

be discovered,” by reference to lot/date code markings, there is no serious risk to motor vehicle safety if that information is lost. Instead, in the event of a defect or noncompliance determination affecting certain batches of brake fluid, the brake fluid manufacturer would be compelled to recall a larger population of brake fluid containers than it otherwise would need to do, because it could not rely on the presence of a legible lot/date code marking to limit the population of the recall.

CCI explained that it sold the affected brake fluid only to Mercedes-Benz, who then distributed it to its dealerships and authorized repair facilities. CCI does not believe Mercedes-Benz offers the brake fluid for retail sale to customers. CCI stated:

First, Mercedes-Benz purchases and distributes the brake fluid to its dealerships and authorized repair facilities in bulk quantities, and those products are used quickly. Even in the unlikely event that a dealership or repair facility could not read the lot/date code on a particular container of brake fluid, that entity would likely have other containers from the same lot/date code on its premises, and could ascertain the lot/date code for the fouled container from its companion products. Second, CCI believes that all of the noncompliant containers in Mercedes-Benz's inventory may already have been used.

The agency agrees that under the circumstances, the lot and date information could most likely be determined if necessary. In addition, the brake fluid containers comply with all other requirements of FMVSS No. 116 and the brake fluid itself complies with the performance requirements of FMVSS No. 116. CCI has corrected the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, CCI's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: October 19, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19347; Notice 1]

#### Bridgestone/Firestone North American Tire, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

Bridgestone/Firestone North American Tire, LLC (Bridgestone/Firestone) has determined that certain tires it manufactured do not comply with S6.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, “New pneumatic tires for vehicles other than passenger cars.” Bridgestone/Firestone has filed an appropriate report pursuant to 49 CFR part 573, “Defect and Noncompliance Reports.”

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Bridgestone/Firestone has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Bridgestone/Firestone's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

A total of approximately 1,083 sizes 2.75-10 and 80/90-10 Bridgestone HOOP tires are affected. S6.5 of FMVSS No. 119 requires that the maximum load rating and corresponding inflation pressure of the tires be marked on the tire in both English and metric units. The noncompliant tires do not have the metric markings. The actual stamping is “MAX. LOAD 355 LBS AT 36 PSI COLD.” The correct stamping should be “MAX. LOAD 160kg (353 LBS) AT 50 kPa (36 PSI) COLD.”

Bridgestone/Firestone believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Bridgestone/Firestone states that the actual performance of the tires will not be affected by the mismarking, and that the tires meet or exceed all performance requirements of FMVSS No. 119. Further, Bridgestone/Firestone states that the mismarking will have no impact on the operational performance or safety of vehicles on which the tires are mounted, and that the problem has been corrected.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be

submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on “Help” to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* November 26, 2004.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: October 19, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration; Office of Hazardous Materials Safety

#### Notice of Applications for Modification of Exemption

**AGENCY:** Research and Special Programs 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 (*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 application for exemption to facilitate processing.

**DATES:** Comments must be received on or before November 10, 2004.

**ADDRESSES:** Record 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 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 October 19, 2004.

**R. Ryan Posten,**

*Exemptions Program Officer, Office of Hazardous Materials, Exemptions & Approvals.*

#### MODIFICATION EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
6263-M .....	.....	Amtrol, Inc. West Warwick, RI.	49 CFR 173.302(a)(1).	6263 .....	To modify the exemption to include ASME requirements for a pneumatic pressure test of the non-DOT specification non-refillable welded cylindrical or spherical steel tanks.
10319-M .....	.....	Amtrol, Inc. West Warwick, RI.	49 CFR 173.302(a)(1); 173.306(g).	10319 .....	To modify the exemption to authorize an increase in working pressure to 150 psig and the pressure test to at least 1.5 hydrostatically or 1.25 pneumatically for the non-DOT specification cylindrical pressure vessels.
11526-M .....	.....	BOC Gases America Murray Hill, NJ.	49 CFR 172.302(c), (2), (3), (4), (5); 180.205(a)(f), (g); 180.209(b)(g); 180.215.	11526 .....	To modify the exemption to authorize a change to the standard reference calibration standards for certain DOT Specification 3A of 3AA cylinders and removal of certain ultrasonic performance, test procedure and rejection criteria requirements.
11761-M .....	.....	UOP LLC Des Plaines, IL.	49 CFR 173.31(d)(1)(iv); 172.302(c).	11761 .....	To modify the exemption to authorize the transportation of the residue of an additional Class 8 material in DOT Specification and AAR specification tank cars.
11989-M .....	RSPA-97-3170	U.S. Department of Defense Fort Eustis, VA.	49 CFR 172.504; 176.83(a), (d), (f).	11989 .....	To modify the exemption to authorize the transportation of an additional Division 2.2 material; additional guided bomb model number component items with specific loading, blocking, bracing requirements aboard vessels.
12284-M .....	RSPA-99-5935	The American Traffic Safety Services Assn. (ATSSA) Fredericksburg, VA.	49 CFR 173.242 .....	12284 .....	To modify the exemption to authorize the transportation of Division 5.2, Division 6.1, Class 8 and additional Class 3 materials in non-DOT specification cargo tanks used for roadway striping.
12706-M .....	RSPA-01-9731	Raufoss Composites AS Raufoss, NO.	49 CFR 173.201; 173.301; 173.304; 178.35; 178.50.	12706 .....	To modify the exemption to update the bonfire test criteria requirements for the non-DOT specification fully-wrapped fiberglass composite cylinders.

