

in the hose assembly, it would first have to bypass the hardware. If that were to occur, the impact would need to be so great as to make the concern of braking potential irrelevant.

Despite the fact that tensile stress on the assembly is an unlikely real life scenario, to assess the impact of this unlikely scenario, petitioner conducted a side pull tensile test on a sample of the subject brake hose assemblies to simulate the possible effect of a side pull on the integrity of the hose assembly \* \* \*. The "side pull" test results show that the tensile load achieved prior to the ends separating from the hose exceeded 538 pounds in each of the samples analyzed for tensile results—well in excess of the 325 pound requirement.

Coupled Products further states:

Because the braking system on the vehicles in question utilizes a dual chamber master cylinder, any failure of the hose assembly due to excessive tensile force—unlikely as that may be—will not result in a loss of braking capability of the vehicle. Depending on the assembly affected, front or rear braking capability would still exist, although additional stopping distance might be required. Furthermore, the vehicle's emergency braking system would also exist.

Coupled Products indicates that the problem has been corrected.

NHTSA agrees with Coupled Products that the noncompliance is inconsequential to motor vehicle safety. As the petitioner indicates, the configuration for the specific application of these brake hoses is such that a linear, end-to-end straight pull on the hose assembly is unlikely to occur. Further, the petitioner's testing for a more likely scenario, *i.e.*, a side-pull on the assembly, produced results that far exceeded the 325 pound requirement of the standard.

Also, as Couple Products points out, this noncompliance would not result in a loss of braking capability. Either front or rear braking capability would still exist, and the vehicle's emergency braking system would remain operational. Coupled Products has corrected the problem. It should be

noted that NHTSA recently granted a similar inconsequential noncompliance petition by Coupled Products where, because of the specific vehicle application (which is also the case here), the brake hose assemblies would not be subject to the type of forces specified in the standard (70 FR 32397).

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Coupled Products' petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on: June 14, 2005.

**Ronald L. Medford,**  
Senior Associate Administrator for Vehicle Safety.

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption**

**AGENCY:** Pipeline and Hazardous Materials Safety 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 (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 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. There applications have been separated from the new application for exemption to facilitate processing.

**DATES:** Comments must be received on or before July 6, 2005.

**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 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 June 15, 2005.

**R. Ryan Posten,**  
Exemptions Program Officer, Office of Hazardous Materials Exemptions & Approvals.

**MODIFICATION EXEMPTIONS**

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11321-M .....	.....	E.I. DuPont, Wilmington, DE.	49 CFR 172.111, Column 7, Special Provisions B14, T38.	11321	To modify the exemption to authorized the use of UN specification portable tanks for the transportation of a Class 8 material.
11606-M .....	.....	Safety-Kleen Systems, Inc., Humble, TX.	49 CFR 173.28(b)(2)	11606	To modify the exemption to authorize the transportation of an additional Class 3 material in UN Standard 1A1, 1A2 and non-DOT specification steel drums.

MODIFICATION EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11770-M .....	.....	Gas Cylinder Technologies, Inc., Tecumseh, ON.	49 CFR 173.302a; 173.304a.	11770	To modify the exemption to authorize maximum internal capacity of 65 cubic inches for the non-DOT specification cylinders and eliminating the 2.5 inch maximum outside diameter requirement.
11911-M .....	RSPA-97-2735 .....	Transfer Flow, Inc., Chico, CA.	49 CFR 178.700 thru 178.819.	11911	To modify the exemption to authorize the use of a new refueling tank design that is not required to be dismantled during transportation of Class 3 materials.
12412-M .....	RSPA-00-6827 .....	Los Angeles Chemical Company, South Gate, CA.	49 CFR 177.834(h); 172.203(a); 172.302(c).	12412	To modify the exemption to allow the transportation and unloading of certain UN IBC and DOT Specification portable tanks containing incompatible materials on the same motor vehicle.
13616-M .....	.....	U.S. Department of Commerce, Anchorage, AK.	49 CFR 172.101, Column 9B.	13616	To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.2 material in DOT Specification cylinders that are manifolded together and exceed the quantity limitations for cargo aircraft only.
14170-M .....	PHMSA-05-20714	General Dynamics Armament & Technical Products, Lincoln, NE.	49 CFR 173.301 and 173.306.	14170	To reissue the exemption originally issued on an emergency basis for the transportation of certain compressed gases in non-DOT specification fiberglass reinforced plastic cylinders.

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Application for Exemptions**

**AGENCY:** Pipeline and Hazardous Materials Safety 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 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 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 July 21, 2005.

*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 exemption number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the application 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 June 14, 2005.

**R. Ryan Posten,**  
*Exemption Program Officer, Office of Hazardous Materials Safety Exemptions & Approvals.*

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
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**NEW EXEMPTION**

14196-N .....	.....	Union Pacific Railroad, Omaha, NE.	49 CFR 174.67(i) and (j) .....	To authorize rail cars containing a combustible liquid to remain attached to unloading connectors without the physical presence or an unloader. (mode 2).
14197-N .....	.....	GATX Rail Corporation, Chicago, IL.	49 CFR 173.31(b)(5) .....	To authorize the transportation in commerce of tank cars containing certain hazardous materials without bottom discontinuity protection. (mode 2).