

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.
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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
Modification Exemptions				
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.