

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**Denial of Motor Vehicle Defect Petition, DP02-009**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for a defect recall.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency initiate an investigation of model year (MY) 1995 Dodge Dakota vehicles to address an alleged safety-related defect. The petition is identified as DP02-009.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan White, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-5226.

**SUPPLEMENTARY INFORMATION:** Mr. Edward W. Bailey of Metairie, LA, submitted a petition to NHTSA by letter (undated), requesting that NHTSA initiate a defect investigation of model year (MY) 1995 Dodge Dakota vehicles. The petitioner alleges that the chassis on the passenger side of his vehicle cracked behind the right front wheel, through no fault of his own, which he believes constitutes a safety defect. A review of ODI's database shows that there are nine consumer complaints related to frame cracks on MY 1995-96 Dodge Dakota vehicles (hereinafter referred to as the subject vehicles), not including the petitioner's complaint. No similar complaints were found in the three model years (1992, 1993, 1994)

prior to the subject vehicle model years, and no complaints were found in any model years after the subject vehicles. None of the complaints reported loss of control, crashes, injuries, or fatalities. Furthermore, a similar review of consumer complaints of frame cracks on vehicles that are peers of the subject vehicles also shows no reports of loss of control, crashes, injuries or fatalities. Most of the complainants who own or owned the subject vehicles were contacted to confirm the reported information and obtain additional information. The average mileage at failure of the frame on the subject vehicles was reported by consumers to be approximately 93,000.

After review and analysis of all the available information, it does not appear that cracking of the frame in the subject vehicles at the rate reported constitutes a defect in vehicles that average 93,000 miles. This is especially true given that there have been no reported crashes, injuries, or deaths. Therefore, we do not believe that an investigation would result in the identification of a potential safety-related defect and this petition is denied.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of an alleged safety-related defect, as defined by the petitioner, in the subject vehicles at the conclusion of an investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: December 22, 2002.

**Kenneth N. Weinstein,**  
Associate Administrator for Enforcement.  
[FR Doc. 03-209 Filed 1-3-03; 8:45 am]  
**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**Actions on Exemption Applications**

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

**ACTION:** Notice of actions on Exemption Applications.

**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 of the actions on exemption applications in JULY-SEPTEMBER 2002. The modes of transportation involved are identified 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. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on December 20, 2002.

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

Application number	Exemption number	Applicant	Regulation(s) affected	Nature of exemption thereof
<b>Modification Exemptions</b>				
7657-M .....	DOT-E 7657	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.201, 173.202, 173.203, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3.	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.
7657-M .....	DOT-E 7657	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.201, 173.202, 173.203, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3.	To modify the exemption to authorize the transportation of additional Division 2.1 and 2.2 materials in a non-DOT specification stainless steel cylinders.
8232-M .....	DOT-E 8232	National Refrigerants, Inc., Philadelphia, PA.	49 CFR 173.123(a), 173.315.	To modify the exemption to authorize the transportation of a Division 2.2 material in non-DOT specification portable tanks.
8915-M .....	DOT-E 8915	E.I. DuPont de Nemours and Company, Wilmington, DE.	49 CFR 173.301(d), 173.302(a)(3), 173.302(a)(5).	To modify the exemption to authorize the transportation of an additional Division 2.1 material in a manifolded DOT Specification cylinder.