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 BILLING CODE 4909-60-M

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**Office of Hazardous Materials Safety; Notice of Application for Exemptions**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications for 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. 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 November 26, 2004.

**ADDRESSES:** Record 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 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 October 19, 2004.

**R. Ryan Posten,**  
*Exemptions Program Officer, Office of Hazardous Materials Safety, Exemptions & Approvals.*

**NEW EXEMPTION**

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13936-N .....	RSPA-2004-19300.	Dow Chemical Company Midland, MI.	49 CFR 172.203(a); 173.26 and 179.13.	To authorize the transportation in commerce of DOT 112S specification tank cars that exceed the weight requirement for transporting certain hazardous materials. (mode 2)
13937-N .....	RSPA-2004-19318.	Questar, Inc. North Canton, OH.	49 CFR 173.12(b)(2) .....	To authorize the manufacture, marking and sale of a corrugated fiberboard box for use as the outer packaging for lab pack applications. (mode 1)
13938-N .....	RSPA-2004-19317.	Questar, Inc. North Canton, OH.	49 CFR 173.12(b)(2) .....	To authorize the manufacture, mark, sale and use of corrugated fiberboard boxes for use as the outer packaging for lab pack applications. (mode 1)
13956-N .....	RSPA-2004-19320.	U.S. Department of Energy (DOE) Washington, DC.	49 CFR 173.244 .....	To authorize the one-time, one-way transportation in commerce of two inductions pumps, containing residual amounts of Sodium, Division 4.3 (mode 1)
13957-N .....	RSPA-2004-19321.	T.L.C.C.I, Inc. ....	49 CFR 173.304a(a)(1) and 175.3.	To authorize the manufacture, marking and sale and use of domestically-manufactured composite cylinders to be used in the transportation of certain flammable and nonflammable gases. (modes 1, 2, 3, 4)
13958-N .....	RSPA-2004-19309.	Department of Defense Fort Eustis, VA.	49 CFR 173.427(b) .....	To authorize the transportation in commerce of gondola cars equipped with a specially designed liner to be classified as an IP-2 package for use in transporting certain Class 7 hazardous materials. (mode 2)
13959-N .....	RSPA-2004-19313.	Koch Nitrogen company Wichita, KS.	49 CFR 177.834(i)(3) .....	To authorize cargo tanks to remain connected while standing without the physical presence of an unloader anhydrous ammonia, Division 2.2. (mode 1)
13960-N .....	RSPA-2004-19296.	Terumo Heart, Inc. Ann Arbor, MI.	49 CFR 173.185 .....	To authorize the transportation in commerce of a specially designed medical device equipped with lithium ion battery module. (modes 1, 4)
13961-N .....	RSPA-2004-19297.	3AL Testing, Corp. Miami, FL.	49 CFR 180.205(f), (g); 180.209(a); 172.203(a); 172.301(c).	To authorize an alternative requalification method for DOT-3AL cylinders. (modes 1, 3, 4)
13962-N .....	RSPA-2004-19298.	Department of Energy, Washington, DC.	49 CFR 173.453(d) .....	To authorize the one-time, one-way transportation of certain IP-1 drums containing low-enriched uranium oxide. (mode 1)
13963-N .....	RSPA-2004-19299.	Duratek Columbia, SC	49 CFR 173.403; 173.427; 173.465.	To authorize the manufacture, marking, sale and use of specially designed packaging for transporting used nuclear reactor pressure vessel heads. (modes 1, 2, 6)