

need “the entire usable portion of the windshield in order to have [an] unbroken view of the constantly changing emergencies happening in any direction.”

#### FMCSA Decision

FMCSA has evaluated the SmartDrive exemption application. The ADAS camera system housing is approximately 3.7 inches wide by 5.2 inches tall and will be mounted in the approximate center of the windshield. The bottom of the camera housing needs to be mounted approximately 8 inches below the top of the swept area of the windshield wipers to obtain the optimal functionality of the advanced safety systems supported by the camera.

The Agency believes that granting the temporary exemption to allow the placement of the ADAS camera system lower than currently permitted by the Agency’s regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the ADAS camera system would obstruct drivers’ views of the roadway, highway signs and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the mounting location of the bottom edge of the camera housing approximately 8 inches below the top of the area swept by the windshield wipers and out of the driver’s normal sightline will be reasonable and enforceable at roadside. In addition, the Agency believes that the use of SmartDrive ADAS system cameras by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency action permitting the placement of similarly-sized devices on CMVs outside the driver’s sight lines to the road and highway signs and signals. FMCSA is not aware of any evidence showing that the installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

#### Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period,

beginning April 15, 2019 and ending April 15, 2024. During the temporary exemption period, motor carriers will be allowed to operate CMVs equipped with the SmartDrive ADAS camera system mounted in the approximate center of the windshield such that the bottom edge of the camera is not more than 8 inches below the upper edge of the swept area of the windshield wiper and outside the driver’s sight lines to all mirrors, highway signs, signals, and view of the road ahead. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with the SmartDrive ADAS camera system are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

#### Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Issued on: April 8, 2019.

**Raymond P. Martinez,**  
*Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Hazardous Materials: Notice of Actions on Special Permits

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of actions on special permit applications.

**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, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

**DATES:** Comments must be received on or before May 15, 2019.

**ADDRESSES:** 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:** Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**SUPPLEMENTARY INFORMATION:** 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 April 3, 2019.

