

owner manuals contain the correct information required for advanced airbags, and that it has no record of customers contacting the company with inquiries, complaints, or comments with regard to air bag warning labels.

**NHTSA Decision**

The following explains our rationale. NHTSA agrees with Bentley that the noncompliance is inconsequential to motor vehicle safety. The noncompliant labels lack a statement that the vehicle is equipped with advanced airbags. However, both the passenger air bag telltale lamp and the owner's manual indicate the presence of advanced airbags.

The noncompliant sun visor label contains all of the specific warnings required on the compliant label: Death or serious injury can occur; the back seat is the safest place for children; never put a rear-facing child seat in the front; and always use seat belts and child restraints. The noncompliant label also warns occupants to sit as far back as possible from the air bag. The noncompliant label lacks the recommendation to see the owner's manual for more information about air bags. Because the noncompliant permanent sun visor label contains virtually the same information as required by S4.5.1(b)(3), the absence of this reference to the owner's manual and the lack of a reference to "advanced air bags" do not constitute a consequential safety issue.

The noncompliant removable dash label contains similar information to that required by S4.5.1(e)(3): Children can be killed or seriously injured by the air bag; the back seat is the safest place for children; always use seat belts or child restraints. However, the noncompliant dash label does not contain the statement, "Never put a rear-facing child seat in the front", or the recommendation to see the owner's

manual for more information about air bags. This label is a removable label that most likely will not stay on the vehicle once it is purchased. The statement, "Never put a rear-facing child seat in the front" is present on the permanent sun visor label and visible to the vehicle user. As discussed above with regard to the sun visor label, the lack of the references to advanced air bags and the owner's manual are not consequential in light of the presence of the critical warning on the dash label. Therefore, NHTSA agrees with Bentley's assessment that this noncompliance will not result in any consequential safety risk.

In consideration of the foregoing, NHTSA has decided that Bentley has met its burden of persuasion that the labeling noncompliance described is inconsequential to motor vehicle safety. Accordingly, Bentley's 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 49 CFR 1.50 and 501.8.

Issued on: December 12, 2007.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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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 January 17, 2008.

*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>.

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 December 12, 2007.

**Delmer F. Billings,**

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

**NEW SPECIAL PERMITS**

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14613-N .....	.....	Valero St. Charles, Norco, LA .....	49 CFR Subpart C of Part 172.	To authorize the transportation in commerce of certain hazardous materials without shipping paper documentation when transported across public roads within the Valero facility. (mode 1)
14614-N .....	.....	Great Lakes Chemicals Corporation, West Lafayette, IN.	49 CFR .....	To authorize the transportation in commerce of non-DOT specification cylinders manufactured in the U.S. for export with valving and relief device requirements of the country that the cylinders will be exported to for use in transporting various compressed gases. (modes 1, 3)

NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14615-N .....	.....	SET Environmental Inc., Houston, TX.	49 CFR 173.244 .....	To authorize the one-time, one-way transportation in commerce of three irregularly shaped sodium dispersion vessels in alternative packaging. (mode 1)
14616-N .....	.....	Chlorine Service Company, Kingwood, TX.	49 CFR 178.245-1(a)	To authorize the manufacture, marking, sale and use of certain DOT Specification 51 steel portable tanks or UN steel portable tanks conforming with Section VIII, Division 2 of the ASME Code instead of Section VIII, Division 1, for the transportation in commerce of Division 2.1 and 2.2 materials. (modes 1, 2, 3)
14617-N .....	.....	Western International Gas & Cylinders, Inc., Bellville, TX.	49 CFR 172.203(a), 172.301(c), 180.205(f)(4), 180.205(g), 180.209(a).	To authorize the transportation in commerce of certain compressed gases in DOT specification 3A and 3AA cylinders when retested by 100 percent ultrasonic examination and external visual inspection in lieu of internal visual inspection and the hydrostatic retest. (modes 1, 2, 3, 4, 5)
14618-N .....	.....	Carrier Transicold, Athens, GA .....	49 CFR 177.834(1)(2)(i).	To authorize the use cargo heaters in a motor vehicle when transporting flammable liquids or flammable gases in commerce. (mode 1)
14619-N .....	.....	EXEA Corporation, Dallas, TX .....	49 CFR 179.13 .....	To authorize the transportation in commerce of DOT Specification 105S100W tank cars having a maximum gross weight on rail of 286,000 pounds. (mode 2)
14620-N .....	.....	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 177.834(h) .....	To authorize filling and discharging of a DOT Specification 4L cylinder with certain Division 2.2 compressed gases without removal from the transport vehicle. (mode 1)
14621-N .....	.....	Beijing Tianhai Industry Co., Ltd., Beijing.	49 CFR 173.302a and 180.205.	To authorize the manufacture, mark, sale, and use of non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders. (modes 1, 2, 3, 4, 5)
14622-N .....	.....	Occidental Chemical Corporation, Dallas, TX.	49 CFR 179.15(e) .....	To authorize the transportation in commerce of certain DOT specification 105J500W tank cars containing Chlorine that do not meet the start-to-discharge requirements for pressure relief devices. (mode 2)
14623-N .....	.....	Formulated Solutions, Clearwater, FL.	49 CFR 173.306(a)(3)(v).	To authorize the manufacture, marking, sale and use of a bag-on-valve container for the transportation of non-flammable aerosols which have been tested by an alternative method in lieu of the hot water bath test. (modes 1, 2, 3, 4, 5)

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**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" demote 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 January 2, 2008.

**ADDRESSES:** *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,