Application number	Exemption number	Applicant	Regulation(s) affected	Nature of exemption thereof
9419-M .....	DOT-E 9419	FIBA Technologies, Inc., Westboro, MA.	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e), Part 107, Subpart B, Appendix B.	To modify the exemption to authorize the elimination of the annual quantity limitation when performing the acoustic emission testing (AET) on DOT Specification cylinders for the transportation of various Division 2.1 and 2.2 gases.
9508-M .....	DOT-E 9508	Callery Chemical Company, Pittsburgh, PA.	49 CFR 173.202(a)(3), 173.34(e), 175.3.	To modify the exemption to authorize the transportation of an additional Division 4.3 material in DOT Specification cylinders.
10389-M .....	DOT-E 10389	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 174.67(i) .....	To modify the exemption to authorize the transportation of a Division 6.1 and additional Class 8 material in tank cars.
10789-M .....	DOT-E 10789	Allied Universal Corporation, Miami, FL.	49 CFR 173.304(a)(2), 173.34(d), 173.34(e).	To modify the exemption to authorize the retest period from 2 to 5 years for non-DOT specification fully open-head steel salvage cylinders and the use of a 3AA480 cylinder for the transportation of Division 2.3 materials.
10985-M .....	DOT-E 10985	Georgia-Pacific Corporation, Atlanta, GA.	49 CFR 174.67(i), (j) .....	To modify the exemption to authorize the transportation of a Division 5.1 material in DOT Specification tank cars.
11262-M .....	DOT-E 11262	CAIRE Inc. (Division of CHART Industries), Burnsville, MN.	49 CFR 173.316(c)(2), 175.3, 178.57-8(c).	To modify the exemption to authorize a new non-DOT specification cylinder design for the transportation of Division 2.2 materials used in a liquid oxygen supply system.
11373-M .....	DOT-E 11373	Chemical Resources, Inc., Louisville, KY.	49 CFR 117.848(d) .....	To modify the exemption to authorize for-hire contract carriers the ability to transport Division 4.2 materials on the same vehicle with Class 8 materials.
11379-M .....	DOT-E 11379	TRW Automotive, Occupant Safety Systems, Washington, MI.	49 CFR 173.301(h), 173.302.	To modify the exemption to authorize extension of the 10-hour lot duration for the non-DOT specification pressure vessels used as components of automobile vehicle safety systems.
11380-M .....	DOT-E 11380	Baker Atlas (Houston Technology Center), Houston, TX.	49 CFR 173.34(d), 178.37-13, 178.37-15, 178.37-5.	To modify the exemption to authorize a new tank assembly design for the non-DOT specification seamless cylinders transporting Division 2.1 materials.
11401-M .....	DOT-E 11401	Agilent Technologies, Inc., Santa Clara, CA.	49 CFR 172, 173.124, 173.125, 174, 175, 176, 177.	To modify the exemption to authorize an increase from 6 grams to a maximum of 9 grams of cesium in the inner cylinder device.
11650-M .....	DOT-E 11650	Autoliv ASP, Inc., Ogden, UT.	49 CFR 178.65-9 .....	To modify the exemption to authorize an additional design qualification of the non-DOT specification pressure vessel sidewall opening for the transportation of Division 2.2 materials.
11759-M .....	DOT-E 11759	Honeywell International, Inc., Morristown, NJ.	49 CFR 179.15(a) .....	To modify the exemption to authorize the use of an additional specification tank car with increased wall thickness for the transportation of Division 6.1 materials.
11970-M .....	DOT-E 11970	ExxonMobil Chemical Company, Houston, TX.	49 CFR 172.101, 178.245-1(c).	To modify the exemption to authorize the use of alternative size non-DOT specification steel portable tanks for the transportation of a Division 4.2 material.
12398-M .....	DOT-E 12398	Praxair Inc., Danbury, CT	49 CFR 173.34(d), 178.35(e).	To modify the exemption to authorize the transportation of Division 2.3 and an additional Division 2.2 material in DOT 3A and 3AA cylinders equipped with an alternative relief device and to add cargo vessel as an additional mode of transportation.
12690-M .....	DOT-E 12690	Air Liquide America Corporation, Houston, TX.	49 CFR 173.304(a)(2), Note 2.	To modify the exemption to authorize cargo vessel as an additional mode for the transportation of a Division 2.3 material in DOT Specification 3AA steel cylinders.
12844-M .....	DOT-E 12844	Delphi Automotive Systems, Troy, MI.	49 CFR 173.301(h), 173.302(a), 175.3.	To modify the exemption to authorize relief from the requirement for each non-DOT specification pressure vessel longitudinal weld seam to be 100% radiographically inspected for the transportation of Division 2.2 materials.
12855-M .....	DOT-E 12855	Kraton Polymers U.S. LLC, Belpre, OH.	49 CFR 172.302(c), 173.240.	To reissue the exemption originally issued on an emergency basis for the transportation of non-DOT specification pressure vessels containing a Class 3 material.
12917-M .....	DOT-E 12917	Northwest Ohio Towing & Recovery, Inc., Beavercreek, OH.	49 CFR 173.242(b) .....	To reissue the exemption originally issued on an emergency basis for the transportation of Class 3 materials in non-DOT specification cargo tanks (aviation refuelers).

