

to the public pursuant to the library provision of copyright law. *See* 17 U.S.C. 108.

Congress necessarily made the decision in enacting MAP–21, that copyright law does not restrict NHTSA from publicly posting copies of all manufacturer communications received by the Agency pursuant to 49 U.S.C. 30166(f) on its Web site. Indeed, 49 U.S.C. 30166(f) expressly requires the Agency to do so.

MAP–21 trumps the limited waiver of sovereign immunity for copyright infringement claims. *See* 28 U.S.C. 1498(b). Congress could not have intended to allow manufacturers to assert copyright infringement against the federal government based on the Agency's publication of service bulletins and other manufacturer communications on its Web site in light of the express statutory requirement that the Agency do so. *See Food & Drug Admin. v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 143 (2000) (“The classic judicial task of reconciling many laws enacted over time, and getting them to ‘make sense’ in combination, necessarily assumes that the implications of a statute may be altered by the implications of a later statute. This is particularly so where the scope of the earlier statute is broad but the subsequent statutes more specifically address the topic at hand . . . [A] specific policy embodied in a later federal statute should control our construction of the earlier statute, even though it has not been expressly amended.”) (internal quotation marks, brackets, and citations omitted).

Because the law directs the Agency to make manufacturer communications publicly available on its Web site, the Agency is acting to effectuate the law. The Agency will post on its Web site those manufacturer communications submitted to the Agency on or after the October 1, 2012 effective date of MAP–21 that are not already available on the Agency's Web site. Going forward, the Agency intends to post to its public Web site all manufacturer communications submitted pursuant to 49 U.S.C. 30166(f), including documents

submitted pursuant to 49 CFR 573.6(c)(10) or 579.5. The Agency will also post manufacturer indexes for communications submitted to the Agency on or after October 1, 2012 on a rolling basis as compliant indexes are received. The Agency intends to make manufacturer indexes available in a searchable format.

Applicability/Legal Statement: This Enforcement Guidance Bulletin sets forth NHTSA's current interpretation and thinking on this topic and guiding principles and best practices to be utilized in complying with the legal requirements of 49 U.S.C. 30166(f). This Bulletin is not a final agency action and is intended as guidance only. This Bulletin is not intended, nor can it be relied upon, to create any rights enforceable by any party against NHTSA, the Department of Transportation, or the United States. Moreover, these recommended practices to not establish any defense to any violations of the statutes and regulations that NHTSA administers. This Bulletin may be revised without notice to reflect changes in NHTSA's evaluation and analysis, or to clarify and update text.

Authority: 49 U.S.C. 30101, *et seq.*; 49 U.S.C. 30165(a)(3), 30166(f); delegations of authority at 49 CFR 1.95(a), 501.2(a)(1), 501.5.

Issued on: March 21, 2016.

Paul A. Hemmersbaugh,
Chief Counsel.

[FR Doc. 2016–06759 Filed 3–24–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications 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 April 25, 2016.

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:

Ryan Paquet, Director, 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 March 10, 2016.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application number	Docket number	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA				
20205–N	Tier Holdings, LLC	173.244	To authorize the one-time movement of a tank built in accordance with ASME section VIII Div. 1. 2013 containing no more than 3,500 pounds of sodium metal.
20213–N	West Cryogenics, Inc	172.203(a), 172.301(c), 180.211(c)(2)(i).	To authorize the repair of certain DOT 4L cylinders without requiring pressure testing to the internal jacket.

Application number	Docket number	Applicant	Regulation(s) affected	Nature of the special permits thereof
20214-N	University of Southern California.	177.817, 177.823(a), 172.200, 172.300, 172.602(c)(1), 172.604(a)(3), 172.400.	To authorize the transportation in commerce of certain waste materials on approximately 0.4 mile of public roads without being subject to certain hazard communication requirements.
20215-N	Pollux Aviation, Ltd	175.30(a)(1), 172.101(j)	To authorize the transportation in commerce of diesel and gasoline in amounts that exceed the quantity limitations for transportation by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft in remote areas of the U.S. only, when no other means of transportation are available.
20217-N	Nuance Medical, LLC	171.23(b), 171.8, 173.304(a)(1), 173.306(a)(3).	To authorize the transportation in commerce of certain Division 2.1 gases in a DOT 2Q container.
20218-N	Tremear, Inc	178.345-2, 178.346-2, 178.347-2(a), 178.348-2(a).	To authorize the manufacture, marking, sale, and use of DOT 400 series cargo tank motor vehicles fabricated using materials not authorized in § 178.345-2, and thicknesses not authorized in §§ 178.346-2, 178.347-2 and 178.348-2.
20219-N	Coastal Helicopters, Inc	175.30(a)(1), 175.75, 172.101(j), 172.101(j)(1), 172.200(a), 172.204(c)(3), 172.300(a), 172.300(b), 173.27(b)(2).	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 U.S. only, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements.
20220-N	Agility Fuel Systems, Inc	173.220(a)	To authorize the transportation in commerce of compressed natural gas fuel systems that are not part of an internal combustion engine.
20221-N	Comet Technologies USA, Inc.	173.304a(a)(2)	To authorize the transportation in commerce of a Division 2.2 gas in a non-DOT specification pressure vessel.
20224-N	Axalta Coating Systems, LLC.	172.504(a), 173.242, 172.101(c)(10)(ii)(F)(iii), 172.302a.	To authorize the transportation in commerce of certain waste paints and paint related materials, Class 3, in metal or plastic pails, packed in roll-off containers.

[FR Doc. 2016-05922 Filed 3-24-16; 8:45 am]

BILLING CODE 4909-60-M

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Issued in Washington, DC, on March 10, 2016.

Donald Burger,

Chief, Office of the Special Permits and Approvals.