

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
11789-M		Mallard Creek Polymers, Inc., Charlotte, NC.	49 CFR 174.67(i), (j)	To modify the special permit to authorize an additional Class 3 hazardous material.
12929-M		Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.301(j)(1)	To modify the special permit to incorporate updates that have to do with the HMR and the Dangerous Goods Model Regulations.
14190-M		Cordis Corporation, Miami Lakes, FL.	49 CFR 172.200, 172.300, 172.400.	To modify the special permit to remove certain of Class 3 and 9 materials from paragraph 6 and to add additional Class 3, 8, and Division 4.1 materials.
14904-M		Tatonduk Outfitters Limitd dba Everts Air Alaska, Fairbanks, AK.	49 CFR 173.302(f)	To modify the special permit to extend the date in paragraph 11(b) to September 30, 2010.
14906-M		Arctic Transportation Services, Anchorage AK.	49 CFR 173.302(f)	To modify the special permit to extend the date in paragraph 11(b) to September 30, 2010.
14922-M		Peninsula Airways Inc. (PenAir), Anchorage, AK.	49 CFR 173.302(f)	To modify the special permit to extend the date in paragraph 11(b) to September 30, 2010.
14923-M		Spernak Airways, Anchorage, AK.	49 CFR 173.302(f)	To modify the special permit to extend the date in paragraph 11(b) to September 30, 2010.
14925-M		Warbelow's Air Ventures, Inc., Fairbanks, AK.	49 CFR 173.302(f)	To modify the special permit to extend the date in paragraph 11(b) to September 30, 2010.
14931-M		Tucker Aviation Inc., Dillingham, AK.	49 CFR 173.302(f)	To modify the special permit to extend the date in paragraph 11(b) to September 30, 2010.
14974-M		Continental Batteries, Dallas, TX.	49 CFR 173.159(e)(4)	To reissue the special permit originally issued on an emergency basis to authorize transportation in commerce of lead batteries from more than one shipper without voiding the exception in § 173.159(e).

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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 July 19, 2010.

**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://regulations.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 June 9, 2010.

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

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**NEW SPECIAL PERMITS**

15025-N		Burlington Containers Brooklyn, NY.	49 CFR 173.226 and 173.227.	To authorize the transportation in commerce of certain materials toxic by inhalation, Hazard Zone A and B, in alternative packaging (mode 1).
15027-N		Northrop Gruman Corporation Baltimore, MD.	49 CFR 173.304a and 173.301(f).	To authorize the transportation in commerce of anhydrous ammonia in non-DOT specification packaging (heat pipes) (modes 1, 3, 4).
15028-N		Roeder Cartage Company LIMA, OH.	49 CFR § 180.407	To authorize the transportation in commerce of certain DOT specification cargo tank motor vehicles that have been tested using alternative methods for the internal visual inspection. (mode 1).

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15031-N .....	.....	Euro Asia Packaging (Guangdon) Co., Ltd. ZhongShan, Canton.	49 CFR 173.304(d), 173.306(a) and 178.33a.	To authorize the manufacture, marking, sale and use of inner metal receptacles similar to the DOT 2Q specification for the transportation in commerce of certain compressed gases. (modes 1, 2, 3, 4).
15036-N .....	.....	UTLX Manufacturing, Incorporated Alexandria, LA.	49 CFR 173.31(e)(2)(ii), 173.244(a)(2), 173.314, 179.100, 179.101, 179.102-3, 179.15(b) and 179.16.	To authorize the manufacture, marking, sale and use of a non-DOT specification tank car for transportation of chlorine and certain other materials toxic by inhalation. (mode 2).
15037-N .....	.....	National aeronautics and Space Administration (NASA) Washington, DC.	49 CFR 173.226 and 173.336.	To authorize the transportation in commerce of non-DOT specification packaging for the transportation in commerce of Dinitrogen tetroxide and Methylhydrazine by motor vehicle. (mode 1).
15038-N .....	.....	The American Pacific Corporation—In Space Propulsion Niagara Falls, NY.	49 CFR 173.24 (a)(1) and (2) and 173.201.	To authorize the transportation in commerce of Hydrazine, anhydrous in non-DOT specification packaging (Propellant Storage Assembly) by motor vehicle. (mode 1).

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2010-0078]

**Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

**SUMMARY:** This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards or because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

**DATES:** These decisions became effective on the dates specified in Annex A.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and/or sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notices in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into

the United States. To afford an opportunity for public comment, NHTSA published notices of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No substantive comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

**Vehicle Eligibility Number for Subject Vehicles**

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

**Final Decision**

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable FMVSS, is either substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable FMVSS or has safety features that comply with, or is capable of being altered to comply with, all applicable Federal Motor Vehicle Safety Standards.

**Authority:** 49 U.S.C. 30141(a)(1)(A), (a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.