Application number	Exemption number	Applicant	Regulation(s) affected	Nature of exemption thereof
13002-M .....	DOT-E 13002	Department of Defense (MTMC), Fort Eustis, VA.	49 CFR 172.301(c), 173.203(a), 173.306(f)(1).	To modify the exemption to reissue the exemption originally issued on an emergency basis for the transportation of Division 2.2 materials in accumulators.
13015-M .....	DOT-E 13015	BOC Gases, Murray Hill, NJ.	49 CFR 172.203(a), 172.301(c), 173.400a(a)(1), 178.35(f).	Modification request to provide a transitional period for use of cylinder collars that obscure required markings.
13016-M .....	DOT-E 13016	Carrier Transicold, Syracuse, NY.	49 CFR 172.301(c), 173.24(b)(1).	To reissue the exemption originally issued on an emergency basis for the release of a Division 2.2 gas from a DOT Specification cylinder used in refrigerating equipment.

#### New Exemptions

12630-N .....	DOT-E 12630	Chem Metall GmbH Gesellschaft, Langelshelm, DE.	49 CFR 172.102(a)(2) & (c)(7)(ii).	To authorize the transportation in commerce of lithium alkyls, Division 4.2, in non-DOT specification IM 101 portable tanks with an equivalent minimum shell thickness less than that prescribed for the material. (modes 1, 2, 3)
12753-N .....	DOT-E 12753	Praxair, Inc., Danbury, CT	49 CFR 173.304(a) .....	To authorize the transportation in commerce of certain toxic gases in 3AX and 3AAX cylinders not presently authorized for use in transporting dichlorosilane, Division 2.3. (mode 1)
12872-N .....	DOT-E 12872	Southern California Edison, San Clemente, CA.	49 CFR 173.403 .....	To authorize the one-time transportation in commerce of specially designed equipment containing Class 7 radioactive material. (mode 2)
12874-N .....	DOT-E 12874	Zomeworks Corporation, Albuquerque, NM.	49 CFR 171 to 180 .....	To authorize the transportation in commerce of machine components that are charged with non-flammable, non-toxic refrigerant gas without packaging or communication requirements. (modes 1, 2, 3, 4, 5)
12953-N .....	DOT-E 12953	Westinghouse Electric Company, Pittsburgh, PA.	49 CFR 173.453(d) .....	To authorize the transportation in commerce of packages of fissile material that exceed the quantities presently authorized. (modes 1, 2)
12955-N .....	DOT-E 12955	Air Cruisers Company, Belmar, NJ.	49 CFR 172.301(c), 173.219(b)(1).	To authorize the transportation in commerce of life-saving appliances containing a compressed gas cylinder that is filled in excess of its marked service pressure. (modes 1, 4, 5)
12972-N .....	DOT-E 12972	Voltaix, Inc., North Branch, NJ.	49 CFR 173.301(j) .....	To authorize the transportation in commerce of non-DOT specification cylinders for export containing various compressed gases without pressure relief devices. (modes 1, 3)
12982-N .....	DOT-E 12982	Arthur L. Fleener, Ames, IA.	49 CFR 175.320 .....	To authorize the transportation in commerce of Division 1.1 explosives, which are forbidden for shipment by passenger-carrying aircraft to remote areas when no other means of transportation is available. (mode 5)
12994-N .....	DOT-E 12994	Air Liquide American Corporation, Houston, TX.	49 CFR 173.34(d) .....	To authorize the transportation in commerce of certain DOT specification cylinders and cylinders manufactured to a foreign specification without pressure relief devices. (modes 1, 3)
12995-N .....	DOT-E 12995	The Dow Chemical Company, Midland, MI.	49 CFR 173.306(a)(3)(v)	To authorize the transportation in commerce of inner metal receptacles which have been subjected to an alternative testing procedure for use in transporting limited quantities of compressed gases. (modes 1, 2, 3, 4)
12997-N .....	DOT-E 12997	Albermarle Corporation, Baton Rouge, LA.	49 CFR 173.24(g)(4) .....	To authorize the transportation in commerce of hazardous materials in a vented bulk packaging (an intermediate bulk container) when venting is not authorized. (modes 1, 2, 3)
13020-N .....	DOT-E 13020	Bristol Bay Contractors, Inc., King Salmon, AL.	49 CFR 173.243, 173.315	To authorize the transportation in commerce of propane in certain non-specification portable tanks. (modes 1, 2, 3)
13023-N .....	DOT-E 13023	Energy Conversion Devices, Inc., Troy, MI.	49 CFR 173.187 .....	To authorize the one-time transportation in commerce of one overpack containing a specially designed device containing a Division 4.2 material that exceeds the maximum quantity limitations. (mode 1)
13025-N .....	DOT-E 13025	Southern California Edison, San Clemente, CA.	49 CFR 173.403, 173.427	To authorize the one-time transportation in commerce of specially designed equipment containing Class 7 hazardous materials. (mode 1)

