

Issued on: November 21, 2012.

Anne S. Ferro,
Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition To Modify an Exemption of a Previously Approved Antitheft Device; Mitsubishi Motors R&D of America

AGENCY: National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation (DOT).

ACTION: Grant of petition to modify an
exemption of a previously approved
anti-theft device.

SUMMARY: On February 2, 2009, the
National Highway Traffic Safety
Administration (NHTSA) granted in full
Mitsubishi Motors R&D (Mitsubishi) of
America's petition for an exemption in
accordance with § 543.9(c)(2) of 49 CFR
part 543, *Exemption From the Theft
Prevention Standard* for the Mitsubishi
Outlander vehicle line beginning with
its model year (MY) 2011 vehicles. On
August 6, 2012, Mitsubishi submitted a
petition to modify its previously
approved exemption for the Outlander
vehicle line beginning with its model
year (MY) 2014 vehicles. Mitsubishi
also requested confidential treatment of
specific information in its petition. The
agency will address Mitsubishi's request
for confidential treatment by separate
letter. NHTSA is granting Mitsubishi's
petition to modify the exemption in full
because it has determined that the
modified device is also likely to be as
effective in reducing and deterring
motor vehicle theft as compliance with
the parts-marking requirements of the
Theft Prevention Standard.

DATES: The modification granted by this
notice is effective beginning with the
2014 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms.
Deborah Mazyck, Office of International
Policy, Fuel Economy and Consumer
Programs, NHTSA, 1200 New Jersey
Avenue SE., Washington, DC 20590. Ms.
Mazyck's telephone number is (202)
366-4139. Her fax number is (202) 493-
2990.

SUPPLEMENTARY INFORMATION: On
February 2, 2009, NHTSA published in
the **Federal Register** a notice granting in
full a petition from Mitsubishi for an
exemption from the parts-marking
requirements of the Theft Prevention
Standard (49 CFR 541) for the Outlander
vehicle line beginning with its MY 2011

vehicles (see 74 FR 5891, February 2,
2009). The Mitsubishi Outlander is
currently equipped with a passive,
transponder-based, electronic engine
immobilizer device and an audible and
visible alarm.

On August 6, 2012, Mitsubishi
submitted a petition to modify the
previously approved exemption for the
Outlander vehicle line. This notice
grants in full Mitsubishi's petition to
modify the exemption for the Outlander
vehicle line beginning with its MY 2014
vehicles. Mitsubishi's submission is a
complete petition, as required by 49
CFR part 543.9(d), in that it meets the
general requirements contained in 49
CFR Part 543.5 and the specific content
requirements of 49 CFR part 543.6. Mitsubishi's petition for modification
provides a detailed description and
diagram of the identity, design, and
location of the components of the
anti-theft device proposed for
installation beginning with the 2014
model year.

The current anti-theft device installed
on the Mitsubishi Outlander included
an electronic key, electronic control unit
(ECU), and a passive immobilizer. Mitsubishi stated that entry models for
the Outlander vehicle line are equipped
with an immobilizer that functions via
a Wireless Control Module (WCM). The
features of the WCM include a
transponder key, key ring antenna,
Electronic time and alarm control
system (ETACS) ECU, and Engine ECU
and a receiver antenna. Mitsubishi also
incorporated an alarm system as
standard equipment on all trimline
vehicles. Mitsubishi stated that this is a
keyless entry system in which the
transponder is located in a traditional
key and must be inserted into the key
cylinder in order to activate the ignition.
All other models of the Outlander
vehicle line are equipped with an
immobilizer that functions via a Keyless
Operation System (KOS). The KOS
utilizes a keyless system that allows the
driver to push a knob in the steering
lock unit to activate the ignition (instead
of using a traditional key in the key
cylinder) as long as the transponder is
located in close proximity to the driver
inside the vehicle.

Mitsubishi stated that once the
ignition switch is turned to the "on"
position, the transceiver module reads
the specific ignition key code for the
vehicle and transmits an encrypted
message containing the key code to the
electronic control unit (ECU). The
immobilizer receives the key code signal
transmitted from either type of key
(WCM or KOS) and verifies that the key
code signal is correct. The immobilizer
then sends a separate encrypted start-

code signal to the engine ECU to allow
the driver to start the vehicle. The
power train only will function if the key
code matches the unique identification
key code previously programmed into
the ECU. If the codes do not match, the
power train engine and fuel system will
be disabled. Mitsubishi state that the
only difference between the two keyless
entry systems is the "key" and the
method used to transmit the information
from the key to the immobilizer.

