

exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

The Agency's ELDT regulations, set forth in 49 CFR part 380, subparts F and G, establish theory and BTW training requirements for individuals seeking to obtain a Class A or Class B CDL or a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time. The regulations take effect on February 7, 2022. The regulations require that ELDT be conducted only by qualified training providers and training instructors; drivers must obtain ELDT from a training provider listed on FMCSA's Training Provider Registry. The theory training instructor qualifications, set forth in the definition of "theory instructor" in 49 CFR 380.605, are: (1) The instructor must hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least 2 years of experience driving a CMV requiring a CDL of the same (or higher) class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; or (2) the instructor must hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least 2 years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors. The definition of "theory instructor" in 49 CFR 380.605 includes an exception from the requirement that the instructor currently hold a CDL and relevant endorsements if the instructor previously held a CDL of the same or higher class and complies with the other requirements set forth in the definition.

Unlike the P and S endorsement training curricula, which include both theory and BTW portions, the required H endorsement training is theory only. The H endorsement theory curriculum, set forth in Appendix E, applies to driver-trainees who intend to use CMVs to transport hazardous materials as defined in 49 CFR 383.5. Because applicants are not required to take an HM-specific skills test to obtain the H endorsement, the ELDT regulations do not contain a BTW curriculum requirement applicable to that endorsement. There are, however, BTW ELDT requirements for applicants seeking a Class A or Class B CDL or a P or S endorsement.

Applicant's Request

Oak Harbor seeks an exemption, on behalf of its Pacific Northwest Safety Supervisor, Mr. Jeff McLaughlin, from the ELDT theory instructor qualifications set forth in the definition of the term "theory instructor" in 49 CFR 380.605, as previously identified. Oak Harbor requests the exemption so that Mr. McLaughlin will be able to provide ELDT theory instruction pertaining to the transportation of HM by CMV. Oak Harbor cites Mr. McLaughlin's extensive teaching experience and subject matter expertise as the basis for its exemption request. Oak Harbor further states that the road portion of the training would be completed by BTW instructors that meet the ELDT requirements. A copy of the exemption application is in the docket referenced at the beginning of this notice.¹

IV. Equivalent Level of Safety

Oak Harbor states that Mr. McLaughlin's experience and expertise in the HM field would supersede HM training offered by other theory and BTW training instructors and would enhance their HM materials and safety program. Oak Harbor provided the following list of Mr. McLaughlin's credentials:

- Over 20 years of experience as a certified State commercial vehicle inspector holding certifications in Commercial Vehicle Safety Alliance (CVSA) Part A and B, Hazardous Materials, Tank and other bulk packaging's, Motorcoach and Multi Surface HM Transportation;
- 18 years of experience as an FMCSA National Training Center Basic HM instructor;
- Previous Region IV Cooperative Hazardous Materials Enforcement Development (COHMED) Vice Chairman;
- Current COHMED Industry Liaison;
- Former Training Lieutenant, Supervisory Lieutenant and District Captain in charge of CVSA and Hazardous Materials training and recertification programs for the Montana Motor Carrier Services;

¹ The Agency notes that Oak Harbor's application requests exemption specifically from the requirement that theory instructors hold a CDL of the same (or higher) class and with all endorsement necessary to operate the CMV for which training is to be provided. On August 30, 2022, in a conversation with Oak Harbor's Safety Manager, Mr. Tom Mueller, FMCSA personnel confirmed that Oak Harbor is seeking exemption from all the theory instructor qualification requirements set forth in the definition of "theory instructor" in 49 CFR 380.605. A summary of that conversation can be found in the docket for this notice.

- Certified civilian CVSA Hazardous Materials instructor;
- Former Sergeant, Lieutenant and Captain overseeing CMV inspectors at the Montana/Alberta Joint Use Vehicle Inspection Station Courtts, AB regulating enforcement of FMCSA and Transport Canada regulations pertaining to vehicle safety and hazardous material/dangerous goods regulations.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Oak Harbor's application for an exemption from the qualification requirements set forth in the definition of "theory instructor" in 49 CFR 380.605. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

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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 October 8, 2021.

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 Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 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-13, 1200 New Jersey Avenue Southeast, Washington, DC.

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 September 2, 2021.

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

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
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Special Permits Data—Granted

