

represent any agency decision or other exercise of judgement concerning the merits of the application.

### Description of Noncompliance

Replacement seat belt assemblies had been packaged by Subaru without instruction sheets required under 49 CFR 571.209, S4.1(k) and (1). All of the seat belt assemblies involved meets all other requirements of FMVSS No. 209.

Approximately 522 sets of replacement seat belt assemblies manufactured and sold were involved.

### Supporting Information as Submitted by Subaru

#### Supporting Data, Views and Arguments:

In accordance with FMVSS 209, S4.1 (k) replacement seat belt assemblies must be accompanied by installation instructions for installing the assembly in a motor vehicle. These instructions "shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles and shall include at least those items specified in SAE Recommended Practice J800c, Motor Vehicle Seat Belt Installation, November 1973."

As Subaru understands SAE Recommended Practice J800c, it deals primarily with the threading of webbing and location and drilling of anchorage holes and is not relevant here since all affected Subaru vehicles have pre-existing anchorage holes. All of the affected replacement seat belt assemblies are supplied ready for use with fully threaded webbing. Subaru believes that S4.1 (k) is intended to prevent the mismatch of a seat belt assembly in the wrong model vehicle or the wrong seating position and prevent improper installation of a seat belt at the correct position.

Subaru replacement seat belts are offered as exclusive parts, unique to each model, vehicle configuration and seating position. Those parts have specific part numbers identified in Subaru parts catalogs with illustrations. The item numbers attached to each illustration enable the ordering dealer to specify the replacement seat belt assembly he is ordering by referring to the corresponding page which shows the applicable part number, specific vehicle model type, location, applicable model year, etc. When ordering Subaru replacement parts, the dealer must refer to the Subaru parts catalog to identify the ordering part number with the information on the specific vehicle model type, location and model year. Each replacement seat belt assembly is packaged individually with a specific part number label clearly attached on the package to ensure shipping the correct parts. Also, the dealer routinely checks to see that the part he received matches the one he ordered.

There are a variety of significant physical differences among Subaru seat belt assemblies, which include various mounting configuration and location differences;

differences in buckle latch plate configuration and retractor locking device; webbing length and housing configuration differences, and differences in motorized seat belt guide track shapes.

Given these variances in physical properties, it is not possible that a mechanic would install a replacement seat belt assembly in the wrong model vehicle or the wrong seating position.

Subaru believes that the ordering and shipping procedures for Subaru replacement seat belts make it highly unlikely that the wrong seat belt assembly will be delivered to a dealer and, should the wrong seat belt be delivered, the above mentioned physical differences make it virtually impossible to install the seat belt in the wrong model vehicle or at an incorrect seating position.

Subaru dealers install replacement seat belt assemblies in accordance with the instructions in Subaru service manuals provided to every Subaru dealer and are widely available to the public and independent repair facilities. Therefore, improper installation of replacement seat belt assemblies is highly unlikely.

In most cases of installation of a replacement seat belt, the installer will first remove the seat belt that needs to be replaced from the vehicle. After removal of the old seat belt, the installer will then reverse the steps of removal to properly locate and install the replacement belt. There is no need to specify instructions for threading the webbing or finding locations for and drilling anchorage holes because replacement seat belt assemblies are furnished ready for installation in the vehicle preexisting anchorage holes with a few simple steps.

FMVSS 209, S4.1 (1) requires instruction addressing the importance of wearing seat belt "snugly and properly located on the body" and information about seat belt maintenance (The requirements of S4.1 (1) pertaining to threading and unlocking retractors do not apply to Subaru's seat belt designs). Since Subaru's owner's manual already provides proper usage and maintenance information to the vehicle owner and operator, incorrect usage and operator is highly unlikely.

Upon discovery of the subject noncompliance, Subaru has taken action to ensure that all replacement seat belt assemblies shipped in the future are packaged with the required installation instructions.

Subaru has corrected all the replacement seat belt assembly inventory for shipment to dealers and will provide additional instruction documents to dealers with inventory subject to the noncompliance.

Replacement seat belt assemblies sold at retail to customers have not resulted in owner complaints as a result of this inconsequential noncompliance.