In its 2014 modification, Mitsubishi
stated that it will continue to offer the
WCM as standard equipment for the
entry models for the Outlander vehicle
line but all models other than the entry
models will be equipped with a One-
touch Starting System (OSS). The
features of the OSS are the Engine ECU,
ETACS ECU, OSS ECU, KOS ECU,
engine (power) switch, keyless
Operation Key (transponder key) and LF
antenna. The OSS utilizes a keyless
system that allows the driver to press a
button located on the instrument panel
to activate and deactivate the ignition
(instead of using a traditional key in the
key cylinder) as long as the transponder
is located in close proximity to the
driver. Mitsubishi stated that it will also
introduce another model into the
Outlander vehicle line beginning with
its MY 2014 vehicle.

Once the ignition switch is pushed to
the "on" position, the transceiver
module reads the specific ignition key
code for the vehicle and transmits an
encrypted message containing the key
code to the electronic control unit (ECU)
which verifies that the key is correct.
The immobilizer then sends a separate
encrypted start-code signal to the engine
ECU to allow the driver to start the
vehicle. The engine will only function
if the key code matches the unique
identification key code previously
programmed into the ECU. If the codes
do not match, the engine and fuel
system will be disabled. Mitsubishi
further stated that the OSS has 250
million possible codes, making
successful key code duplication nearly
impossible. Mitsubishi stated that the
immobilizer device and the ECU share
security data when first installed during
vehicle assembly, making them a
matched set. These matched modules
will not function if taken out and
reinstalled separately on other vehicles.
Mitsubishi also stated that the device is
extremely reliable and durable because
there are no moving parts, the key does
not require a separate battery and it is
impossible to mechanically override the
device and start the vehicle.

Mitsubishi stated that the Mitsubishi
Outlander has been equipped with the
immobilizer device since MY 2007.

Mitsubishi further stated that the OSS immobilizer device will be identical to the one installed on its Outlander Sport vehicle line. Mitsubishi was granted an exemption for the Outlander Sport vehicle line on February 14, 2011 by NHTSA (See 76 FR 8400) beginning with its MY 2012 vehicles. Since the agency granted Mitsubishi's exemption for its MY 2012 Outlander Sport vehicle line, there has been no available theft rate information for this vehicle. Mitsubishi also informed the agency that the Eclipse, Galant, Endeavor, Outlander, Lancer, and i-MiEv vehicle lines have been equipped with a similar type of immobilizer device since January 2000, January 2004, April 2004, September 2006, March 2007, and October 2011 respectively, and they have all been granted parts-marking exemptions by the agency. Mitsubishi also stated that its Eclipse vehicle line has been equipped with a similar device since introduction of its MY 2000 vehicles. Mitsubishi further stated that the theft rate for the MY 2000 Eclipse decreased by almost 42% when compared with that of its MY 1999 Mitsubishi Eclipse (unequipped with an immobilizer device). Mitsubishi has concluded that the proposed anti-theft device for its vehicle line is no less effective than those devices in the lines for which NHTSA has already granted full exemption from the parts-marking requirements. The average theft rates using 3 MY's data for the Mitsubishi Eclipse, Galant, Endeavor, Outlander and Lancer vehicle lines are 1.7356, 4.8973, 1.1619, 0.3341 and 1.0871 respectively. Theft rate data for the Outlander Sport and i-MiEV are not available.

The agency has evaluated Mitsubishi's MY 2014 petition to modify the exemption for the Outlander vehicle line from the parts-marking requirements of 49 CFR Part 541, and has decided to grant it. Since the same aspects of performance (*i.e.*, arming and the immobilization feature) are still provided, the agency believes that the same level of protection is being met. The agency believes that the proposed device will continue to provide the five types of performance listed in § 543.6(a)(3): promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

If Mitsubishi decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: November 21, 2012.

Christopher J. Bonanti,
Associate Administrator for Rulemaking.
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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; 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 November 2012). 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, 2012.

Donald Burger,
Chief, Special Permits and Approvals Branch.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
MODIFICATION SPECIAL PERMIT GRANTED			
11054-M	Welker Inc. Sugar Land, TX.	49 CFR 178.36 Subpart C	To modify the special permit to authorize the containment cylinder or salvage cylinder without the internal piston.
14546-M	Linde Gas North America LLC Murray Hill, NJ.	49 CFR 180.209	To modify the special permit to authorize an alternative testing procedures for requalifying cylinders.
3549-M	Sandia National Laboratories Albuquerque, NM.	49 CFR 172.101; 173.54; 173.56; 173.62.	To modify the special permit to authorize the transportation in commerce of additional Division 1.1 hazardous materials.
12396-M	National Aeronautics and Space Administration Washington, DC.	49 CFR 180.209 and 173.302a.	To modify the special permit to authorize rail freight, cargo vessel, and passenger aircraft as additional modes of operation.
14808-M	Amtro Alfa Metalomecanica SA Portugal.	49 CFR 178.51(b), (f)(1) and (2) and (g).	To modify the special permit to authorize an additional 2.1 material.
15468-M	Prism Helicopters Inc. Wasilla, AK.	49 CFR 172.101 Column (9B).	To modify the special permit to authorize the transportation beyond the state of Alaska.