12240-M	Spence Air Service	172.200, 172.301(c), 172.301(d), 175.75(b), 175.310(a).	To modify the special permit to waive certain marking and shipping paper requirements.
13220-M	Entegris, Inc	173.302, 173.302c	To modify the special permit by authorizing additional carbon steels specified for the cylindrical shell of the pressure vessel.
14661-M	FIBA Technologies, Inc	180.209(a), 180.209(a), 180.209(b)(1), 180.209(b)(1)(iv).	To modify the special permit to authorize additional Division 2.1 and 2.2 hazmat.
20584-M	Battery Solutions, LLC	173.185(f)(3), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3), 173.185(f), 173.185(f)(1), 173.185(a)(1).	To modify the special permit to authorize relief from the UN 38.3 testing and recordkeeping requirements of § 173.185(a).
20898-M	Rivian Automotive, LLC	172.101(j), 173.185(a), 173.185(b)(3)(i), 173.185(b)(3)(ii).	To modify the special permit to authorize additional batteries and cargo vessel as a mode of transportation.
21025-M	Airgas USA, LLC	173.301(a)(6), 180.205(c)	To modify the special permit to authorize an additional Division 2.2 hazmat.
21209-N	Atlas Air, Inc	172.101(j)	To authorize the transportation in commerce of a material forbidden for transportation by air by cargo-only aircraft.
21229-N	Mercedes-Benz U.S. International, Inc.	172.101(j), 173.185(b)(6)	To authorize the transportation in commerce of certain lithium ion battery assemblies that exceed 35 kg aboard cargo-only aircraft.
21240-N	Volkswagen Group of America Chattanooga Operations, LLC.	172.101(j), 173.185(b)(1)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft in alternative packaging.
21246-N	Ensign-Bickford Aerospace & Defense Co.	172.320(a), 173.51(a), 173.56(b)	To authorize the transportation in commerce of subassembly components of previously approved assemblies without subassembly components being tested, classed, and approved.
21256-N	Veolia Es Technical Solutions, LLC.	173.56(b)	To authorize the one-time, one-way transportation in commerce of unapproved explosives originating at Aberdeen Proving Ground and transported to Veolia's waste incinerator for final disposal located at in Sauget, Illinois.
21261-N	Korean Airlines Co., Ltd	172.101(j)(1), 173.27(b)(2), 173.27(b)(3), 175.30(a)(1).	To authorize the transportation in commerce of certain explosives that are forbidden for transportation by cargo aircraft only.
21264-N	National Air Cargo Group, Inc.	172.101(j), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3), 175.30(a)(1).	To authorize the transportation in commerce of certain Division 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden or exceed quantities authorized for transportation by cargo aircraft only.

Special Permits Data—Denied

20279-M	City Carbonic LLC	180.207(d)(1)	To modify the special permit to remove specific manufacturer applicability to the manufacture of authorized cylinders.
21062-N	Gas Innovations Inc	171.23	To authorize the transportation in commerce of pressure drums containing Hydrogen chloride, anhydrous, UN 1050 that do not meet the requalification requirement in § 171.23 for export.
21234-N	Air Liquide Advanced Materials Inc.	173.301	To authorize the transportation in commerce of Dichlorosilane in non-DOT specification cylinders.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21263-N	Veolia Es Technical Solutions, LLC.	173.196(a)	To authorize the transportation in commerce of certain Monkeypox-contaminated medical waste to Veolia ES Technical Solutions, L.L.C.'s Port Arthur, TX incinerator for disposal.
Special Permits Data—Withdrawn			
21276-N	Space Exploration Technologies Corp.	172.300, 172.400, 173.302(a)	To authorize the transportation in commerce of satellites containing krypton, compressed in non-DOT specification cylinders.
21277-N	Wampum Hardware Co	178.703(a)(1)	To authorize the transportation in commerce of Ammonium Nitrate-Fuel Oil mixture in blank bags with alternative marking.

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DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****Hazardous Materials: Notice of Applications for Modifications to Special Permit**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Transportation (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 September 23, 2021.

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 Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 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-13, 1200 New Jersey Avenue Southeast, Washington, DC.

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 September 2, 2021.

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

SPECIAL PERMITS DATA

Application number	Applicant	Regulation(s) affected	Nature of the special permits thereof
10511-M	Schlumberger Technology Corp.	173.304a	To modify the special permit to authorize an additional packaging configuration. (modes 1, 2, 3, 4, 5)
10776-M	Bevin Bros Manufacturing Company.	173.302a(a)(1), 173.304a(a)(1).	To modify the special permit to authorize additional hazardous materials. (modes 1, 2, 3, 4, 5)
13112-M	Cobham Mission Systems Orchard Park Inc.	173.302a(a)(1)	To modify the special permit to update the drawing revision number of the packaging. (modes 1, 2, 3, 4, 5)
20351-M	Roeder Cartage Company, Incorporated.	180.407(c), 180.407(e), 180.407(f).	To modify the special permit to authorize an additional cargo tank. (mode 1)
20646-M	Omni Tanker Pty. Ltd	107.503(b), 107.503(c), 172.102(c)(3), 172.102(c)(7)(ii), 178.274(b), 178.274(c), 178.274(d).	To modify the special permit to authorize additional hazardous materials and rail freight. (modes 1, 2)
21199-M	Solvay Fluorides, LLC	173.227(c)	To modify the special permit to remove the requirement to line the freight container with plywood. (mode 1)
21213-M	Space Exploration Technologies Corp.	172.300, 172.400, 173.302(a)	To modify the special permit to increase the number of cylinders and add additional routes. (mode 1)
21240-M	Volkswagen Group of America Chattanooga Operations, LLC.	172.101(j)	To modify the special permit to authorize an additional lithium ion battery. (mode 4)