Application number	Exemption number	Applicant	Regulation(s) affected	Nature of exemption thereof
13027-N .....	DOT-E 13027	Hernco Fabrication & Services, Midland, TX.	49 CFR 173.241, 173.242	To authorize the manufacture, mark, sale and use of a packaging consisting of manifolded non-DOT specification tanks for use in transporting certain Class 3 and Class 8 hazardous materials. (mode 1)
13034-N .....	DOT-E 13034	ATK—Ammunition Accessories, Inc., Lewiston, ID.	49 CFR 173.24(c), 173.54(a), 173.62.	To authorize the transportation in commerce of explosive components, Division 1.4S in specially designed packaging. (mode 1)
13048-N .....	DOT-E 13048	Department of Energy/ Richland Operations Office, Richland, WA.	49 CFR 173.244 .....	To authorize the one-time, one-way transportation in commerce of a non-DOT specification containment system for waste disposal. (mode 1)
13052-N .....	DOT-E 13052	Questar, Inc., North Canton, OH.	49 CFR 172.301(a), 172.301(c), 172.400(a), 173.173(b)(2), 173.242.	To authorize the manufacture, marking, sale and use of UN 11G fiberboard intermediate bulk containers for use as the outer packaging for certain waste paints and waste paint related material, Class 3 in 5 gallon pails. (mode 1)
13056-N .....	DOT-E 13056	American Type Culture Collection (ATCC), Manassas, VA.	49 CFR 172, Subpart C, 173.134.	To authorize the transportation in commerce of certain infectious substances in special packagings. (mode 1)
13057-N .....	DOT-E 13057	MINTEQ International Inc., Easton, PA.	49 CFR 172 Subparts D, E & F, 173.24(c) Subparts E & F of Part 173.	To authorize the transportation in commerce of metal tubing containing hazardous materials to be transported with minimal regulation. (modes 1, 2, 3)
13083-N .....	DOT-E 13083	Rockwood Pigments NA, Inc., St. Louis, MO.	49 CFR 172,101 (SP IB6 or IP2).	To authorize the transportation in commerce of self-heating, solid, organic, n.o.s. in flexible intermediate bulk containers not to exceed 2,500 lbs. (modes 1, 2, 3)
13092-N .....	DOT-E 13092	Aztec Peroxides, L.L.C., Elyria, OH.	49 CFR 173.225(e) .....	To authorize the transportation in comerce of certain organic peroxides, Division 5.2 in DOT-Specification cargo tanks. (mode 1)

