

belts (lap and shoulder belts) at those positions, on the OTRBs it manufactures. This exemption does not apply to forward-facing designated seating positions on the petitioner's vehicles. Under FMVSS No. 208, the forward-facing seating positions must have Type 2 lap and shoulder belts.¹⁸

NHTSA believes that granting Hemphill's petition is consistent with the public interest. The exemption will enable the applicant to sell buses whose overall level of safety is at least equal to that of non-exempted vehicles. Further, we believe that Hemphill is a small entity.¹⁹ Thus, this temporary exemption not only permits the manufacturer to sell vehicles whose overall level of safety is at least equal to that of non-exempted vehicles, but provides relief to a small business by, as the petitioner notes, providing "an objective standard that is easy for manufacturers to understand and meet."

A grant is consistent with the Safety Act. The requested exemption will not impact general motor vehicle safety because the exempted buses will provide overall safety at least equal to that of nonexempted buses. Further, Hemphill produces a small number of affected vehicles annually. Hemphill did not specify in its petition how many buses it would manufacture under the exemption but noted that "fewer than 100 entertainer-type motorcoaches with side-facing seats are manufactured and enter the U.S. market each year." As noted earlier, the ABA and the National Interstate Insurance Company, as well as the "other petitioners" who have separately filed petitions for temporary exemption, also affirm that fewer than 100 entertainer-type motorcoaches are manufactured each year. Thus, NHTSA concludes that Hemphill will manufacture very few vehicles relative to the 2,500 per manufacturer limit set forth in the Safety Act and 49 CFR

555.6(d)(4). Further, as explained below, in accordance with 49 CFR 555.9 and § 30113(h) of the Safety Act, prospective purchasers will also be notified of the exemption prior to making their purchasing decisions. The vehicles must have a label notifying prospective purchasers that the vehicles are exempted from the shoulder belt requirement of FMVSS No. 208 for the side-facing seats.

Labeling

Under 49 CFR 555.9(b), a manufacturer of an exempted vehicle must securely affix to the windshield or side window of each exempted vehicle a label containing a statement that the vehicle meets all applicable FMVSSs in effect on the date of manufacture "except for Standard Nos. [Listing the standards by number and title for which an exemption has been granted] exempted pursuant to NHTSA Exemption No. ____." This label notifies prospective purchasers about the exemption and its subject. Under § 555.9(c)(2), this information must also be included on the vehicle's certification label.²⁰

The text of § 555.9 does not expressly indicate how the required statement on the two labels should read in situations in which an exemption covers part, but not all, of an FMVSS. In this case, NHTSA believes that a blanket statement that the vehicle has been exempted from Standard No. 208, without an indication that the exemption is limited to the shoulder belt on side-facing seats, could be confusing. A purchaser might incorrectly believe that the vehicle has been exempted from all of FMVSS No. 208's requirements. For this reason, NHTSA believes the two labels should read in relevant part, "except for the shoulder belt requirement for side-facing seats (Standard No. 208, Occupant Crash Protection), exempted pursuant to * * *."

In accordance with 49 U.S.C. 30113(b)(3)(B)(iv), the applicant is granted NHTSA Temporary Exemption No. EX 19-01, from the shoulder belt requirement of 49 CFR 571.208 for side-facing seats on its motorcoaches. The exemption shall remain effective for the period designated at the beginning of this document in the **DATES** section.

²⁰ 49 CFR 555.9(c)(2) refers to § 567.5(c)(7)(iii) as the regulation setting forth the certification statement final-stage manufacturers are to use in their certification labels. That reference to § 567.5(c)(7)(iii) is outdated; it should be to § 567.5(d)(2)(v)(A). The certification label requirements for final-stage manufacturers formerly were in § 567(c)(7)(iii) but the requirements were moved to § 567.5(d)(2)(v)(A) (*see*, 70 FR 7433; February 14, 2005).

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.95.

Issued on: November 5, 2019.

James Clayton Owens,
Acting Administrator.

[FR Doc. 2019-24490 Filed 11-13-19; 8:45 am]

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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 November 29, 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: Donald Burger, Chief, 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>.

¹⁸ On October 2, 2019, the National Transportation Safety Board (NTSB) issued Recommendation H-19-14 in connection with the NTSB's investigation of an October 6, 2018 Schoharie, New York limousine crash. H-19-14 recommends that NHTSA "[r]equire lap/shoulder belts for each passenger seating position on all new vehicles modified to be used as limousines." The limousine in the Schoharie crash had between 18 and 22 seating positions and a GVWR of 13,080 lb. Under FMVSS No. 208, vehicles with 11 or more seating positions and a GVWR between 10,000 lb and 26,000 lb are not required to have seat belts in passenger seats. The NTSB recommendation would apply a passenger seat belt requirement to those vehicles.

¹⁹ According to 13 CFR 121.201, the Small Business Administration's size standards regulations used to define small business concerns, manufacturers of these buses fall under North American Industry Classification System (NAICS) No. 336213, Motor Home Manufacturing, which has a size standard of 1,250 employees or fewer.

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 November 07, 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
11827-M	Fujifilm Electronic Materials U.S.A., Inc..	180.605(c)(1), 180.352(b)(3) ...	To modify the special permit to add IMDG language to harmonize international transportation of affected tanks. (modes as authorized by the HMR).
11911-M	Transfer Flow, Inc.	177.834(h), 178.700(c)(1)	To modify the special permit to authorize two new fuel cap designs. (mode 1).
15873-M	Jiangxi Oxygen Plant Co., Ltd.	178.274(b)(2)	To modify the special permit to authorize lower pressure and greater capacity of the cylinders. (modes 1, 2, 3).
16095-M	Clay and Bailey Manufacturing Company.	172.203(a), 178.345-1, 180.413.	To modify the special permit to authorize new gaskets and testing procedures for manway production. (mode 1).
20851-M	CALL2RECYCLE, INC.	172.200, 172.600, 172.700(a)	To modify the special permit to authorize an additional outer packaging and to remove the 800 Wh aggregate energy content for a single package. (mode 1).

[FR Doc. 2019-24710 Filed 11-13-19; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New 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, 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 December 16, 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: Donald Burger, Chief, 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 November 07, 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
20954-N	BNSF RAILWAY COMPANY ..	172.203(a), 174.24, 174.26	To authorize the use of electronic means to maintain and communicate on-board train consist information in lieu of paper documentation when hazardous materials are transported by rail. (mode 2).
20955-N	ZHEJIANG CHUMBOON IRON-PRINTING & TIN-MAKING CO., LTD.	173.304(d)	To authorize the manufacture, marking, sale and use of a non-refillable, non-DOT specification inside metal container. (modes 1, 2, 3, 4).
20956-N	VALTRIS SPECIALTY CHEMICALS.	171.8, 171.4, 172.203(l), 172.322, 176.70.	To authorize the transportation in commerce of two materials as not meeting the § 171.8 definition of a marine pollutant. (modes 1, 2, 3, 4, 5).
20957-N	VERSUM MATERIALS, INC ...	173.338(a)	To authorize the transportation in commerce of tungsten hexafluoride in tubes that are dual marked to a DOT and UN specification. (modes 1, 2, 3).
20958-N	University of Colorado	173.301(g), 173.24(b), 173.24(b)(1), 173.24(f), 173.24(f)(2), 173.24(g)(2).	To authorize the transportation in commerce of compressed air in cylinders which will be purged during transportation in order to protect sensitive equipment from contamination. (modes 1, 4).