Interested persons are invited to submit written data, views and arguments on the petition of Subaru, described above. Comments should refer to the Docket Number and be submitted

to: Docket Management, National Highway Traffic Safety Administration, Room PL 401, 400 7th Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

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

Comment closing date: April 10, 2000.  
(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)  
Issued on: March 6, 2000.

**Stephen R. Kratzke,**

*Acting Associate Administrator for Safety Performance Standards.*

[FR Doc. 00-5833 Filed 3-9-00; 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 197, Subpart B), notice is hereby given of the actions on exemption applications in September-December 1999. 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 March 3, 2000.

**J. Suzanne Hedgepeth,**

*Director, Office of Hazardous Materials, Exemptions and Approvals.*

## MODIFICATION EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8554-M .....	DOT-E 8554 ...	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 173.114a, 173.154, 173.93.	To modify the exemption to allow for the transportation of additional Division 5.1 materials in certain motor vehicles and cargo tanks.
8723-M .....	DOT-E 8723 ...	Nelson Brothers, Inc., Birmingham, AL.	49 CFR 172.101, 173.242, 173.62, 176.83, 177.848.	To modify the exemption to provide for the addition of IM-101 portable tanks equipped with safety relief devices with lower set point devices that meet IM-102 set point and capacity requirements for bulk shipments of certain blasting agents.
8723-M .....	DOT-E 8723 ...	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 172.101, 173.242, 173.62, 176.83, 177.848.	To modify the exemption to allow for an additional design for the emulsion tote bin for bulk shipments of certain division 1.5 explosives and/or Division 5.1 oxidizers.
8723-M .....	DOT-E 8723 ...	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 172.101, 173.242, 173.62, 176.83, 177.848.	To modify the exemption to allow for an additional emulsion tote bin design for shipments of certain Division 1.5 explosives and/or Division 5.1 oxidizers.
8723-M .....	DOT-E 8723 ...	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 172.101, 173.242, 173.62, 176.83, 177.848.	To modify the exemption to allow for the transportation of additional Division 5.1 materials in certain motor vehicles and portable tanks.
9001-M .....	DOT-E 9001 ...	UEF Chesterfield Cylinders, Chesterfield, Derbyshire, EN.	49 CFR 173.301, 173.302, 173.304, 175.3, 178.45.	To modify the exemption to allow for an additional Division 2.1 material in non-DOT specification cylinders.
10180-M .....	DOT-E 10180	Fireboy-Xintex; Grand Rapids, MI.	49 CFR 173.304 (a)(2), 173.34(d).	To modify the exemption to authorize an additional Division 2.2 material in DOT Specification 39 cylinders.
10427-M .....	DOT-E 10427	Astrotech Space Operations, Inc., Titusville, FL.	49 CFR 173.276, 173.301, 173.302, 173.336, 173.61(d), 177.848(d).	To modify the exemption to delete the midnight to 6:00 a.m. transport requirement for shipment of "Flight-ready" spacecraft containing hazardous materials in specially designed non-DOT specification transport containers.
10440-M .....	DOT-E 10440	MASS Systems, Inc., Baldwin Park, CA.	49 CFR 173.304 (a)(1), 175.3, 178.35(f), 178.47.	To modify the exemption to increase service pressure not to exceed 3100 psig for the welded austenitic stainless steel non-DOT specification cylinder.
10672-M .....	DOT-E 10672	Burlington Packaging, Inc., Brooklyn, NY.	49 CFR 173.13 .....	To modify the exemption to allow for polyethylene bottles, not exceeding 32 ounces in capacity, in multiple or individual containers for shipment of liquid and solid hazardous materials.
11215-M .....	DOT-E 11215	Orbital Sciences Corporation, Dulles, VA.	49 CFR 172.101, Special Provision 109, Part 172, Subparts C, D.	To modify the exemption to include new operations origination points and flight path changes for the transportation of certain hazardous materials contained in a rocket configuration secured beneath a L-1011 aircraft.
11432-M .....	DOT-E 11432	Baker Atlas, Houston, TX	49 CFR 173.61(c), 173.62.E-141, 177.848(g).	To modify the exemption to allow for an alternate lining and relief for certain marking/shipping paper entry requirements for the transportation of Division 1.4 igniters mix-packed with Division 1.4 detonators transported with Class 1 explosives.
11436-M .....	DOT-E 11436	B&R Specialties, Inc., Staatsburg, NY.	49 CFR 172.101, Col. (8c), 173.197.	To modify the exemption to authorize less than 3 mil. red bags so long as it meets tear-resistance and impact resistance tests for use in the transportation of regulated medical waste.
11506-M .....	DOT-E 11506	OEA, Inc., Denver, CO ....	49 CFR 173.301(h), 173.302.	To modify the exemption to include passenger-carrying aircraft as an authorized mode of transportation.
11526-M .....	DOT-E 11526	BOC Gases, Murray Hill, NJ.	49 CFR 172.302(c), (2), (3), (4), (5), 173.34 (15)(vi), 173.34(e) (1), (3), (4), (8).	To modify the exemption to allow, on exclusive use carrier, condemned cylinders to be transported back to their originating location for gas disposal and cylinder destruction.
11545-M .....	DOT-E 11545	Bernzomatic, Medina, NY	49 CFR 173.304 (a)(4)(ii), 178.33a-8.	To modify the exemption to allow for the use of an additional container design type for the transportation of certain Division 2.1 materials.
11620-M .....	DOT-E 11620	CCL Container (Advanced Monobloc Aerosol Div.), Hermitage, PA.	49 CFR 173.306 (3)(ii) .....	To modify the exemption to allow for the transportation of alternate refrigerants (Division 2.2) in certain DOT Specification 2Q containers.
11667-M .....	DOT-E 11667	Weldship Corporation, Bethlehem, PA.	49 CFR 173.302(c) (2), (3), (4), 173.34(e).	To authorize the modification of personnel qualifications for retesting of DOT-3AAX and 3T cylinders.
11667-M .....	DOT-E 11667	Weldship Corporation, Bethlehem, PA.	49 CFR 173.302(c) (2), (3), (4), 173.34(e).	To modify the exemption to allow for the testing of DOT-3AA cylinders and the use of Automatic Sensor Test (AST) method for the transportation of certain compressed gases.

