

head excursion requirement when tested with the weighted 6 year-old dummy, also has the potential for increased forward movement of the head in excess of the required limit in the event of a top tether failure. We note that, as the Britax explanation makes clear, the head excursion limit (720 mm) was exceeded in one out of the three tests the company performed. In that test, the tether hook opened. In the other two tests performed by Britax, the tether hook did not open and the head excursions were substantially less. Furthermore, lower biomechanical responses would naturally occur as a result of increased excursion due to a top tether failure.

Finally, NHTSA agrees with Advocates that granting this petition would send a mixed message to the public regarding the use of tethers and would be contradictory to NHTSA's mission to promote greater use of LATCH and tether.

In consideration of the foregoing, NHTSA has decided that the petitioner has not met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Britax's petition is hereby denied, and the petitioner must notify according to 49 U.S.C. 30118 and remedy according to 49 U.S.C. 30120.

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

Issued on: August 15, 2007.  
**Daniel C. Smith,**  
*Associate Administrator for Enforcement.*  
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**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for modification of special permit.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits 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 of special permits (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 special permits to facilitate processing.

**DATES:** Comments must be received on or before September 5, 2007.

**ADDRESS COMMENTS TO:** Record Center, Pipeline and Hazardous Materials Safety 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 special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC or at <http://dms.dot.gov>.

The notice of receipt of applications for modification of special permit 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 August 14, 2007.

**Delmer F. Billings,**  
*Director, Office of Hazardous Materials, Special Permits and Approvals.*

**MODIFICATION SPECIAL PERMITS**

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permit thereof
7835-M .....	.....	Richem Company, Inc., Albuquerque, NM.	49 CFR 177.848(d) .....	To modify the special permit to authorize additional bulk and non-bulk containers for transporting class 8 liquids.
8554-M .....	.....	Orica USA Inc., Watkins, CO .....	49 CFR 173.62; 173.240; 173.242; 173.93; 173.114a; 173.154; 176.83; 176.415; 177.848(d).	To modify the special permit to authorize the transportation in commerce of certain Division 1.5D explosives in the same vehicle with Division 5.1 oxidizers.
8723-M .....	.....	Dyno Nobel, Inc., Salt Lake City, UT	49 CFR 172.101; 173.62; 173.242; 176.83; 177.848.	To modify the special permit to authorize the transportation in commerce of an additional Division 5.1 hazardous material.
8723-M .....	.....	Austin Powder Company, Cleveland, OH.	49 CFR 172.101; 173.62; 173.242; 176.83; 177.848.	To modify the special permit to authorize the transportation in commerce of an additional Division 5.1 hazardous material.
11194-M .....	.....	Carleton Technologies, Inc., Westminster, MD.	49 CFR 173.302(a); 173.304(a); 175.3.	To modify the special permit to authorize the transportation in commerce of additional Division 2.2 gases.

MODIFICATION SPECIAL PERMITS—Continued

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permit thereof
11579-M .....	.....	Senex Explosives, Inc., Cuddy, PA	49 CFR 177.848(e)(2); 177.848(g)(3).	To modify the special permit to authorize the transportation of additional Class 3 materials and the use of several DOT specification and non-DOT specification bulk packagings.
13169-M .....	RSPA-2002-13894.	Conocophillips, Alaska, Inc., Anchorage, AK.	49 CFR 172.101(9B) .....	To modify the special permit to allow the transportation in commerce of certain Class 9 materials in UN 31A intermediate bulk containers which exceed quantity limitations when shipped by air.
14393-M .....	PHMSA-2006-25797.	Hamilton, Sundstrand, Windsor Locks, CT.	49 CFR 173.306(e)(iii), (iv), (v) and (vi); 173.307(a)(4)(iv).	To modify the special permit to authorize the transportation in commerce of new supplemental cooling unit refrigeration machines with alternative safety devices as a component part of an aircraft.
14418-M .....	PHMSA-2006-26182.	Department of Defense, Ft. Eustis, VA.	49 CFR 172.301; 172.504(a).	To modify the special permit to authorize the transportation in commerce of an additional Division 4.3 hazardous material.

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Application for Special Permits**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for special permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits 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 special permit 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 September 20, 2007.

**ADDRESSES COMMENTS TO:** Record Center, Pipeline and Hazardous Materials Safety 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 special permit number.

**FOR FURTHER INFORMATION CONTACT:**

Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC or at <http://dms.dog.gov>.

This notice of receipt of applications for special permit 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 August 14, 2007.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials, Special Permits and Approvals.*

**NEW SPECIAL PERMITS**

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permits thereof
14543-N .....	.....	LBM Techno Gas, Langenfeld .....	49 CFR 173.304(a)(2) .....	To authorize the transportation in commerce of DOT 39 Specification cylinders, containing a Division 2.2 gas, with a filling density which exceeds those presently authorized. (modes 1, 2, 3, 4)
14544-N .....	.....	DS Containers, Inc., Batavia, IL ...	49 CFR 173.306(a)(3)(v) .....	To authorize the transportation in commerce of Division 2.1 hazardous materials in certain non-refillable aerosol containers which are not subject to the hot water bath test. (modes 1, 2, 3)