

conspicuity of motorcycles, NHTSA's researchers concluded that the mounting height of the side reflex reflectors (12 inches vs 15 inches) was an "insignificant" factor for vehicle identification distance.

• Harley-Davidson further states that under FMVSS No. 108, tail lamps and license plate lamps on motorcycles are required to be illuminated whenever the headlamp is activated. And that since all Harley-Davidson models are equipped with automatic headlights on (AHO) functionality, the headlamps and tail lamps are automatically illuminated when the ignition is in the on position, thus providing conspicuity during daylight and darkness while the motorcycle is operating.

Harley-Davidson also made reference to a withdrawal of rulemaking regarding a lower height for reflex reflectors.

Harley-Davidson has additionally informed NHTSA that it has corrected the noncompliance so that all future production motorcycles will comply with FMVSS No. 108.

In summation, Harley-Davidson believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Harley-Davidson from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

#### NHTSA Decision

**NHTSA Analysis:** NHTSA has reviewed and accepts Harley-Davidson's analyses that the subject noncompliance is inconsequential to motor vehicle safety.

The primary function of a reflex reflector is to reduce accidents by permitting early detection of an unlighted motor vehicle approaching an intersection or parked by the side of the road. NHTSA has concluded that the test data provided by Harley-Davidson relative to the photometric performance of the reflex reflectors as mounted on the subject motorcycles is sufficient justification for NHTSA to concur with Harley-Davidson's assessment that the location of the rear reflex reflectors as mounted on the subject vehicles poses little if any risk to motor vehicle safety.

**NHTSA Decision:** In consideration of the foregoing, NHTSA has decided that Harley-Davidson has met its burden of persuasion that the FMVSS No. 108 noncompliance is inconsequential to motor vehicle safety. Accordingly, Harley-Davidson's petition is hereby granted and Harley-Davidson is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject motorcycles that Harley-Davidson no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant motorcycles under their control after Harley-Davidson notified them that the subject noncompliance existed.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8).

**Jeffrey M. Giuseppe,**  
*Acting Director, Office of Vehicle Safety Compliance.*

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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 December 22, 2014.

**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(1)); 49 CFR 1.53(b)).

Issued in Washington, DC, on November 13, 2014.

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

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
<b>New Special Permits</b>				
16267-N .....	.....	Korean Air Los Angeles, CA.	49 CFR 172.101 Column (9B), 172.204(c)(3), 173.27, and 175.30 (a)(1).	To authorize the one-time transportation in commerce of certain explosives that are forbidden for transportation by cargo only aircraft. (mode 4).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
16275-N .....	.....	ThyssenKrupp Bilstein of America, Inc. Hamilton, OH.	49 CFR 173.306(f)(2) .....	To authorize the transportation in commerce of accumulators meeting the requirements of § 173.306(f)(2) except that the charge pressure may exceed 200 psig but may not exceed 320 psig. (modes 1,2).
16288-N .....	.....	CE Kellogg Co. Inc. Vancouver, WA.	49 CFR 107.503(b), 107.503(c), 173.241, 173.242, 173.243.	To authorize the manufacture, mark, sale and use of a non-DOT specification glass fiber reinforced plastic (GFRP) cargo tank similar to a DOT Specification 407/412. (mode 1).
16291-N .....	.....	Procter & Gamble Distributing LLC Cincinnati, OH.	49 CFR 172.301(c), 173.306 (a)(3)(ii).	To authorize the transportation in commerce of certain aerosol containers not fully conforming to specification DOT 2P. (mode 1).
16292-N .....	.....	Standard Technologies, LLC Fremont, OH.	49 CFR 177.834(h), 178.700(c)(1).	To authorize the manufacture, mark, sale, and use of certain non-UN standard IBCs containing certain Class 3 liquids which may be discharged without removal from the motor vehicle. (mode 1).
16295-N .....	.....	CYTEC INDUSTRIES INC. Woodland Park, NJ.	49 CFR 172.519(c) .....	To authorize the transportation in commerce of certain IBCs containing combustible liquids with a placard meeting the label specifications for size in § 172.407(c). (modes 1,3).
16302-N .....	.....	Ametek Inc. Pittsburgh, PA.	49 CFR 171.1, 172.101 Columns (9A) and (9B), 173.303, 173.304.	To authorize the transportation in commerce of gases contained in glass ampules as not subject to the Hazardous Materials Regulations. (modes 1, 2, 3, 4, 5).
16304-N .....	.....	GG Global Enterprises LLC Phoenix, AZ.	49 CFR 173.196(a) .....	To authorize the manufacture, mark, sale, and use of alternative packaging for Ebola contaminated waste. (mode 1).
16307-N .....	.....	Croman Corporation White City, OR.	49 CFR 172.101 Columns (8C) and (9B), 173.242, 175.310.	To authorize the transportation in commerce of certain flammable liquids in alternative packaging having a capacity of 119 gallons or more by cargo air. (mode 4).
16308-N .....	.....	GeNO LLC Cocoa, FL ....	49 CFR 173.175 .....	To authorize the transportation in commerce of permeation devices that are used in medical devices in lieu of use for calibrating air quality monitoring devices. (modes 1, 2, 3, 4, 5).

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**DEPARTMENT OF TRANSPORTATION****Pipeline and Hazardous Materials Safety Administration****Actions on Special Permit Applications**

**AGENCY:** Office of Hazardous Materials Safety, 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 (49 CFR part 107, Subpart B), notice is hereby given of the actions on special permits applications in (October to October 2014). The mode of transportation involved are identified 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. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the sections cited were those in effect at the time certain special permits were issued.

Issued in Washington, DC, on November 13, 2014.

**Donald Burger,**  
Chief, Special Permits and Approvals Branch.

S.P. No.	Applicant	Regulation(s)	Nature of special permit thereof
<b>Modification Special Permit Granted</b>			
16266-M .....	Stericycle, Inc., Lake Forest ..	49 CFR 173.196(a) .....	To modify the special permit to authorize an additional packaging configuration.
11770-M .....	Gas Cylinder Technologies, Inc., Lakeshore, Ontario.	49 CFR 173.302a, and 173.304a.	To modify the special permit to authorize cargo and passenger aircraft as an additional mode of transportation.
<b>New Special Permit Granted</b>			
16144-N .....	Stage FX, Inc., Columbus, MT.	49 CFR 173.56(b) and 172.320.	To authorize the transportation in commerce of certain Class 1 materials without EX classification for approximately 15 miles by motor vehicle. (mode 1).
16174-N .....	Goal Zero, Bluffdale, UT .....	49 CFR 173.185(a)(1) .....	To authorize the transportation in commerce of certain lithium batteries that do not have the original UN test certifications by motor vehicle. (mode 1).