## MODIFICATION EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11827-M .....	DOT-E 11827	NRS America, Inc., White Plains, NY.	49 CFR 173.32b (b)(1), 180.352 (b)(3).	To modify the exemption to add Intermediate Bulk Containers (IBCs) as authorized packaging for the transportation of various classes of hazardous materials.
11856-M .....	DOT-E 11856	Olin Corporation, Norwalk, CT.	49 CFR 173.304 (a)(2), 173.34(d), 175.3.	To modify the exemption to allow for the addition of a satellite launch "separation system" device classed as Division 1.4C.
11865-M .....	DOT-E 11865	ACCU Chem Conversion, Inc., City of Industry, CA.	49 CFR 174.67(i), (j) .....	To modify the exemption to authorize the transportation of certain Class 3 materials in rail cars.
11880-M .....	DOT-E 11880	International Catalyst Corporation, Lloydminster, Alberta, CN.	49 CFR 173.241, 173.242	To modify the exemption to allow for a valve design in the unloading system of the non-specification steel covered hopper railcars for the transportation of Division 4.2 materials.
11914-M .....	DOT-E 11914	Dae Ryuk Can Co., Ltd., Seoul, SK.	49 CFR 173.304 (d)(3)(ii), 178.33.	To modify the exemption to allow for a design change for an additional non-DOT specification container with a maximum capacity not to exceed 15 cubic inches for the transportation of a Division 2.1 material.
11986-M .....	DOT-E 11986	U.S. Department of Defense, Falls Church, VA.	49 CFR 176.136(a), 176.136(b).	To modify the exemption to allow for ventilation of cargo holds during maintenance operations.
11990-M .....	DOT-E 11990	Taylor-Wharton Coyne, Huntsville, AL.	49 CFR 173.201(c), 173.202(c), 173.302 (a)(1), 173.304 (a)(1), 175.3, 178.35-(e), 178.35-(f), 178.36-(a)(1), 178.36(b), 178.36-(g), 178.36-(j), 178.36-(m).	To modify the exemption to allow for design changes of non-DOT specification cylinders for the transportation of certain Division 2.1, 2.2 and Class 3 materials.
12063-M .....	DOT-E 12063	The Hydrocarbon Flow Specialist, Morgan City, LA.	49 CFR 173.243(c) .....	To modify the exemption to provide for additional Class 8 hazardous materials in IM 101 tanks equipped with an external bottom discharge valve.
12093-M .....	DOT-E 12093	Dynatherm Corporation, Inc., Hunt Valley, MD.	49 CFR 173.302 (a)(1), 173.304 (a)(2), 173.34(d), 175.3.	To modify the exemption to allow for design changes of the non-DOT specification containers containing certain Division 2.1, 2.2 and 2.3 liquefied and compressed gases.
12098-M .....	DOT-E 12098	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302 (a)(1), 175.3, 178.35(e), 178.44.	To modify the exemption to allow a change to the marking requirements of a non-DOT specification cylinder for the transportation of certain Division 2.2 compressed gases.
12123-M .....	DOT-E 12123	Eastman Chemical Company, Kingsport, TN.	49 CFR 172.203(a), 172.302(c), 174.67(i).	To modify the exemption to authorize PG II and III to include combustible materials and delete Paragraph 7.C.
12284-M .....	DOT-E 12284	L&D Safety Marking Corp., Barre, VT.	49 CFR 173.242 .....	To reissue the exemption originally issued on an emergency basis for the transportation of certain non-DOT specification cargo tanks used for roadway striping.
12310-M .....	DOT-E 12310	Five Star Waste, Inc., Lake Worth, FL.	49 CFR 172.101 (8)(b), 172.101 (8)(c), 173.197.	To reissue the exemption originally issued on an emergency basis for the transportation of regulated medical waste in non-DOT specification containers.
12328-M .....	DOT-E 12328	Certitank LLC, Coatesville, PA.	49 CFR 173.34(1) subparagraphs 1, 2, 3.	To reissue the exemption originally issued on an emergency basis authorizing the rebuilding or modification and sale of certain DOT Specification 4B, 4BA, and 4BW cylinders.
12362-M .....	DOT-E 12362	U.S. Department of Defense, Falls Church, VA.	49 CFR 176.164(c) .....	To reissue the exemption originally issued on an emergency basis authorizing limited maintenance and repair operations to vehicles stowed below deck in the same cargo holds as Class 1 explosives aboard LMSR vessels.

