

and are attuned to the unique characteristics associated with CNG use, such as service pressure, and tank inspection and replacement provisions. These aspects of the CNG fuel system are likely known to owners when or even before they purchase the CNG vehicle, and in any event are easily obtained for the subject vehicles from the labels at the fueling port, from the vehicle owner's manuals, and/or from the labels on the CNG tanks themselves. As mentioned above, the information is provided in the owner's manual.

In addition, GM stated its belief that NHTSA has previously granted petitions for labeling related inconsequential noncompliances that GM believes can be applied to a decision on its petition.

GM informed NHTSA that it is not aware of any crashes, injuries or customer complaints associated with this condition.

GM also informed NHTSA that it has corrected the noncompliance for all future production.

In summation, GM 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 Decision

*NHTSA Analysis:* NHTSA added the subject vehicle label requirements to FMVSS No. 303 to aid in assuring that CNG containers are not overfilled.<sup>1</sup> The overfilling of a CNG tank can affect the integrity of the storage tank as well as other system components. Pressurized CNG fuel dispensing and storage methods are significantly different from those for more traditional diesel and gasoline fuels which are stored as liquid at atmospheric pressure. Significant stored mechanical energy exists within a pressurized CNG tank that is not present in traditional liquid fuel (fuel with a boiling point above 0 °C) storage tanks. Should a CNG tank be weakened by repeated overfilling, the stored mechanical energy could be explosively released.

The lettering height required for the CNG vehicle label is greater than that required for similar information in the owner's manual and the alternative one page document (4.76 mm versus 2.5 mm).<sup>2</sup> NHTSA believes that the larger lettering size is important for the vehicle label in order to make it easier to read

for a wide range of conditions, both environmental and operator related. The label is required to be located near the vehicle refueling connection in addition to the owner's manual for the following reasons:

1. Not all vehicle operators will have read or have ready access to the vehicle's owner's manual, especially when vehicles have been acquired on the secondary market.

2. Immediately prior to or during vehicle refueling is the most opportune time to provide a person refueling the vehicle with information that may reduce accidental overfilling, and the vehicle refueling connection label is more likely to be read than the owner's manual during vehicle refueling.

3. Vehicle refueling connection label readability and conspicuity are important to help to ensure that the information is actually read and understood by the person refueling the vehicle, the person ultimately responsible for the safe refueling of the vehicle.

NHTSA is currently investigating several incidents where over-pressurization of CNG tanks mounted on vehicles other than the subject vehicles may have contributed to explosions. A lack of understanding related to the rated service pressure and actual working pressure of the fuel containers are factors that NHTSA believes may have contributed to these explosions. This further reinforces NHTSA's belief that label information at the vehicle's filling location must be easy to read.

NHTSA has previously granted inconsequential noncompliance petitions for labeling issues including discrepancies in lettering height, missing information, incorrect information, and misplaced or obscured information. We believe this label is different because of the frequency of filling the fuel tank. Filling the fuel tank can occur on a daily basis whereas labels for other purposes, e.g., a tire label, are likely to be accessed by operators much less frequently. It is important that the operator be able to read the label to verify an overfill situation does not occur. We also believe the routine nature of fuel filling makes it less likely the operator would check the owner's manual, assuming the owner's manual is available, if the fueling label cannot be read. The labeling provides important safety information that is intended to prevent a potential explosion. Therefore, NHTSA believes that the required size of the information on the subject nonconforming CNG label is consequential to motor vehicle safety.

*NHTSA Decision:* In consideration of the foregoing, NHTSA has decided that GM has not met its burden of persuasion that its FMVSS No. 303 noncompliance is inconsequential. Accordingly, GM's petition is hereby denied and GM is obligated to provide notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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

**Frank S. Borris,**

*Acting Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Hazardous Materials: Delayed Applications

**AGENCY:** 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 precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications

#### Meaning of Application Number Suffixes

N—New application  
M—Modification request

<sup>1</sup> See 59 FR 65307 and 60 FR 57944.

<sup>2</sup> 49 CFR 571.303 S5.2

R—Renewal Request  
P—Party To Exemption Request

Issued in Washington, DC, on October 5,  
2015.  
**Donald Burger**  
*Chief, General Approvals and Permits.*

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>Modification to Special Permits</b>			
15744-M .....	Praxair Distribution, Inc., Danbury, CT .....	4	10-31-2015
14437-M .....	Columbiana Boiler Company (CBCo) LLC, Columbiana, OH .....	4	10-31-2015
14808-M .....	Amtrol-Alfa Metalomecanica, S.A., West Warwick, RI .....	4	12-05-2015
16142-M .....	Nantong CIMC Tank Equipment Co. Ltd., Jiangsu, Province .....	4	11-20-2015
<b>New Special Permit Applications</b>			
15767-N .....	Union Pacific, Railroad Company, Omaha, NE .....	4	11-20-2015
16001-N .....	VELTEK ASSOCIATES, INC., Malvern, PA .....	3	11-20-2015
16220-N .....	Americase, Waxahache, TX .....	4	11-20-2015
16249-N .....	Optimized Energy Solutions, LLC, Durango, CO .....	3	11-15-2015
16320-N .....	Digital Wave Corporation, Centennial, CO .....	3	10-15-2015
16337-N .....	Volkswagen Group of America (VWGoA), Herndon, VA .....	4	10-31-2015
16366-N .....	Department of Defense, Scott AFB, IL .....	4	10-31-2015
16395-N .....	Chandler Instruments Company LLC, Broken Arrow, OK .....	4	10-31-2015
16396-N .....	Eniware LLC, Washington, DC .....	4	10-15-2015
16356-N .....	United Launch Alliance, LLC, Centennial, CO .....	4	11-20-2015
16371-N .....	Volkswagen Group of America (VWGoA), Herndon, VA .....	4	11-30-2015
16416-N .....	INO <sub>x</sub> India Limited, Gujarat, India .....	4	10-31-2105
16430-N .....	Eniware LLC, Washington, DC .....	4	12-10-2015
16414-N .....	Gardner Cryogenics Department of Air Products and Chemicals Inc., Allentown, PA .....	4	10-30-2015
<b>Party to Special Permits Application</b>			
16279-P .....	Twin Enterprise International LLC, Chandler, AZ .....	4	10-31-2015
<b>Renewal Special Permits Applications</b>			
11860-R .....	GATX Corporation, Chicago, IL .....	4	10-31-2015
8009-R .....	NK Co., Ltd., Busan City, KR .....	4	10-30-2015

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Hazardous Materials: Actions on Special Permit Applications

**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 (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 October 5, 2015.

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

S.P. No.	Applicant	Regulation(s)	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMIT GRANTED</b>			
15071-M .....	Orbital ATK, Inc., Dulles, VA	49 CFR 173.62(c) .....	To modify the special permit to authorize cargo aircraft only.
15097-M .....	U.S. Consumer Product Safety Commission, Denver, CO.	49 CFR 173.56 .....	To modify the special permit to authorize transportation for testing purposes of unapproved explosives as Division 1.4G explosives.
14149-M .....	Digital Wave Corporation, Centennial, CO.	49 CFR 172.23(a), 172.301(c), and 180.205.	To modify the special permit to authorize changes in ownership of affected sites and, the addition of new sites on the special permit.
14206-M .....	Digital Wave Corporation, Centennial, CO.	49 CFR 172.203(a), 172.301(c), and 180.205.	To modify the special permit by removing the requirement to check gain control accuracy every six months with calibrated equipment.