**Donald P. Burger,**  
*Chief, General Approvals and Permits Branch.*

| Application No.                       | Applicant  | Regulation(s)   | Nature of the special permits thereof   |
|---------------------------------------|--|---|---|
| <b>Special Permits Data—Granted</b>   |  |   |   |
| 8757–M .....                          | MILTON ROY, LLC .....  | 173.201(c), 173.202(c), 173.203(c), 173.302a(a)(1), 173.304a(a)(1), 180.205.      | To modify the special permit to authorize the addition of welded lower pressure cylinders in addition to the seamless cylinders already authorized.   |
| 10232–M .....                         | ITW SEXTON INC .....   | 173.304(d), 173.306(j), 173.167.  | To modify the special permit to authorize the use of a different proper shipping name for an existing hazmat.   |
| 10788–M .....                         | BEVIN BROS MANUFACTURING COMPANY.  | 173.302(a) .....  | To modify the special permit to authorize brazing or welding of foot ring attachments to cylinders proceeding pressure testing.   |
| 11646–M .....                         | BAKER PETROLITE LLC .....  | 172.203(a), 172.301(c), 177.834(h).   | To modify the special permit to authorize additional Class 3, 6.1, 8 and 9 hazmat.  |
| 15146–M .....                         | CHEMTRONICS INC .....  | 173.304(d), 172.200, 172.500, 172.400.  | To modify the special permit to authorize the use of the limited quantity marking.  |
| 16394–M .....                         | CELLCO PARTNERSHIP .....   | 173.185(f), 172.600, 172.400a, 172.200, 172.300.                                  | To modify the permit to bring the permit provisions in line with regulatory citations.  |
| 16413–M .....                         | AMAZON.COM, INC .....  | 172.301(c), 173.185(c)(1)(iii), 173.185(c)(3)(i).                                 | To modify the special permit to authorize an additional mode of transportation (rail).  |
| 20288–M .....                         | DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).  | 175.10(a)(18)(ii) .....   | To modify the special permit to authorize civilian as well as military personnel to carry on 2 CUPS units.  |
| 20351–M .....                         | ROEDER CARTAGE COMPANY, INCORPORATED.  | 180.407(c), 180.407(e), 180.407(f).   | To modify the permit to authorize additional tanks for dedicated transportation of authorized hazmat.   |
| 20378–M .....                         | LG CHEM .....  | 172.101(j) .....  | To modify the special permit to authorize fiberboard boxes as outer packaging.  |
| 20391–M .....                         | Hexagon Purus LLC .....  | 173.301(f), 173.302(a) .....  | To modify the special permit to authorize an alternative mounting to the required one that cylinders must be permanently mounted inside of framing that is designed, marked and approved in accordance with the International Convention for Safe Containers (CSC). |
| 20511–M .....                         | ARMOTECH s.r.o .....   | 107.807(b)(1), 173.301(a)(1), 173.302(f)(1), 173.302(f)(2), 178.71(q), 178.71(t). | To authorize new and additional 2 and 5 inch cylinders.   |
| 20511–M .....                         | ARMOTECH s.r.o .....   | 173.302(a)(1), 173.302(f)(1) .....  | To modify the special permit to authorize three new cylinders.  |
| 20635–N .....                         | FAR RESEARCH, INC .....  | 180.209(a) .....  | To authorize the transportation in commerce of 4BW cylinders used exclusively for trimethylchlorosilane to be visual inspections per CGA C–6 in lieu of periodic hydrostatic testing.   |
| 20805–N .....                         | LG CHEM .....  | 172.101(j) .....  | To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft.  |
| 20806–N .....                         | JAGUAR TEXAS VALVE AND INSTRUMENTS, LLC.                                     | 173.302a(a)(1), 173.304a(a)(1)  | To authorize the manufacture, mark, sale, and use of non-DOT specification nickel copper alloy 400 cylinders.   |
| 20808–N .....                         | INNOPHOS, INC .....  | 178.504(b)(9) .....   | To authorize the transportation in commerce of UN 1A1 drums containing polyphosphoric acid in quantities that exceed the maximum mass authorize for steel drums.  |
| 20829–N .....                         | JAPAN AEROSPACE EXPLORATION AGENCY.  | 173.302 .....   | To authorize the transportation in commerce of a non-DOT pressure vessel described as a JEM-Tissue Equivalent Proportional Chamber (J–TEPC) (radiation detector box).   |
| 20837–N .....                         | DEPARTMENT OF THE ARMY (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND). | 173.185(a) .....  | To authorize the transportation in commerce of low production lithium ion batteries contained in equipment in a special packaging aboard cargo-only aircraft.   |
| 20840–N .....                         | YORK SPACE SYSTEMS LLC   | 173.185(a)(1)(i), 173.185(a)(1)(ii).  | York Space Systems is intending to ship a satellite that contains Low Production Lithium Ion Batteries tested to the Manual of Tests and Criteria, part III sub-section 38.3.   |
| <b>Special Permits Data—Denied</b>    |  |   |   |
| 20612–M .....                         | WILCO MACHINE & FAB, INC   | 178.345–7(a)(1), 178.345–3(a)   | To modify the special permit to remove the annual testing requirement for some specific tanks.  |
| 20791–N .....                         | LINDE GAS NORTH AMERICA LLC.   | 172.203(a), 172.301(c), 173.302a(b), 180.205.                                     | To authorize the transportation in commerce of DOT 3AL cylinders that have been visual inspected per CGA C–6 is performed in lieu of the specified internal visual examination and hydrostatic pressure test for DOT 3AL alloy 6061 cylinders.                      |
| <b>Special Permits Data—Withdrawn</b> |  |   |   |
| 16011–M .....                         | AMERICASE, LLC .....   | 173.185(f), 172.500, 172.600, 172.700(a), 172.200, 172.400, 172.300.              | To clarify that suspected damaged, defective or recalled lithium batteries can be transported according to the permit. (modes 1,2,3).   |

| Application No. | Applicant                    | Regulation(s)          | Nature of the special permits thereof  |
|-----------------|------------------------------|------------------------|--|
| 20323-M .....   | York Space Systems LLC ..... | 173.185(a)(1)(i) ..... | To modify the special permit to authorize additional class 9 hazmat.   |
| 20822-N .....   | RETURN SOLUTIONS INC ....    | Subchapter C .....     | To authorize the manufacture, mark, sale, and use of non-DOT specification packaging for the transportation in commerce of certain materials authorized to be disposed of under 21 CFR Part 1317, Subpart B. |