## NEW EXEMPTIONS

Application no.	Exemption no.	Applicant	Regulation(s) affected	Nature of exemption thereof
12123-N .....	DOT-E 12123	Eastman Chemical Company, Kingsport, TN.	49 CFR 172.203(a), 172.302(c), 174.67(i).	To authorize railcars to remain connected during unloading of liquid hazardous materials not under pressure, Class 3, 6, 8, and 9 without the physical presence of an unloader and without required marking on shipping paper. (Mode 2.)
12126-N .....	DOT-E 12126	LaRoche Industries, Inc., Atlanta, GA.	49 CFR 179.13 .....	To authorize the transportation in commerce of rail tank cars containing Class 8 hazardous materials that exceed the quantity limitation presently authorized. (Mode 2.)
12171-N .....	DOT-E 12171	Arichell Technologies, Inc., West Newton, MA.	49 CFR 173.115(b) .....	To authorize the transportation in commerce of a Class 2 and Division 2.2 hazardous materials combined with non-toxic hand washing liquid soaps and other liquids. (Modes 1, 2, 3, 4.)
12203-N .....	DOT-E 12203	Celanese, Ltd., Dallas, TX	49 CFR 177.834 (i)(1)(2)(3).	To authorize MC-330 or MC-331 cargo tanks to remain connected when unloading has been temporarily suspended without the physical presence of an unloader. (Mode 1.)
12206-N .....	DOT-E 12206	General Electric Silicones, Waterford, NY.	49 CFR 177.834 (i)(3) .....	To authorize cargo tanks to remain connected to outlets without attendance of a qualified person during unloading of Class 3 and Class 8 hazardous materials. (Mode 1.)
12230-N .....	DOT-E 12230	Chemtran Services USA, Inc., Houston, TX.	49 CFR 173.13 .....	To authorize the manufacture, mark, and sell of specially designed combination packagings without required labels, markings, placards, or segregation for use in transporting various classes of hazardous materials. (Modes 1, 2, 3, 4.)
12238-N .....	DOT-E 12238	Eastman Kodak Co., Rochester, NY.	49 CFR 174.67(i) .....	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (Mode 2.)
12241-N .....	DOT-E 12241	Solutia, Inc., St. Louis, MO.	49 CFR 172.101(8C) .....	To authorize the bulk transportation of Metal catalyst, wetted, Division 4.2 in DOT specification tank trucks. (Mode 1.)
12258-N .....	DOT-E 12258	JL Shepherd & Associates, San Fernando, CA.	49 CFR 171.18, 171.19, 171.20.	To authorize the transportation in commerce of a specially designed device containing Radioactive material, Class 7. (Mode 1.)
12262-N .....	DOT-E 12262	Sporting Arms & Ammunition Manuf. Instit. (SAAMI) Kennett Square, PA.	49 CFR 173.61(a) .....	To authorize the transportation in commerce of non-hazardous materials and explosives within the same packaging. (Modes 1, 2, 3, 4.)
12266-N .....	DOT-E 12266	Toyota Motor Sales, U.S.A., Inc., Torrance, CA.	49 CFR 172.301(c), 173.4 (a)(10), 173.4 (a)(4).	To authorize the transportation in commerce of small quantities of flammable liquids, Class 3, in non-refillable containers enclosed in sealed polyethylene bags with overpacks. (Mode 1.)
12278-N .....	DOT-E 12278	Morton International, Chicago, IL.	49 CFR 173.243 .....	To authorize the transportation in commerce of composite intermediate bulk containers meeting UN design type 31HA1 for the shipment of Thioglycol, classed as a Division 6.1, PG II material. (Modes 1, 2.)
12286-N .....	DOT-E 12286	FMC Corporation, Philadelphia, PA.	49 CFR 180.509 .....	To extend the retest period for DOT-111A60W7 tank cars in dedicated hydrogen peroxide service (Division 5.1). (Mode 2.)
12288-N .....	DOT-E 12288	Huntsman Chemical Company, West Footscray VIC 3012, AU.	49 CFR 178.245-7(a) .....	To authorize the transportation in commerce of Ethyl chloride, Division 2.1, in non-DOT specification steel portable tanks permanently fitted within an ISO frame. (Modes 1, 2, 3.)
12289-N .....	DOT-E 12289	Arbel Fauvet Rail (AFR), Cedex, FR.	49 CFR 178.245-1(a) .....	To authorize the manufacturing, marking sale and use of DOT Specification 51 steel portable tanks permanently enclosed within a ISO frame for use in transporting Division 2.1 and 2.2 materials as presently authorized. (Modes 1, 2, 3.)
12295-N .....	DOT-E 12295	Uniroyal Chemical Co., Middlebury, CT.	49 CFR 172.101, SP T15	To authorize the transportation in commerce of a Division 6.1 material in IM-tanks equipped with bottom outlets. (Modes 2, 3.)
12299-N .....	DOT-E 12299	Minnesota School of Diving, Inc., Brainerd, MN.	49 CFR 177.870(e) .....	To authorize the transportation in commerce of Division 2.2, compressed air in DOT-Specification scuba cylinders that exceed the quantity limitations to be transported aboard passenger-carrying vehicles. (Mode 1.)

