

remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of PACCAR's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved*: Affected are approximately 452 Kenworth MY 2013 model K270 and model K370 trucks that were manufactured between March 29, 2012 and November 2, 2012, and MY 2013 Peterbilt model 210 and model 220 vehicles that were manufactured between March 21, 2012 and November 6, 2012.

III. *Noncompliance*: PACCAR explains that the noncompliance is that the starter interlock in the affected automatic transmission trucks does not conform to paragraph S3.1.3 of FMVSS No. 102 because the starter interlock is based on a system that differs from the system specified in the standard. Although the starter interlock on these trucks prevents the transmission from propelling the vehicle and, therefore, is effective in preventing truck "roll away," the engineering of the starter interlock is not consistent with the specification prescribed in paragraph S3.1.3 of FMVSS No. 102.

The trucks in the affected population are designed so that the engine will start with the gear selector in any position, but the transmission will remain in neutral until the service brake is applied and the transmission is shifted from neutral into a gear. Because an operator can start the engine with the gear selector in any position, the starter interlock on these vehicles does not conform to the applicable requirement.

IV. *Rule Text*: Paragraph S3.1.3 of FMVSS No. 102 specifically states:

S3.1.3 Starter interlock. Except as provided in S3.1.3.1 through S3.1.3.3, the engine starter shall be inoperative when the transmission shift position is in a forward or reverse drive position.

V. *Summary of PACCAR's Analyses*: PACCAR stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

S3.1.3 of FMVSS No. 102 provides, in pertinent part: ". . . the engine starter shall be inoperative when the transmission shift position is in a forward or reverse drive position." Assuming that the term "transmission shift position" refers to the position of the gear selector (as opposed to the position of the transmission itself), the subject trucks do not comply with this provision as written. That is because the starter interlock system in these vehicles,

which is an electronic system that is used in PACCAR's European trucks, differs from the system specified in S3.1.3. PACCAR's starter interlock system effectively achieves the objectives of S3.1.3 by precluding the possibility of a powered rollaway or lurching when the vehicle is started. However, the manner in which the system functions is not consistent with the design that is prescribed in the standard.

The engine in the subject trucks can be started with the gear selector in any position, thus creating what appears to be a technical noncompliance with S3.1.3. However, even if the engine is started when the gear selector indicates a forward or reverse gear, the transmission itself will remain in neutral, and the message "Gearshift Inhibited" will be prominently displayed to the driver, as shown in the photograph below. The transmission can be shifted into a forward or reverse gear only after the gear selector is first moved into the neutral position and then moved back into gear while the service brake is applied. At that point, the "Gearshift Inhibited" message will be replaced by a "Transmission Warning" message, which will remain illuminated until the engine is turned off and then restarted.

As NHTSA explained in a 2005 Final Rule that amended FMVSS No. 102 to allow idle stop technology, "The purpose of [S3.1.3] is to prevent injuries and death from the unexpected motion of a vehicle when the driver starts the vehicle with the transmission inadvertently in a forward or reverse gear." 70 FR 38040 (July 1, 2005). The agency also referred to "S3.1.3s underlying purpose of ensuring that the vehicle will not lurch forward or backward during driver activation of the engine starter. . . ." *Id.* at 38041. As described above, the starter interlock system in the subject vehicles completely prevents any possibility of "unexpected motion" or vehicle "lurching" because the transmission remains neutralized, even if the engine is started with the gear selector indicating a forward or reverse gear. Thus, the PACCAR system, which has been used successfully for more than three years in PACCAR's European vehicles, fully satisfies the purposes of S3.1.3 and achieves the same level of safety as that provision. Moreover, PACCAR is unaware of any consumer complaints, accidents, or injuries related to this design.

PACCAR has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 102.

In summation, PACCAR believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt 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 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, these provisions only apply to the subject trucks that PACCAR no longer controlled at the time it determined that the noncompliance existed. Therefore, these provisions only apply to the 452 trucks that PACCAR no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction for delivery or introduction into interstate commerce of the noncompliant vehicles under their control after PACCAR 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)

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Notice of Application for Special Permits

**AGENCY:** Office of Hazardous Materials Safety, 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 October 28, 2013.