## EMERGENCY EXEMPTIONS

EE 8556-M ..	DOT-E 8556	Gardner Cryogenics, Lehigh Valley, PA.	49 CFR 173.318, 176.76(g)(1), 178.338.	Modification request to add reference to an additional flow diagram. (modes 1, 2)
EE 12955-M	DOT-E 12955	Air Cruisers .....	49 CFR 172.301(c), 173.219(b)(1).	Modification request to provide additional time for cylinders to be re-marked. (modes 1, 4, 5)
EE 12976-M	DOT-E 12976	University of Pittsburgh, Pittsburgh, PA.	49 CFR 172.302(c), 173.196.	Modification request to provide an additional 90 days due to construction delays. (mode 1)
EE 13014-M	DOT-E 13014	Acambis Inc., Cambridge, MA.	49 CFR 173.196, 178.609	Modification request to provide additional time to transport smallpox vaccine due to technical delays. (mode 1)
EE 13032-N	DOT-E 13032	Conax Florida Corp. 2, St. Petersburg, FL.	49 CFR 178.65 .....	To authorize the transportation in commerce of a DOT cylinder as part of a component for a vehicle that is part of the National Missile Defense Program. (mode 1)
EE 13036-N	DOT-E 13036	Datum, Beverly, MA .....	49 CFR 173.34(d) .....	To authorize the transportation in commerce of a non-DOT specification container for hydrogen. (mode 1)
EE 13042-M	DOT-E 13042	Department of State, Washington, DC.	49 CFR 172.101, Table Column 8C.	Emergency modification request to authorize Tyvek bags as inner packaging for transportation of anthrax contaminated objects. (mode 1)
EE 13065-N	DOT-E 13065	ShipMate, Inc., Torrance, CA.	49 CFR 173.166(c) .....	Emergency request to authorize the transportation of air bag modules and seat-belt pretensioners using an abbreviated EX number ( <i>i.e.</i> , the last two digits of the year rather than using a four digit number to identify the year). (mode 1, 2, 3, 4, 5)
EE 13065-M	DOT-E 13065	Toyota Motor Sales .....	49 CFR 173.166(c) .....	Emergency request to authorize the transportation of air bag modules and seat-belt pretensioners using an abbreviated EX number ( <i>i.e.</i> , the last two digits of the year rather than using a four digit number to identify the year). (mode 1, 2, 3, 4, 5)
EE 13067-N	DOT-E 13067	Kuehne Chemical Company, South Kearney, NJ.	49 CFR 172.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT specification multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)
EE 13068-N	DOT-E 13068	Brenntag Mid-South Inc., Springfield, MO.	49 CFR 172.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)