## NEW EXEMPTIONS—Continued

Application no.	Exemption no.	Applicant	Regulation(s) affected	Nature of exemption thereof
12306-N .....	DOT-E 12306	Griffin Pipe Products Co., Lynchburg, VA.	49 CFR 172, Subparts C, F.	To authorize the transportation of closed head 1A1 55 gallon drums from a storage yard into the main plant via fork trucks, without required bill of lading or placards. (Mode 1.)
12317-N .....	DOT-E 12317	Archimica, Gainesville, FL	49 CFR 173.243(c) .....	To authorize the transportation in commerce of Class 3 material in DOT-57 portable tanks not presently authorized. (Modes 1, 3.)
12319-N .....	DOT-E 12319	BFI-Atlanta, GA .....	49 CFR 178.503 (a)(9)(ii)	To authorize the transportation in commerce of 1H2 containers that have not been properly marked and labelled for reuse in transporting regulated medical waste. (Mode 1).
12324-N .....	DOT-E 12324	STC Technologies, Inc., Bethlehem, PA.	49 CFR 171.11 (d)(14), 171.12 (b)(17), 173.301(e) & (f), 173.304 (a)(1) & (a)(3).	To authorize the one-time transportation in commerce of a specially designed device containing small quantities of Division 2.1 gases. (Modes 1, 2, 3, 4).
12335-N .....	DOT-E 12335	Baker Hughes, Houston, TX.	49 CFR 173.62(c), PM E-139, PPR 1.	To authorize an alternative packaging method for use in transporting Cord, detonating, Division 1.1D and 1.4D. (Modes 1, 3).
12358-N .....	DOT-E 12358	BIC Corporation, Milford, CT.	49 CFR 172.400 .....	To authorize the transportation in commerce of Lighters or Lighter refills, Division 2.1, without required labelling when packaged in accordance with 49 CFR. (Mode 1).

## EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 7657-M ..	DOT-E 7657 ...	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.302 (a)(1), 173.304 (a)(1), 173.304 (b)(1), 175.3, 178.42.	To modify exemption to authorize compressed gas, flammable, n.o.s. (Crude oil under pressure) as an additional commodity contained in a non-DOT specification stainless steel cylinder. (Modes 1, 2, 3, 4.)
EE 11459-M	DOT-E 11459	Quality Containment Company, Owensboro, KY.	49 CFR 173.34, 173.302, 173.304.	To modify the exemption to provide for cargo vessel as an additional mode of transportation to be used in transporting damaged sulfur dioxide cylinders. (Mode 1.)
EE 12299-M	DOT-E 12299	Minnesota School of Diving, Inc., Brainerd, MN.	49 CFR 177.870 (e) .....	To modify Paragraph 7.c. To authorize the cylinders to be charged to pressure not exceeding 500 psig that are on the return trip from original destination. (Mode 1.)
EE 12344-N	DOT-E 12344	DXI Industries, Inc., Houston, TX.	49 CFR 173.31 (b)(2) .....	To authorize the transportation of Chlorine (Division 2.3) in a DOT specification 106A500X multi-unit tank car equipped with a Chlorine Institute "B" Kit from Austin, Texas to Houston, Texas. (Mode 1.)
