

II. *Vehicles Involved*: Approximately 977 MY 2015–2016 Mobility Ventures MV–1 vehicles, manufactured between December 22, 2014, and August 24, 2015, are potentially involved.

III. *Noncompliance*: Mobility explains that the previous model year vehicles (2011–2014) were equipped with a 4.6L V8 powertrain with 6 ignition states and the engine was changed in model years (2015–2016) to a 3.7L V6 powertrain with 11 ignition states. Following the change, the supplier of the Electronic Brake Control Module (EBCM) incorrectly programmed the EBCM memory chip to recognize the possible power mode states. This issue led to the telltale warning lamp not illuminating to indicate an Electronic Stability Control (ESC) fault under certain starting conditions, thus, not complying with paragraph S5.3.3 of FMVSS No. 126.

IV. *Rule Requirements*: Paragraph S5.3.3 of FMVSS No. 126, include the requirements relevant to this petition. As of September 1, 2011, except as provided in paragraphs S5.3.4, S5.3.5, S5.3.8, and S5.3.10, the ESC malfunction telltale must illuminate only when a malfunction of the ESC system exists and must remain continuously illuminated under the conditions specified in paragraph S5.3 for as long as the malfunction exists (unless the “ESC malfunction” and “ESC Off” telltale are combined in a two-part telltale and the “ESC Off” telltale is illuminated), whenever the ignition locking system is in the “On” (“Run”) position.

V. *Summary of Petition*: Mobility described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Mobility submitted the following reasoning:

1. Mobility submits that this nonconformity is inconsequential to vehicle safety. Mobility believes that this is a *de minimis* noncompliance with paragraph S5.3.3 of FMVSS No. 126 because the Traction Control Off warning lamp will illuminate when a fault is detected, either immediately if the Operator pauses with the key in the “ignition on” state before starting the vehicle, or upon driving if the vehicle is started without pausing in the “ignition on” state. While the correct telltale warning lamp does not illuminate, Operators are still alerted to the possibility of a malfunction with the ESC system by the illumination of the Traction Control Off warning lamp.

2. Notwithstanding the lack of a safety risk, Mobility and BWI (the EBCM Supplier) are developing a plug-and

play re-flashing tool that will permit uploading of revised software into the current EBCM installed in the vehicle. This revised software correctly tracks the ignition sequences required by FMVSS No. 126, and fully corrects the observed noncompliance. Re-flashing is the preferred repair-solution. Currently the only available way to update the EBCM’s software is to remove and replace the entire electrical and hydraulic unit with one that has had its software updated. Mobility is preparing to implement this re-flashing solution as required.

3. Mobility has notified its dealers to stop sale of any affected MV–1 vehicles that may be in their dealer inventory (new, used or demonstrator) until the EBCM software is updated. While Mobility does not believe that this technical noncompliance poses a safety risk, Mobility Ventures authorized dealers will perform EBCM unit replacement or re-flashing (when available) free-of-charge when vehicle owners present to Dealers for service.

4. Mobility is not aware of any issues with the performance of the ESC system. As of February 2018, Mobility has not received any warranty claims, field reports, or information about injuries or crashes related to the performance of the ESC.

Mobility concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

Mobility’s complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: <https://www.regulations.gov> and by following the online search instructions to locate the docket number listed in the heading of this notice.

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, any decision on this petition only applies to the subject vehicles that Mobility 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 or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Mobility 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).

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New 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, 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 17, 2019.

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 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 September 9, 2019.
Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA			
20928-N	CATALYTIC INNOVATIONS, LLC.	172.102(c), 172.200, 172.300, 172.400, 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To authorize the manufacture, marking, sale and use of non-DOT specification fiberboard boxes for the transportation in commerce of certain batteries without shipping papers, marking of the proper shipping name and identification number or labeling, when transported for recycling or disposal. (modes 1, 2, 3)
20932-N	Jingjiang Asian-Pacific Logistics Equipment Co., Ltd.	178.274(b)	To authorize the manufacture, mark, sale, and use of portable tanks constructed to Section VIII, Division 2 of the ASME code. (modes 1, 2, 3)
20935-N	DAICEL SAFETY SYSTEMS AMERICAS, INC.	172.320, 173.54(a), 173.56(b), 173.57, 173.58, 173.60.	To authorize the transportation in commerce of explosive articles classed as Division 1.4S, when packed in a special shipping container without being approved in accordance with 173.56. (modes, 1, 2, 3, 4)
20936-N	CO2 Exchange LLC	171.2(k)	To authorize the transportation in commerce of certain DOT 3AL, TC/3ALM and UN ISO 7866 cylinders that contain carbon dioxide, with alternative hazard communication. (mode 1)
20937-N	STAUFF CORPORATION	173.302a(a)(1)	To authorize the transportation in commerce of non-DOT specification cylinders containing nitrogen. (modes 1, 2)
20939-N	AIRBUS SAFRAN LAUNCHERS.	172.101(c), 173.166	To authorize the manufacture, mark, sale, and use of certain fire suppression devices as safety devices. (modes 1, 2, 3, 4, 5)
20940-N	ORBITAL SCIENCES CORPORATION.	172.101(j), 173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries that exceed the 35 kg by cargo aircraft. (mode 4)
20941-N	AIR SEA CONTAINERS, INC	173.185(b)(5)	To authorize the transportation in commerce of lithium ion batteries in non-specification packaging. (mode 1)

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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

Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

DATES: Comments must be received on or before October 17, 2019.

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 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 September 9, 2019.
Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA—Granted			
10501-M.	SEMI-BULK SYSTEMS, INC	180.352(d)	To modify the special permit to authorize the repair of UN13L2 flexible IBCs with a larger capacity and different cross-sectional shape.