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Hazardous Materials: Notice of Applications for Modifications to Special Permits**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for modification of 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, 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 April 30, 2019.

**ADDRESSES:** 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:** Ryan Paquet, Director, Office of

Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**SUPPLEMENTARY INFORMATION:** 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 April 2, 2019.

**Donald P. Burger,**  
*Chief, General Approvals and Permits Branch.*

**SPECIAL PERMITS DATA**

| Application No. | Applicant                             | Regulation(s) affected   | Nature of the special permits thereof  |
|-----------------|---------------------------------------|--|--|
| 7657-M .....    | WELKER, INC .....                     | 173.201, 173.202, 173.203, 173.301(f)(2), 173.302a(a)(1), 173.304(a), 173.22a, 177.840(a)(1).                        | To modify the special permit to authorize additional Class 3 gases to be added to the permit. (modes 1,2,3,4).   |
| 10370-M .....   | WELKER, INC .....                     | 173.201, 173.202, 173.203, 173.301(f)(2), 173.302a(a)(1), 173.304(a), 177.840(a)(1).                                 | To modify the special permit to make editorial changes to bring it more in line with other special permits, <i>i.e.</i> , 9657, 11054. (modes 1,4).                |
| 11054-M .....   | WELKER, INC .....                     | 173.301(f)(2), 173.302a(a)(1), 173.304a(a)(1), 173.304a(d)(3)(i), 173.201(c), 173.202(c), 173.203(c), 177.840(a)(1). | To modify the special permit to authorize additional Class 3 and Division 2.2 gases. (modes 1,2,3,4).  |
| 12098-M .....   | CARLETON TECHNOLOGIES, INC.           | 173.301(f), 173.302a(a)(1) .....   | To modify the special permit to authorize a re-design of the cylinder due to a new welding procedure and to update the drawings on file with PHMSA. (modes 1,2,4). |
| 14791-M .....   | HELIQWEST INTERNATIONAL INC.          | 172.101(j), 172.200, 172.204(c)(3), 172.300, 173.27(b)(2), 175.30(a)(1).   | To modify the special permit to authorize additional Class 9 hazmat and to clarify propane cylinder requirements. (modes 4).                                       |
| 15788-M .....   | AMTROL-ALFA, METALOMECÁNICA, S.A.     | 173.302a(a), 173.304a(a), 178.71, 180.205, 180.207.  | To modify the special permit to authorize hydrogen to be transported in the approved cylinders. (modes 1,2,3,4,5).   |
| 16461-M .....   | CYLINDER SALES AND TESTING, LLC.      | 172.203(a), 172.301(c), 173.302a(b), 180.205.  | To modify the special permit to remove the annual gain control accuracy test and replace it with a onetime check at manufacture. (modes 1,2,3,4,5).                |
| 16560-M .....   | Lightstore, Inc .....                 | 173.302(a) .....   | To modify the special permit to authorize additional Division 2.1 and 2.2 gas mixtures. (modes 1,2,3).   |
| 16563-M .....   | CALL2RECYCLE, INC .....               | 172.200, 172.300, 172.400, 172.600, 172.700(a), 173.185(f).  | To modify the special permit to authorize an additional packaging for transporting the authorized hazmat. (modes 1,2,3).   |
| 20255-M .....   | COVANTA ENVIRONMENTAL SOLUTIONS, LLC. | Subchapter C .....   | To modify the special permit to authorize air and vessel transportation. (modes 1,2,3,4).  |