EE 12345-N	DOT-E 12345	United Parcel Service, Louisville, KY.	49 CFR 172.316 (a)(1) ....	Request for an emergency exemption to authorize shipment of ORM-D materials by air without the authorized markings on the packagings. (Mode 4.)
EE 12349-N	DOT-E 12349	Reilly Industries, Inc., Indianapolis, IN.	49 CFR 172.302(c), 173.24a(d).	Request for an emergency exemption for a one time shipment of 80 55 gallon drums that do not meet the requirements in 173.24a(d). (Modes 1, 3.)
EE 12352-N	DOT-E 12352	Elf Atochem North America, Inc., Philadelphia, PA.	49 CFR 171.12 (b)(8) .....	Request for an emergency exemption from 171.12 (b)(8), as modified by a final rule under HM206D, which requires 2.3 materials and PIH materials that are imported or exported to be labeled with DOT's new toxic Gas or PIH labels instead of the corresponding labels required by the IMDG. (Modes 2, 3.)
EE 12362-N	DOT-E 12362	U.S. Department of the Navy, Washington, DC.	49 CFR 176.164(c) .....	Emergency exemption application requesting authorization for limited maintenance and repair operations to vehicles stowed below deck in the same cargo holds as class 1 explosive aboard LMSR vessels. (Mode 3.)
EE 12364-N	DOT-E 12364	American Red Cross Blood Services-NY/PA region, Syracuse, NY.	49 CFR 173.403, 173.413, 173.416, 173.467.	Request for an emergency exemption to transport 2 non-DOT specification packagings which contain RAM. (Mode 1.)
EE 12366-N	DOT-E 12366	American Red Cross Blood Service (AL Region), Birmingham, AL.	49 CFR 173.403, 173.413, 173.416, 173.467.	Request for an emergency exemption to transport RAM in non-DOT specification packages. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 12367-N	DOT-E 12367	Airgas-Nor Pac, Inc., Portland, OR.	49 CFR 173.24(b) .....	Request for an emergency exemption to transport a leaking cylinder fitted with a B chemical kit. The cylinder contains anhydrous ammonia. (Mode 1.)
EE 12375-N	DOT-E 12375	Alexander Chemical Corp., LaPorte, IN.	49 CFR 173.24 .....	Request for an emergency exemption to transport a leaking chlorine cylinder that has been fitted with an "A Kit". (Mode 1.)
EE 12376-N	DOT-E 12376	Biotech Research Labs Inc., Gaithersburg, MD.	49 CFR 173.196, 178.609	Request for emergency exemption to move 115 freezers that contain specimen collections involved in novel drug and vaccine therapies. (Mode 1.)
EE 12384-N	DOT-E 12384	Oilair Hydraulics Inc., Houston, TX.	49 CFR 173.302 (a)(1), 175.3.	Request for an emergency exemption to transport non-flammable gas in a package (accumulator) which is not authorized under the HMR. (Modes 1, 2, 3, 4.)
EE 12387-N	DOT-E 12387	DXI Industries, Houston, TX.	49 CFR 173.31 (B)(2) .....	Request for an emergency exemption to transport a DOT spec tank car tank that has a leading valve fitted with a kit attached. (Mode 1.)

