

of any one of these three requirements would render incomplete the criteria for the quantitative assessment of the safety of a child restraint system and could lead to the design and use of unsafe restraints. It follows that the failure to comply with one or more of these three requirements will increase the likelihood that a child may be killed or injured in the event of a crash.

Graco's dynamic crash test audit of 10 units selected at random confirmed that, in this limited series of tests, four of the selected units "exhibited wall separation and the presence of a void at the initiation point of the separation." However, there is no way for either Graco, Century Products, or NHTSA to assure that the location, extent, and consequences of the structural failures seen in this limited series of tests is representative of the performance of *all* potentially defective units that have been manufactured. In its comments, Advocates states that:

Nothing indicates that the wall separation occurs only in a location that cannot be reached by either the infant occupant or another child passenger. Furthermore, this conclusion is premised entirely on the four failures that were found in the Applicant's test of Celestia infant seats taken from its inventory. Those tests may not reveal the full extent and location of wall separation that may occur in the 40 percent (or more) noncompliant models in use. There is no evidence that suggests that the four test failures accurately reflect the full scope, extent and location of shell wall separation that could potentially occur in real-world crashes.

While Century Products contends "[t]he seat pad also acts as a mechanism to keep the occupant from contacting the separated area," we agree with Advocates that it is possible that the seat pad could prevent a parent "from observing that the infant seat has suffered shell wall separation. Indeed, unless a close inspection is conducted, the shell wall separation may not be detected. * * *" Notwithstanding Century Products' assertion that it is a "well-known industry practice" to discard a child seat that has been in a crash, it is likely that many parents will continue to use a restraint that does not exhibit any evidence of damage. A child restraint that has been structurally damaged in a crash, but has not been replaced and remains in use, is unlikely to be capable of adequately protecting

the child in the event of a subsequent crash.

With respect to the assertion by Century Products that "[t]he base is the most predominately used mode with the infant shell due to its convenience of removing the carrier from the vehicle," Advocates commented:

The implication of this contention is that the base is used in most cases and, therefore, actual shell wall separation is a remote possibility. Aside from the fact that the Applicant presents no data to support its assertion that the "base is the most predominately used mode with the infant shell due to its convenience," the Applicant acknowledges that the infant carrier shell can be used as a separate, independent seat without the detachable base. This use is readily foreseeable even if the Applicant did not affirmatively advertise the separate use of the detachable carry shell. The possibility that some portion of the public will use the carry shell without the base is not remote.

We concur with Advocates. In addition, we note that it is possible that some parents will leave the base installed in one vehicle and use the restraint without the base in other vehicles. In any event, the relative frequency of use with and without the base is not relevant to the issue of the safety risk that is present when the base is not used.

In consideration of the foregoing, NHTSA has decided that the applicant has not met its burden of persuasion that the noncompliance it describes is inconsequential to safety. Accordingly, its application is hereby denied. Century Products must now fulfill its obligation to notify and remedy under 49 U.S.C. 30118(d) and 30120(h).

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: October 16, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

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 that the Office of Hazardous Materials Safety has received the applications 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 (30 days after publication).

ADDRESSES: Records 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 application number.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications (*See* Docket Number) are available for inspection at the New Docket Management Facility, PL-401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at <http://dms.dot.gov>.

This notice of receipt of applications for new exemptions 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 20, 2003.

R. Ryan Posten,

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

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13297-N	WGM Inc., Peekskill, NY	49 CFR 173.403, 173.427(a), (b) & (c), 173.465(c) & (d).	To authorize the manufacture, marking, sale and use of a specially designed device containing Class 7 radioactive materials. (Mode 1)
13301-N	United Technologies Corporation, West Palm Beach, FL.	49 CFR 172 Subparts C, D, E and F.	To authorize the transportation in commerce of certain hazardous materials for a distance of approximately 400 feet without proper hazard communication. (Mode 1)
13303-N	Koch Materials Company, Wichita, KS.	49 CFR 174.67(c)(2) and (i).	To authorize an alternative monitoring system for rail cars throughout the steam-heating operation when no product is being transferred. (Mode 2)
13304-N	Matheson Tri Gas, East Rutherford, NJ.	49 CFR 173.304, 173.40	To authorize the transportation in commerce of hydrogen sulfide in DOT specification cylinders with a service pressure of 480 PSIG. (Modes 1, 3)
13305-N	Matheson Tri Gas, East Rutherford, NJ.	49 CFR 171.14	To authorize the transportation in commerce of DOT 5A drums containing a residual amount of certain hazardous materials for disposal. (Mode 1)
13306-N	Ecolab Inc., St. Paul, MN	49 CFR 172.312(a), 173.22a, 173.24a(a)(1).	To authorize the transportation in commerce of a combination packaging having inner receptacles with closures on the side, i.e., not oriented in the upward direction for use in transporting Organic peroxide, Division 5.2. (Modes 1, 2, 3)
13307-N	United Phosphorous, Inc., Trenton, NJ.	49 CFR 172.504	To authorize the transportation in commerce of an aluminum phosphide based pesticide which meets the definition of a Division 4.3 material to be shipped as aluminum phosphide pesticide, a Division 6.1 material. (Mode 1)
13308-N	Florida Air Transport, Pembroke Park, FL.	49 CFR 172.101 Col. 9b, 172.204(c)(3), 173.27(b)(2)(3), 175.30(a)(1).	To authorize the transportation in commerce of Class 1 explosives which are forbidden or exceed quantities presently authorized. (Mode 4)
13309-N	OPW Engineered Systems, Lebanon, OH.	49 CFR 174.67(i) & (j)	To authorize tank cars containing hazardous materials to remain standing with connections attached provided a minimal level of monitoring is maintained and a specially designed hose capable of preventing uncontrolled release is used. (Mode 2)
13311-N	HazMat Services, Inc., Anaheim, CA.	49 CFR 173.12	To authorize the transportation in commerce of laboratory reagent chemicals packaged in lab packs to facilitate relocation of laboratory facilities. (Mode 1)
13312-N	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.301(f)(3), 180.205(c)(4).	To authorize the transportation in commerce of DOT-3, 3A, and 3AA cylinders in chlorine service with a pressure relief device set to discharge at 75% of the test pressure. (Modes 1, 3)
13314-N	Sunoco Inc., Philadelphia, PA.	49 CFR 177.834(h)	To authorize the discharge of Division 6.1 liquids from DOT 51 portable tanks without removing the tanks from the vehicle on which it is transported. (Mode 1)

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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 exemptions.**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 that the Office of Hazardous Materials Safety has received the applications 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. Requests for modifications of exemptions (*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 applications for exemptions to facilitate processing.

DATES: Comments must be received on or before November 10, 2003.**ADDRESSES:** Records 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.