**ADDRESSES:** 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 September 19, 2013.

**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>				
15892-N .....	.....	Department of Energy, Washington, DC.	49 CFR 173.302a .....	To authorize the transportation in commerce of certain radiation detectors containing methane, which are constructed of aluminum and stainless steel. (mode 1)
15954-N .....	.....	Rooney Oilfield Services, Odessa, TX.	49 CFR 173.202, 173.203, 173.241, 173.242 and 173.243.	To authorize the manufacture, mark, and sale of non-UN standard containers that are manifolded together within a frame and securely mounted on a truck chassis for transportation by motor vehicle. (mode 1)
15962-N .....	.....	U.S. Department of Defense (DOD) Scott AFB, IL.	49 CFR 171.22(e) and 173.62.	To authorize the transportation in commerce of certain Division 1.2 explosives in alternative packaging. (modes 1, 2, 3, 4)
15963-N .....	.....	Jack Harter Helicopters, Inc., Lihue, HI.	49 CFR 49 CFR Table § 172.101, Column(9B), § 172.204(c)(3), § 173.27(b)(2) § 175.30(a)(1) § 172.200, 172.300, and 172.400.	To authorize the transportation in commerce of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the US only, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements. (modes 1, 4)
15964-N .....	.....	ICL Performance Products LP, St. Louis, MO.	49 CFR 180.605 .....	To authorize the one-time transportation in commerce of an ISO tank without the required hydrostatic pressure being performed after repair. (mode 1)
15965-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)
15967-N .....	.....	Chart Industries, New Prague, MN.	49 CFR 173.315 .....	To authorize the manufacture, mark and sale of non-DOT specification tanks cars similar to DOT113C120W for the transportation in commerce of certain refrigerated liquids. (mode 2)
15971-N .....	.....	National Aeronautics and Space Administration (NASA), Houston, TX.	49 CFR 173.301(a)(1), 173.301(a)(2), 173.301(f)(1), 173.302(a) and 173.302a(a).	To authorize the transportation in commerce of non-DOT specification pressure receptacles containing nitrogen, compressed. (modes 1, 2, 3, 4)
15972-N .....	.....	Heil Trailer International, Co., Athens, TN.	49 CFR 178.345-2, 178.346-2, 178.347-2, 178.348-2 and 178.345-3.	To authorize the manufacture, marking, sale and use of non-DOT specification cargo tanks meeting all requirements for DOT 400 series cargo tanks except for the use of UNS S32101 (LDX 2101) as a material of construction and the head and shell thicknesses are less than required. (mode 1)
15984-N .....	.....	Alliant Techsystems Operations LLC, Independence, MI.	49 CFR § 172.201(a)(1), Subpart F of Part 172, 174.59 and 174.61(a).	To authorize the transportation in commerce of certain empty packagings containing residues of Class 1 smokeless powders without complete shipping papers and placarding. (modes 1, 2)
15987-N .....	.....	TG Missouri Corp., Perryville, MO.	49 CFR 173.301(a)(1), 173.302(a)(1), 178.65(f)(2) and 178.65(i)(3).	To authorize the manufacture, mark, sale and use of non-DOT specification cylinders for use as components of automotive vehicle safety systems. (modes 1, 2, 3, 4, 5)

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Notice of Applications for Modification of Special Permit**

**AGENCY:** Office of Hazardous Materials Safety, 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 (49 CFR Part 107, Subpart B), notice is hereby given that the Office

of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before October 11, 2013.

**ADDRESSES:** *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 modification of 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 19, 2013.

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

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMITS</b>				
11827-M .....	.....	Moses Lake Industries, Inc., Moses Lake, WA.	49 CFR 180.605(c) (1) and 180.352(b) (3).	To modify the special permit to authorize a dual hazard material.
12184-M .....	.....	Weldship Corporation, Bethlehem, PA.	49 CFR 180.209(a), 180.205(c), (f), (g) and (i), 173.302a (b) (2), (3), (4) and (5), and 180.213.	To modify the special permit to authorize UN cylinders manufactured in accordance with ISO 11120, update the minimum wall thickness table, and update the rejection criteria table to include outside diameters of 18" to 22" for DOT 3AAX cylinders.
14232-M .....	.....	Luxfer Gas Cylinders, Riverside, CA.	49 CFR 173.302a(a), 173.304a(a), and 180.205.	To modify the special permit to authorize a 30 year service life as specified in ISO 11119-2 and update the acceptance criteria.
15642-M .....	.....	Praxair Distribution, Inc., Danbury, CT.	49 CFR 180.205 and 180.209(a)(b), 180.213(b), and 180.213(f)(2).	To modify the special permit to waive the requirement for the special permit number being marked on shipping papers, modification of the proper shipping names, modification of wording to clarify authorized locations of UE testing, and waive the requirement for the special permit to be carried on each motor vehicle.
15723-M .....	.....	Entegris, Chaska, MN .....	49 CFR 173.222(c) (1) and 176.83.	To modify the special permit to authorize a crate with smaller external dimensions.
15854-M .....	.....	Colmac Coil Manufacturing, Inc., Colville, WA.	49 CFR 173.222, IMDG Code, Special Provision 301.	To modify the special permit originally issued on an emergency basis to routine with a two year renewal.

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Delayed Applications**

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

**ACTION:** List of applications delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Ryan Paquet, Director, Office of Hazardous Materials Special Permits

and Approvals, 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.

**Key to "Reason for Delay"**

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or