Application number	Exemption number	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 13071-N	DOT-E 13071	JCI Jones Chemcials, Inc., Charlotte, NC.	49 CFR 173.49 CFR 172.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT specification multi-unit tank car tank that has been fitted with an emergency "B" kit prevent leakage (mode 1)
EE13072-N ..	DOT-E 13072	JCI Jones Chemicals, Inc., Beech Grove, IN.	49 CFR 173.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)
EE13073-N ..	DOT-E 13073	Alcohol, Tobacco & Firearms, Washington, DC.	49 CFR 173.56(b), 173.62	Emergency request to transport 35 grams of unapproved explosives to an ATF laboratory. (mode 1)
EE13074-N ..	DOT-E 13074	Harcross Chemicals Inc., Kansas City, KS.	49 CFR 173.34(d) .....	Emergency request to transport a DOT3A480 cylinder containing chlorine that has developed a leak and has a Chlorine Institute A Kit applied. (mode 1)
EE13075-N ..	DOT-E 13075	Alexander Chemical Corp., LaPorte, IN.	49 CFR 173.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT specification multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)
EE13079-N ..	DOT-E 13079	Atofina Chemicals, Inc., Philadelphia, PA.	49 CFR 172.400 .....	To authorize the transportation in commerce for a one-time shipment of class 9 materials that have been mis-labeled as class 3 flammables. (mode 1)
EE13086-N ..	DOT-E 13086	Alexander Chemical Corporation, LaPorte, IN.	49 CFR 173.34(d) .....	Emergency request to transport a DOT3AA480 cylinder containing chlorine which has developed a leak and is fitting with a Chlorine Institute A Kit. (mode 1)
EE13089-N ..	DOT-E 13089	Harcross Chemicals, Inc., Kansas City, KS.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT 3A480 cylinder containing chlorine that has developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE13090-N ..	DOT-E 13090	JCI Jones Chemicals Inc., Caledonia, NY.	49 CFR 173.301(c), 173.34(d).	To authorize the transportation in commerce of a leaking DOT3A480 cylinder containing chlorine which has an emergency "A" kit applied to prevent leakage during transportation. (mode 1)
EE13093-N ..	DOT-E 13093	Kuehne Chemical Company, South Kearny, NJ.	49 CFR 173.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT specification multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)
EE13094-N ..	DOT-E 13094	Airgas Nor Pac, Seattle, WA.	49 CFR 173.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT specification multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)
EE13095-N ..	DOT-E 13095	Ocean Drilling Program, College Station, TX.	49 CFR 173.302, 175.3 ...	Emergency request to transport certain non-DOT specification hydraulic accumulators containing methane. (mode 1)
EE 13096-N	DOT-E 13096	Hacros Chemicals Inc., Kansas City, KS.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT 3A480 specification cylinder containing chlorine that has developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13097-N	DOT-E 13097	Alexander Chemical Corporation, LaPorte, IN.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT 3AA480 specification cylinder containing chlorine that has developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13098-N	DOT-E 13098	JCI Jones Chemicals, Inc., Caledonia, NY.	49 CFR 172.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	Emergency request to transport a DOT 106A500 specification multi unit tank car tank containing chlorine that has developed a task and has a chlorine Institute B kit applied. (mode 1)
EE 13099-N	DOT-E 13101	The Colibri Corporation, Providence, RI.	49 CFR 172.301(a), 172.301(c), 178.3, 178.33a-9.	Emergency request to authorize the transportation in commerce of receptable containing flammable gas that are not marked with a specification, and are mis-marked with the proper shipping name and identification number. (mode 1)
EE 13102-N	DOT-E 13102	Watts Regulator Company, North Andover, MA.	49 CFR 173.150(b), 173.222(c), 173.306(a), 173.322.	Emergency request to transport non-DOT specification packagings, with limited quantities of various hazardous materials. (modes 1, 2, 4)
EE 13103-N	DOT-E 13103	JCI Jones Chemicals Inc., Milford, VA.	49 CFR 172, Subparts C&G, 172.301(c), 173.34(d).	Emergency request to transport a DOT Specification 3A480 cylinder containing chlorine that has developed a leak and is equipped with a Chlorine Institute A kit. (mode 1)
EE 13113-N	DOT-E 13113	Dow Chemicals, Inc., Kansas City, KS.	49 CFR 172.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	Emergency request to transport a DOT Specification 106A500 multi unit tank car tank containing chlorine which developed a leak in the valve and has a Chlorine Institute B kit applied. (mode 1)

