

Criminal Penalty Safe Harbor Provision

Type of Request—Extension of clearance.

OMB Clearance Number—2127–0609.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three (3) years from the date of approval of the collection.

Summary of the Collection of Information—Each person seeking safe harbor protection from criminal penalties under 49 U.S.C. 30170 related to an improper report or failure to report is required to submit the following information to NHTSA: (1) A signed and dated document that identifies (a) each previous improper report and each failure to report as required under 49 U.S.C. 30166, including a regulation, requirement, request or order issued thereunder, for which protection is sought and (b) the specific predicate under which the improper or omitted report should have been provided; and (2) the complete and correct information that was required to be submitted but was improperly submitted or was not previously submitted, including relevant documents that were not previously submitted to NHTSA or, if the person cannot do so, provide a detailed description of that information and/or the content of those documents and the reason why the individual cannot provide them to NHTSA. See 49 U.S.C. 30170(a)(2) and 49 CFR 578.7. See also, 66 FR 38380 (July 24, 2001) (safe harbor final rule) and 65 FR 81414 (Dec. 26, 2000) (safe harbor interim final rule).

Description of the Need for the Information and Use of the Information—This information collection was mandated by Section 5 of the Transportation Recall Enhancement, Accountability and Documentation Act, codified at 49 U.S.C. 30170(a)(2). The information collected will provide NHTSA with information the agency should have received previously and will also promptly provide the agency with correct information to do its analyses, such as, for example, conducting tests or drawing conclusions about possible safety-related defects. NHTSA anticipates using this information to help it to accomplish its statutory assignment of identifying safety-related defects in motor vehicles and motor vehicle equipment and, when appropriate, seeking safety recalls.

Description of the Likely Respondents, Including Estimated Number and Proposed Frequency of Response to the

Collection of Information—This collection of information applies to any person who seeks a “safe harbor” from potential criminal liability for knowingly and willfully acting with the specific intention of misleading the Secretary by an act or omission that violates section 1001 of title 18 with respect to the reporting requirements of 49 U.S.C. 30166, regarding a safety-related defect in motor vehicles or motor vehicle equipment that caused death or serious bodily injury to an individual. Thus, the collection of information applies to the manufacturers, and any officers or employees thereof, who respond or have a duty to respond to an information provision requirement pursuant to 49 U.S.C. 30166 or a regulation, requirement, request or order issued thereunder.

We believe that there will be very few criminal prosecutions under section 30170, given its elements. In the past three years since the safe harbor related rule has been in place, the agency has not received any reports. Accordingly, it is not likely to be a substantial motivating force for a submission of a proper report. We estimate that no more than one such person a year would invoke this new collection of information, and we do not anticipate receiving more than one report a year from any particular person.

Estimate of the Total Annual Reporting and Recordkeeping Burdens Resulting from the Collection of Information—2 hours.

As stated before, we estimate that no more than one person a year would be subject to this new collection of information. Incrementally, we estimate that on average it will take no longer than two hours for a person to compile and submit the information we are requiring to be reported. Therefore, the total burden hours on the public per year is estimated to be a maximum of two hours.

Since nothing in the rule requires those persons who submit reports pursuant to this rule to keep copies of any records or reports submitted to us, recordkeeping costs imposed would be zero hours and zero costs.

Authority: 44 U.S.C. 3506; delegation of authority at 49 CFR 1.50.

Issued on: February 20, 2004.

Jacqueline Glassman,
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****Office of Hazardous Materials Safety; Notice of Application for Exemptions**

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for exemption.

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 application 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 March 29, 2004.

Address Comments To: Record 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.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at <http://www.dms.dot.gov>.

This notice of receipt of applications for modification of exemption 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 February 20, 2004.

R. Ryan Posten,

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

NEW EXEMPTION

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13357-N	Indiana Michigan Power Company, Buchanan, MI.	49 CFR 173.403; 173.427	To authorize the transportation in commerce of four steam generators containing Class 7 radioactive material. (modes 1, 2).
13401-N	Northern States Power Company dba XCEL Energy Services, Inc., Welch, MN.	49 CFR 173.403; 173.427	To authorize the transportation in commerce of two steam generators containing Class 7 radioactive material.
13423-N	E.I. DuPont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.40(e)	To authorize the transportation in commerce of Division 6.1 toxic liquid in DOT-specification cylinders that have been manifolded or interconnected. (mode 1).
13424-N	Air Products and Chemicals, Inc., St. Gabriel, LA.	49 CFR 177.834(i)(3)	To authorize cargo tanks to remain connected while standing without the physical presence of an unloader. (mode 1).
13425-N	MDS Nordion, Ottawa, ON.	49 CFR 173.471	To authorize the transportation in commerce of Class 7 hazardous materials for disposal contained in specially designed equipment. (mode 1).
13426-N	Capintec, Inc., Pittsburgh, PA.	49 CFR 173.302; 175.3 ...	To authorize the transportation in commerce of non-DOT specification containers for use in transporting Argon, Division 2.2. (modes 1, 4, 5).
13441-N	Eastman Kodak Company HSE—Hazmat Transportation Services, Rochester, NY.	49 CFR 173.6(a)(1)(ii), 173.6(d).	To authorize the transportation in commerce of limited quantities of waste materials in amounts that exceed the quantity limitations specified under the material of trade exception as defined in 49 CFR. (mode 1).
13443-N	Koch Materials Company, Wichita, KS.	49 CFR 173.24(c); 173.202; 173.203; 177.834(h); 173.28(a) and (b).	To authorize the transportation in commerce of alternative shipping containers to be used for non-bulk quantities of chemical additives used in the manufacture of asphalt products. (mode 1).
13444-N	Halliburton Energy Services, Inc., Duncan, OK.	49 CFR 173.201; 173.302; 173.304; 178.35(e); 178.36.	To authorize the manufacture, mark, sale and use of a non-DOT specification cylinder for the transportation of well site oil/natural gas samples. (modes 1, 2, 3, 4).
13445-N	U.S. Department of Energy, Richland, WA.	49 CFR 173.211; 173.244	To authorize the one-time one-way transportation in commerce of a specially designed device containing Sodium, Division 4.3 for recycling purposes. (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 exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (40 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 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 application for exemption to facilitate processing.

DATES: Comments must be received on or before March 12, 2004.

Address Comments To: Record 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.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of exemption 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 February 20, 2004.

R. Ryan Posten,

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