DENIALS

11699-N .....	Request by GEO Specialty Chemicals Bastrop, LA to authorize the installation of a 1" plugcock valve on the air inlet line located on the dome of rail cars that are not equipped with dome vents or safety relief valves that are used for transporting aluminum sulfate, solution, Division 2.3 denied September 13, 1999.
12249-N .....	Request by Breed Technologies, Inc., Lakeland, FL to authorize the manufacture, mark and sale DOT-Specification 39 compressed gas cylinders (pressure vessels) for use as components of automobile vehicle safety systems with relief from the 30 second holdtime required at test pressure denied October 27, 1999.
12282-N .....	Request by Defense Technology Corp., Casper, WY to authorize the manufacture, marking and sale of compressed gas, Division 2.2, in non-DOT specification cylinders comparable to DOT-Specification 39 denied October 27, 1999.
12291-N .....	Request by Jean Phillippe Fragrances, Inc., New York, NY to authorize the transportation in commerce of aerosol fragrance products not to exceed 5 ounces to be transported in aluminum containers with overpack denied October 28, 1999.
12300-N .....	Request by Container Products Corp., Wilmington, NC to authorize the manufacture, marking and sale of intermediate bulk containers which exceed the quantity limitations presently authorized for use in transporting Package Groups II and III liquid hazardous materials and Packing Groups I, II, & III solid hazardous materials denied September 29, 1999.
23059-N .....	Request by Fragrance Materials Association of the U.S., Washington, DC to authorize the transportation of samples of flavor and fragrance materials in Class 3, 9 and Division 6.1 to be transported without required marking, labeling and shipping papers denied September 16, 1999.
12305-P .....	Request by Flavor & Extract Manufacturers', Washington, DC to authorize the transportation of samples of flavor and fragrance materials in Class 3, 9 and Division 6.1 to be transported without required marking, labeling and shipping papers denied September 16, 1999.
12327-N .....	Request by International Federation of Inspection Agencies, Houston, TX to authorize the transportation in commerce of Packing Group 1 material in non-bulk glass containers denied September 16, 1999.
12347-N .....	Request by Strainrite Corporation, Lewiston, ME to authorize the manufacture, mark and sale of non-DOT specification polyethylene flexible boxes for materials currently authorized in UN 4H2 boxes denied September 20, 1999.
12365-N .....	Request by Merck KGaA Darmstradt, GR to authorize the manufacture, mark and sale of non-DOT specification polyethylene flexible boxes for materials currently authorized in UN 4H2 boxes denied November 8, 1999.
12374-N .....	Request by B & K Equipment Co., Lansing, IL to authorize the manufacture, mark and sale of non-DOT specification polyethylene flexible boxes for materials currently authorized in UN 4H2 boxes denied December 10, 1999.

[FR Doc. 00-5808 Filed 3-8-00; 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 of action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** J. Suzanne Hedgepeth, Director, Office of 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.