Application number	Exemption number	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 13113-N	DOT-E 13113	Dow AgroSciences L.L.C., Indianapolis, IN.	49 CFR 172.302, 173.243(b) and (c).	To authorize the transportation in commerce of a division 6.1 material in DOT specification cargo tanks that are not authorized for that material in the HMR. (mode 1)
EE 13115-N	DOT-E 13115	Airgas Northeast, Cheshire, CT.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT specification 4BW240 cylinder containing sulfur dioxide which developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13119-N	DOT-E 13119	JCI Jones Chemicals Inc., Cadedonia, NY.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT specification 3A480 cylinder containing sulfur dioxide that has developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13120-N	DOT-E 13120	JCI Jones Chemicals, Charlotte, NC.	49 CFR 173.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking DOT specification multi-unit tank car tank that has been fitted with an emergency "B" kit to prevent leaking during transportation. (mode 1)
EE 13121-N	DOT-E 13121	Airgas, Corpus Christi, TX	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT specification 3A480 cylinder containing chlorine that developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13122-N	DOT-E 13122	DPC Enterprises, Houston, TX.	49 CFR 172.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	Emergency request to transport a DOT specification 106A500X multi unit tank car tank containing sulfur dioxide that developed a leak and has a Chlorine Institute B kit applied. (mode 1)
EE 13123-N	DOT-E 13123	DPC Enterprises, Houston, TX.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT specification 3A480 cylinder containing chlorine that developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13125-N	DOT-E 13125	Allied Universal Corporation, Miami, FL.	49 CFR 173.302(c), 179.300-12(b), 179.300-13(a), 179.300-14.	To authorize the transportation in commerce of a leaking ton cylinder that has been fitted with an emergency "B" kit to prevent leakage during transportation. (mode 1)
EE 13126-N	DOT-E 13126	Univar USA Inc., Twinsburg, OH.	49 CFR 172.301(c), 173.34(d).	Emergency request to transport a DOT specification 3A480 cylinder containing sulfur dioxide that developed a leak and has a Chlorine Institute A kit applied. (mode 1)
EE 13128-N	DOT-E 13128	Alexander Chemical Co., LaPorte, IN.	49 CFR 173.34(d) .....	To authorize the transportation in commerce of a leaking cylinder that has been fitted with an emergency "A" kit to prevent leakage during transportation. (mode 1)
EE 13130-N	DOT-E 13130	DPC Enterprises, Houston, TX.	49 CFR 173.34(d) .....	To authorize the transportation in commerce of a leaking cylinder that has been fitted with an emergency "A" kit to prevent leakage during transportation. (mode 1)
EE 13131-N	DOT-E 13131	Airgas-Nor Pac, Inc., Portland, OR.	49 CFR 173.34(d) .....	To authorize the transportation in commerce of a leaking cylinder that has been fitted with an emergency "A" kit to prevent leakage during transportation. (mode 1)

## DENIALS

10440-M .....	Request by MASS Systems (A Unit of Ameron Global, Inc.) Baldwin Park, CA to modify the exemption to authorize an alternative maintenance/inspection program for welded austenitic stainless steel non-DOT specification cylinders, conforming with DOT Specification 4DS, for the transportation of Division 2.2 materials denied September 27, 2002.
11759-M .....	Request by E.I DuPont de Nemours & Company, Inc. Wilmington, DE to modify the exemption to authorize the transportation of a Division 6.1 material in DOT Specification tank cars denied August 6, 2002.
12820-N .....	Request by Trinity Manufacturing Hamlet, NC to authorize the transportation in commerce of chloropicrin, 6.1, poison inhalation hazard, Hazard Zone B and chloropicrin mixtures in 1A1 drums in an alternative stacking position denied July 16, 2002.
12845-N .....	Request by Qantas Airways Limited Los Angeles, CA to authorize the transportation in commerce of cylinders containing medical use compressed oxygen that exceed the present quantity limitation denied September 27, 2002.
13024-N .....	Request by Sybron Dental Specialties Inc. Orange, CA to authorize the transportation in commerce of specially designed packagings containing metallic mercury, Class 8 in package quantities exceeding one pound with the prescribed marking and labelling denied September 25, 2002.

[FR Doc. 03-187 Filed 1-3-03; 8:45 am]  
 BILLING CODE 4909-60-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:** R. Ryan Posten, Exemptions Program Officer 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 December 20, 2002.

