceeding must be sent to Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, 888 First Street, N.E., Suite 11F, Washington, DC 20426 [(202) 219-2538; FAX: (202) 219-3289], and to each of the applicants' representatives: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, N.W., Washington, DC 20004-1202; and (2) Paul A. Cunningham, Esq., Harkins Cunningham, Suite 600, 1300 Nineteenth Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: On October 18, 1996, CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), Conrail Inc. (CRI), and Consolidated Rail Corporation (CRC)³ filed their CSX/CR-1 notice of intent to file an application (hereinafter referred to as the primary application) seeking Board authorization under 49 U.S.C. 11323-25 for: (1) The acquisition of control of CRI by Green Acquisition Corp. (Acquisition), an indirect wholly owned subsidiary of CSXC; (2) the merger of CRI into Acquisition; and (3) the resulting common control of CSXT

not be considered formal filings and thus are not encouraged because they will result in unnecessarily burdensome, duplicative processing in what we expect to become a voluminous record.

Applicants may file in bound volumes an original plus 25 copies of related applications, petitions, and notices of exemption; however, to facilitate processing of these related filings, we will require that applicants also file two unbound copies of each of these filings.

²It is anticipated that the Board will move to its new offices in March 1997. The Board's address at the new offices will be: Surface Transportation Board, Mercury Building, 1925 K Street, N.W., Washington, DC 20423.

³CSXC and CSXT are referred to collectively as CSX. CRI and CRC are referred to collectively as Conrail. CSX and Conrail are referred to collectively as applicants.

and CRC by CSXC. Applicants indicated that they expected to file their primary application, and any related applications, petitions, and notices, on or before March 1, 1997.

By letter dated December 27, 1996, CSXC and Acquisition advised the Board that certain amendments had been made to the Agreement and Plan of Merger (the Merger Agreement) dated October 14, 1996, by CSXC, Acquisition, and CRI. The Merger Agreement, as first entered into, envisioned: (1) the acquisition by Acquisition of approximately 19.9% of the common stock of CRI (this has already occurred, and the stock has been placed in a voting trust); (2) the subsequent acquisition by Acquisition of an additional approximately 20.1% of the common stock of CRI; and (3) after our approval of the primary application, the merger of CRI with and into Acquisition. As amended, however, the Merger Agreement now envisions that the merger of CRI with and into Acquisition will occur prior to our approval of the primary application. This change of plans necessarily means that applicants no longer seek our authorization for the acquisition of control of CRI by Acquisition, or for the merger of CRI into Acquisition.⁴ Applicants, however, continue to seek Board authorization for the common control, by CSXC, of CSXT and CRC (hereinafter referred to as the CSXT/CRC control transaction). Applicants continue to indicate that they expect to file their primary application, and any related applications, petitions, and notices, on or before March 1, 1997.⁵

⁴The Merger Agreement envisions that, in connection with the merger of CRI into Acquisition, Acquisition (the surviving corporation) will be renamed "Conrail Inc." References to CRI (i.e., Conrail Inc.) embrace both the "old" Conrail Inc. (i.e., the corporation presently known as Conrail Inc.) and the "new" Conrail Inc. (i.e., the renamed corporation that will exist after the merger of Conrail Inc. into Acquisition).

⁵The primary application, and each related application, petition, and notice, must be accompanied by the appropriate fee. See, in general, 49 CFR 1002.2(f), as recently amended in *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—1997 Update*, STB Ex Parte No. 542 (Sub-No. 1) (STB served Jan. 23, 1997, 62 FR 3487 (Jan. 23, 1997), and effective February 24, 1997). The fees applicants will have to pay may include, among others, the fees codified at: 49 CFR 1002.2(f)(39)(i)

Continued

¹In order for a document to be considered a formal filing, the Board must receive an original plus 25 copies of the document, which must show that it has been properly served. Documents transmitted by facsimile (FAX), as in the past, will