**R. Ryan Posten,**

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

**NEW EXEMPTION APPLICATIONS**

Application No.	Applicant	Reason for delay	Estimated date of completion
11862-N	The BOC Group, Murray Hill, NJ	4	03/31/2003
11927-N	Alaska Marine Lines, Inc., Seattle, WA	4	01/31/2003
12381-N	Ideal Chemical & Supply Co., Memphis, TN	3	05/31/2003
12412-N	Great Western Chemical Company, Portland, OR	3	05/31/2003
12440-N	Luxfer Inc., Riverside, CA	1	05/31/2003
12648-N	Stress Engineering Services, Inc., Houston, TX	4	02/28/2003
12701-N	Fuel Cell Components & Integrators, Inc., Hauppauge, NY	1	01/31/2003
12706-N	Raufoss Composites AS, Raufoss, NO	1, 3	03/31/2003
12715-N	Arkansas Eastman Division, Eastman Chemical Co., Batesville, AR	4	01/31/2003
12718-N	Weldship Corporation, Bethlehem, PA	4	01/31/2003
12751-N	Defense Technology Corporation, Casper, WY	4	01/31/2003
12859-N	Atlantic Research Corporation, Gainesville, VA	4	03/31/2003
12867-N	G.L.I. Citergaz, 964 Civray, FR	1	03/31/2003
12902-N	C&S Railroad Corp., Jim Thorpe, PA	4	01/31/2003
12941-N	The Neiman Marcus Group, Longview, TX	4	01/31/2003
12950-N	Walnut Industries, Inc., Bensalem, PA	4	01/31/2003
12960-N	International Fuel Cells, South Windsor, CT	4	03/31/2003
12973-N	Viking Packing Specialist, Tulsa, OK	4	03/31/2003
12988-N	Air Products & Chemicals, Inc., Allentown, PA	1	05/31/2003
12990-N	Technifab Products, Inc., Brazil, IN	4	01/31/2003
12991-N	General Plastics Manufacturing Company, Tacoma, WA	4	01/31/2003
12998-N	Safety-Kleen Services, Inc., Columbia, SC	4	01/31/2003
12999-N	Safety-Kleen Services, Inc., Columbia, SC	4	01/31/2003
13001-N	The J.C. Smith Co., San Saba, TX	1	03/31/2003
4453-M	Dyno Nobel, Inc., Salt Lake City, UT	4	12/31/2002
4884-M	Matheson Tri-Gas, East Rutherford, NJ	4	01/31/2003
7060-M	Federal Express, Memphis, TN	4	01/31/2003
7277-M	Structural Composites Industries, Pomona, CA	3	02/28/2003
8162-M	Structural Composites Industries, Pomona, CA	3	02/28/2003
8718-M	Structural Composites Industries, Pomona, CA	3	02/28/2003
8723-M	Dyno Nobel, Inc., Salt Lake City, UT	1	01/31/2003
10019-M	Structural Composites Industries, Pomona, CA	3,4	02/28/2003
10751-M	Dyno Nobel, Inc., Salt Lake City, UT	4	01/31/2003
10882-M	Espar Products, Inc., Mississauga, Ontario L5T 1Z8, CN	4	01/31/2003
11194-M	Carleton Technologies Inc., Pressure Technology Div., Glen Burnie, MD	4	01/31/2003
11327-M	Phoenix Services, Inc., Pasadena, MD	4	03/31/2003
11537-M	JCI Jones Chemicals, Inc., Milford, VA	3	05/31/2003
11579-M	Dyno Nobel, Inc., Salt Lake City, UT	1	01/31/2003
11769-M	Great Western Chemical Company, Portland, OR	3	03/31/2003
11769-M	Great Western Chemical Company, Portland, OR	3	03/31/2003
11769-M	Hydrite Chemical Company, Brookfield, WI	3	03/31/2003
11791-M	The Coleman Company, Inc., Wichita, KS	4	01/31/2003
11850-M	Air Transport Association, Washington, DC	4	01/31/2003
11911-M	Transfer Flow, Inc., Chico, CA	3	05/31/2003
11911-M	Transfer Flow, Inc., Chico, CA	3	05/31/2003
12065-M	Petrolab Company, Latham, NY	4	05/31/2003
12443-M	Dow Reichhold Specialty Latex, LLC, Chickamauga, GA	4	01/31/2003
12449-M	Chlorine Service Company, Inc., Kingwood, TX	4	01/31/2003